

17.09.2024  
Item No.72  
Ct. No. 7  
KS

**W.P.A. 10391 of 2023**  
**Jai Prakash Yadav**  
**Versus**  
**Union of India & Ors.**

Mr. Dilip Kumar Maity  
.....For the Petitioner

Mr. D. N. Ray  
Mr. Rajesh Kumar Shah  
Ms. Marry Datta  
.....For the U.O.I.

1. Affidavit of service filed in Court be taken on record.
2. The petitioner has challenged the charge-sheet dated February 12, 2019; the order of the disciplinary authority dated June 28, 2019; order of the appellate authority dated February 3, 2020 and the order of the revisional authority dated August 18, 2020 in this writ petition.
3. While the petitioner was working as a Sub-Inspector in the Railway Protection Force, a charge-sheet dated February 12, 2019 was issued. The charge against the petitioner was that on January 13, 2019 and January 14, 2019 due to his negligence and slack supervision, some unconnected Railway properties were stolen away by the miscreants from RPF Barrack at Panskura, which resulted in registration of Town Post/RPF/KGP Case No.3/2019 dated January 15, 2019 under Section 3(a) RP (UP) Act. It was stated that the said act amounts to gross negligence of

duty, which is in violation of Rule 146.4 & 146.7 (iii) and 147 (i) & (ii) of RPF Rules, 1987.

4. It was further stated therein that the conduct of the petitioner amounts to failure to maintain absolute integrity and devotion towards his duty and his act and conduct amounts to unbecoming of a public servant in violation of Rule 3.1 (i), (ii) and (iii) of Railway Services (Conduct) Rules, 1966.
5. The Inquiry Officer submitted his report holding that the petitioner was guilty of the charges leveled against him. The disciplinary authority awarded punishment of reduction of pay by two stages lower in the appropriate level of pay matrix for two years with cumulative effect.
6. Aggrieved with the punishment inflicted by the disciplinary authority, the petitioner preferred an appeal before the appellate authority and the appellate authority by an order dated February 3, 2020 affirmed the order of the disciplinary authority. Thereafter, the petitioner filed a revision petition before the revisional authority and such authority, by an order dated August 18, 2020, dismissed the revision petition.
7. Learned advocate appearing for the petitioner submits that the Inquiry Officer found that direct act of connivance with the offence on the part of the petitioner could not be

proved, but the disciplinary authority, the appellate authority and the revisional authority without taking into consideration such aspect inflicted punishment upon the petitioner.

8. Learned advocate appearing for the respondents submits that the scope of interference under Article 226 of the Constitution of India against the orders passed by the disciplinary authority is very limited. He submits that the inquiry proceeding was conducted strictly in accordance with the principles of natural justice. The disciplinary authority after considering the materials on record passed the order of punishment and the same has been affirmed by the appellate authority. The revisional authority also dismissed the revision petition and, therefore, this Court should not interfere in exercise of the powers of judicial review.
9. Heard the learned advocates for the parties and perused the materials placed.
10. After going through the materials on record, this Court finds that the disciplinary authority after taking into consideration the materials on record took a lenient view and inflicted the punishment by reduction of pay by two stages lower in the appropriate level of pay matrix for two years with cumulative effect. Before the appellate

authority, the petitioner contended that there is no ocular proof with regard to alleged incident and, therefore, the findings of the disciplinary authority is liable to be set aside.

11. The appellate authority after considering the materials on record recorded that initially a preliminary enquiry was conducted by the nominated officer, who submitted a report holding that the petitioner was responsible. Charges were framed on the basis of the evidences that were on record. The procedure mentioned in the R.P.F. Rules has also been complied with. The charge-sheeted officer was also given reasonable opportunity to defend himself. The appellate authority observed that it has been established during the enquiry that due to negligence and stock supervision of the petitioner the properties were stolen.

12. Learned advocate appearing for the petitioner in course of his argument could not point out violation of any rule governing the service of the petitioner. The order of the disciplinary authority is a reasoned order. The factual finding arrived at by the disciplinary authorities do not suffer from perversity. The disciplinary authority after taking into consideration the charges levelled against the petitioner took a lenient view while imposing the

punishment upon the petitioner. It does not appear to this Court that the punishment inflicted is disproportionate to the charges proved against the petitioner. The revisional authority also held that there are no procedural lapses and material irregularities causing injustice or miscarriage of justice to the petitioner. The revisional authority thus refused to interfere with the order of the appellate authority.

13. It is well-settled that the scope of interference under Article 226 of the Constitution of India with the orders of the disciplinary authority is very limited. The petitioner miserably failed to bring his case within the exceptions carved out by the Hon'ble Supreme Court for interference in such matters.

14. For the reasons, as aforesaid, this Court is not inclined to interfere with the concurrent findings of fact of the disciplinary authority.

15. Accordingly, writ petition stands dismissed.

16. There shall be, however, no order as to costs.

17. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

**(HIRANMAY BHATTACHARYYA, J.)**