

26.11.2024
(D/L-11)
Ct. No.4
(B.K.N.)

W.P.C.T. 277 of 2024

**Gunjan Kumar
Vs.
Union of India & Ors.**

Mr. P. C. Das,
Mr. S. K. Ganguli,
Mrs. Soma Chowdhury
...for the Petitioner

Mr. Ram Chandra Agarwal,
Mrs. Sarda Sha
...for the State

1. The petitioner was proceeded against in a proceeding on the ground that he has remained unauthorisedly absent. The same culminated in an order of punishment of dismissal dated 8th May, 2018. Assailing the order of punishment the petitioner preferred an appeal. The Appellate Authority has allowed the petitioner's appeal and interfered with the punishment of dismissal. It has toned down the punishment to be a punishment of reverting him to the post of "Goods Clerk" instead of the "Chief Commercial Clerk" in the office of the Senior Divisional Commercial Manager, South Eastern Railway, Chakradharpur Division.

2. The petitioner thereafter approached the Tribunal by filing an O.A. No. 145 of 2022. The Tribunal quashed the order of the Disciplinary Authority dated 8th May, 2018 awarding the punishment of dismissal as well as the Appellate Authority's order dated 12th April, 2021 whereby the punishment was reduced to the punishment of reversion to the post of "Goods Clerk".
3. The Tribunal vide its order date 23rd March, 2023 allowed the respondents liberty to act in accordance with law. Availing such liberty a charge sheet has been issued afresh against the petitioner on 15th June, 2023 which has brought the petitioner before the Tribunal.
4. The second original application thus came to be instituted at the instance of the petitioner. The same was numbered as O.A. No. 807 of 2024 and has been dismissed by the Tribunal by an order dated 24th June, 2024.
5. In the Tribunal the petitioner has taken a stand that since he has already been made to suffer the punishment of reversion to the post of "Goods Clerk", which punishment has never been reversed pursuant to the earlier orders of the Tribunal. There was no occasion for the

authorities to proceed against him afresh by the charge memo dated 15th June, 2024.

6. It is submitted that the petitioner has already suffered the punishment of reversion as a “Goods Clerk” and, therefore, there was no occasion to proceed afresh against the petitioner.
7. In sum and substance the submissions of the learned counsel for the petitioner is that the authorities should not proceed against him since he is already punished in terms of the earlier proceeding which punishment order he is suffering till date; and does not question any more.
8. In view of such submission the learned counsel for the railway submits that since the petitioner has accepted the punishment of his reversion as a “Goods Clerk” the authorities also would not be interested in proceeding against him afresh on the basis of the charge memo dated 15th June, 2024.
9. In view of the stand of the parties as recorded above we find that there is no occasion for giving any liberty to the authorities to proceed pursuant to the charge memo dated 15th June, 2024.

10. In view of the stand of the parties recorded above we are of the opinion that the matter be given a quietus.

11. The writ application is accordingly disposed of.

(Madhuresh Prasad, J.)

(Supratim Bhattacharya, J.)