



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

WRIT PETITION NO. 949 OF 2014

PETITIONER : Ashok Gopichand Meshram (Dead),
through L.R. Smt. Indu Meshram
wd/o. Late Ashok Gopichand
Meshram, Aged about 52 Years,
Occupation Labourer, R/o.
Goutamnagar, Tumsar, Distt. Bhandara
- 441912 (M.H.)

//VERSUS//

RESPONDENTS : 1. Union of India, through its General
Petition dismissed against
Respondent No.1 *vide*
above Registrar(J) Order
dt. 08.03.2017
495004 (C.G.)

2. Addl. Divisional Railway Manager
S.E.C. Railway, Nagpur – 440001.

3. Divisional Electrical Engineer (OP)
S.E.C. Railway, Nagpur – 440001.

Mr. C.L. Deharia, Advocate for the Petitioner.
Ms. Meghna Munshi, Advocate for Respondent Nos.2 & 3.

CORAM : NITIN W. SAMBRE
AND SACHIN SHIVAJIRAO DESHMUKH, JJ.

DATED : 17th JUNE, 2025.

ORAL JUDGMENT (PER : NITIN W. SAMBRE, J.)

Oral prayer for restoration of the petition against
respondent No.1 stands allowed.

2. We have heard Mr. Deharia, learned counsel appearing for the petitioner.

3. According to him, it is the legal heir of the original employee of the respondents who is pursuing the present petition against the order of punishment, which was confirmed in appeal and revision so also by the Central Administrative Tribunal. He would claim that the original employee for no fault of his own was terminated without offering proper opportunity of hearing. According to him, the punishment imposed brought him down to the lowest post and same has caused financial hardship to the petitioner. That being so, it is claimed that the orders impugned are liable to be quashed and set aside.

4. The counsel appearing for the respondents has supported the impugned orders and submitted that it is only after full-fledged enquiry, the petitioner came to be saddled with the punishment. According to her, it is the Revisional Authority who has granted reinstatement, which order was upheld by the Central Administrative Tribunal.

5. We have considered the submissions.

6. For unauthorised absence for the period from 12th July, 1998 to 7th December, 1998, a charge-sheet was served on the petitioner and the punishment came to be imposed with a penalty of removal from service. The Appellate Authority upheld the said order. It is the Revisional Authority who has taken into account the social impact of the punishment imposed on the petitioner and has directed reinstatement of the petitioner in the service of the respondents by reduction of his post and service to the lowest grade.

7. The initial order was that of removal from service passed on 19th August, 1999.

8. In that view of the matter, the Central Administrative Tribunal reconsidered the entire gamut of the matter and has noted that no ground is made out for causing interference.

9. Similar appears to be the case in hand. We are unable to convince ourselves from the record that there is a violation of principles of natural justice in the departmental proceeding.

10. Rather, unauthorised absence of the petitioner was duly established, which has prompted the punishment of removal from service being imposed on him, which was further modified by the Revisional Authority.

11. The original employee has already expired and it is his legal heir who is pursuing the present petition.

12. In the aforesaid background, no case is made out for causing interference. The petition, as such, fails and stands dismissed. Rule is discharged. No order as to costs.

(SACHIN SHIVAJIRAO DESHMUKH, J.)

(NITIN W. SAMBRE, J.)

Vijaykumar