



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH : NAGPUR**

**WRIT PETITION NO. 6142 OF 2024**

1. Union of India, through General  
Manager, Central Railway,  
Mumbai CST-400001.
2. Divisional Railway Manager,  
Central Railway, Bhusawal  
Division, Bhusawal-425201. .. Petitioners

.. Versus..

M.B. Mate, Aged about 59 years,  
Occu. Train Relieving Clerk,  
Central Railway, R/o. C/o.  
Railway Station Manager,  
Badnera, District-Amravati. .. Respondent

.....  
Shri Anup J. Gilda, Advocate for Petitioners.  
Mrs. Rashi Deshpande, Advocate for Respondent.  
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**CORAM : SMT. M.S. JAWALKAR AND**  
**PRAVIN S. PATIL, JJ.**  
**DATED : 1<sup>st</sup> JULY, 2025.**

**JUDGMENT** [Per : Pravin S. Patil, J.]

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1. **Rule.** Rule made returnable forthwith. By consent of  
the learned Counsel for the parties, the matter is taken up for  
final disposal.

2. By the present petition, the petitioner is questioning the judgment and order dated 17.07.2023 passed by the Central Administrative Tribunal, Mumbai Bench, Camp at Nagpur in Original Application No.2150/2015, by which, the application filed by the respondent was allowed and he has been exonerated from the charges levelled against him by holding that the period of compulsory retirement till the date of rejoining is to be treated as “on duty”. Furthermore, it is held that the respondent is to be entitled to 75 per cent back-wages for the period commencing from the date of compulsory retirement till the date of his reinstatement.

3. Learned counsel for the petitioner assailed the impugned judgment mainly on the ground that learned Tribunal failed to deal with Charge No.2 levelled against respondent. Hence, impugned judgment is bad in law. To substantiate his submission, he has pointed out the charges levelled against respondent vide chargesheet dated 20.02.2008. The same are reproduced as under :

ARTICLE-I

While working on window No.1 over charged the decoy passenger in the transaction of PNR No.1401181944 and 2139971239 for Rs.36/-.

ARTICLE-II

Rupees Twenty five found excess in railway cash as against the DTC transaction thereby mismanaged the cash transaction.

4. According to the petitioner, the Appellate Authority and Revisional Authority considered the submission of the respondent and thereby hold that the Charge No.1 is not proved against him and thereby modified the order of punishment to the extent that the period of compulsory retirement to that of reinstatement will be treated as a Leave Without Pay along with other benefits. However, learned Tribunal, while dealing with Original Application, instead of dealing with Article-II, which was the subject matter of challenge before the Tribunal, only dealt with Charge No.1 to which the petitioner are not pressing seriously in view of earlier decision of the Appellate Authority and Revisional

Authority.

5. Learned counsel appearing for the respondent fairly admits that the learned Tribunal has not clearly dealt with the Charge No.2. She has attempted to point out the explanation submitted by the respondent before the Enquiry Officer to justify her submission.

6. In the present petition, the challenge is to the judgment of Member, Central Administrative Tribunal, Mumbai Bench, Camp at Nagpur. Petitioner has pointed out that there is no proper and clear discussion as to how Charge No.2 is not proved against respondent and thereby he is exonerated from Charge No.2.

7. We have perused the judgment and find that there is no clear cut finding on Charge No.2 by the learned Member while reaching to the conclusion to exonerate respondent from the charges levelled against him. It seems that learned Tribunal had considered in detail the Charge No.1 only. According to petitioner, the entire contest before Tribunal on Charge No.2, but same is not dealt with.

Hence, *prima facie*, there is error apparent on record in the judgment of Tribunal.

8. In the circumstances, it will be apposite to remand back the matter to the Member, Central Administrative Tribunal, Mumbai Bench, Camp at Nagpur to decide afresh within time bound period. Hence, we proceed to pass the following order :

O R D E R

(i) The impugned order dated 17.07.2023 passed in Original Application No.2150/2015 is hereby quashed and set aside.

(ii) Learned Member, Central Administrative Tribunal, Mumbai Bench, Camp at Nagpur is requested to decide Original Application, as early as possible, by clearly recording the findings on both the charges independently within a period of two months.

9. Rule is made absolute in the above terms.

(Pravin S. Patil, J.)

(Smt. M.S. Jawalkar, J.)