

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7448 of 2014

1. The Union of India through the General Manager, N.F. Railway, Maligaon Railway Head Quarters, Guwahati-II, Assam.
2. The Divisional Railway Manager, N.F. Railway, Katihar, Post Office and District- Katihar.
3. The Sr. Divisional Operating Manager, Katihar, N.F. Railway, Post Office and District- Katihar.

... .. Petitioners.

Versus

Md. Allauddin, Son of Late Md. Funsu Mian, Resident of Mohalla- Ruidhasa, Police Station and District- Kishanganj.

... .. Respondent.

Appearance :

For the Petitioners	:	Mr. Vishal Ranjan, Advocate. Mr. Mayank Mohan, Advocate.
For the Respondent	:	Mr. Tuhin Shankar, Advocate. Ms. Aditi Sahay, Advocate.

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 29-01-2025

Petitioners-Union of India and Railway Authorities have assailed the order dated 03.12.2013 passed in O.A. No.151 of 2003 by the Central Administrative Tribunal, Patna Bench, Patna (for short 'CAT').

2. Respondent-Md. Allauddin, while working as a Cabinman, he was subjected to disciplinary proceedings on certain alleged allegations and charges were framed on 04.08.2001 along with the show cause notice. Respondent had filed his explanation to drop the proposed departmental inquiry



on 31.05.2002. Dissatisfied with the respondent's explanation dated 31.05.2002, Disciplinary Authority proceeded to appoint Inquiring Officer and Presenting Officer to hold inquiry against the alleged charges levelled against the respondent.

3. It is learnt that Inquiring Officer found that the charges levelled against the respondent were proved. Inquiring Officer's report was forwarded to the Disciplinary Authority. Disciplinary Authority imposed the penalty of dismissal from service on 28.06.2002.

4. Feeling aggrieved by the dismissal order, respondent preferred appeal before the Appellate Authority and suffered an order on 08.10.2012. In this backdrop, respondent has invoked remedy before the CAT under Section 19 of the Administrative Tribunal Act, 1985, in filing Original Application No.151 of 2003. CAT proceeded to allow the respondent's O.A. No.151 of 2003 on 3rd December, 2013.

5. Feeling aggrieved by the order of the CAT dated 3rd December, 2013 passed in O.A. No.151 of 2003, Union of India and Railway Authorities preferred the present writ petition.

6. Learned counsel for the petitioners submitted that CAT has committed error in setting aside the order of dismissal dated 28.06.2002 and consequential order passed in appeal,



while allowing O.A. No.151 of 2003 of the respondent.

7. The petitioners could not apprise as to what are the infirmities forthcoming from the order of the CAT dated 3rd December, 2013. That apart, we have posed a specific question to the extent that whether is there any compliance to Rule-9 of the Railway Servants (Discipline and Appeal) Rules, 1968 or not? On this issue, it is fairly submitted that no records are available.

8. On the other hand, learned counsel for the respondent on instructions submitted that copy of the inquiry report has not been furnished along with the second show cause notice insofar as imposition of major penalty of dismissal from service.

9. Having regard to the fact that the Disciplinary Authority has not complied to Rule-9 of the Railway Servants (Discipline and Appeal) Rules, 1968, assuming that second show cause notice along with the Inquiring Officer's report is furnished to the respondent in seeking explanation on the Inquiring Officer's report as well as second show cause notice, in that event there is no iota of material evidence insofar as issuance of second show cause notice, explanation and its consideration in the dismissal order or in the Appellate



Authority's order. Therefore, one has to draw inference that the Disciplinary Authority has failed to furnish copy of the inquiry report along with the second show cause notice to the respondent.

10. In view of these facts and circumstances, petitioners have not made out a case so as to interfere with the order of the CAT and Disciplinary and Appellate Authority's orders dated 03.12.2013, 28.06.2002 and 08.10.2012 respectively.

11. Writ petition stands dismissed.

(P. B. Bajanthri, J)

(Sunil Dutta Mishra, J)

P.S./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	05.02.2025.
Transmission Date	NA

