



W.P.No.6283 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

**RESERVED ON : 19.11.2025
DELIVERED ON : 28.11.2025**

CORAM :

**THE HON'BLE MR. JUSTICE N. SATHISH KUMAR
AND**

THE HON'BLE MR. JUSTICE M. JOTHIRAMAN

W.P.No.6283 of 2024

A.Aravindhan

.. Petitioner

Versus

1.Union of India,
owning Southern Railways,
Rep by the General Manager,
Southern Railways,
Park Town, Chennai-600 0003.

2.Divisional Railway Manager,
Southern Railways, Revising Authority.
Chennai Division, Chennai-600 003.

3.Divisional Engineer, Building, MAS
Southern Railways, Disciplinary Authority,
Park Town, Chennai-600 003.

4.Central Administrative Tribunal, Chennai Bench,
Rep by the Registrar,
Additional City Civil Court Building,
1st and 2nd Floor, High Court Campus,
Chennai 600 104.

.. Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus to call for the records in O.A.No.1202 of 2017 on the file of the respondent No.4, quash the order dated 18.12.2023 and direct the respondents to reinstate the petition herein into service.

For Petitioner : Mr.A.Saravanan for
Mr.K.Raghuraman

For Respondents : Mr.AR.L.Sundaresan,
Additional Solicitor General, assisted by
Mr.K.Subbu Ranga Bharathi,
Senior Panel Counsel for R1 to R3

ORDER

M.JOTHIRAMAN, J.

Assailing the order dated 18.12.2023 in O.A.No.1202 of 2017 on the file of the fourth respondent viz., Central Administrative Tribunal, Chennai Bench, the petitioner has come up with this writ petition.

2. Brief facts of the case are as follows:

2.1. The petitioner was recruited in the year 2012 in Southern Railways under Sports Quota as Junior Clerk in the office of the Additional Divisional Engineer Buildings, Madras Division. On 27.08.2024, there was an argument and physical altercation between the petitioner and one



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K.Manisekaran, Additional Engineer, Buildings, MAS, as a result of which the said K.Manisekaran was injured.

2.2. On the very next day, no enquiry was conducted into the incident and the 3rd respondent / Disciplinary Authority issued a Notice of Dismissal from Service / Penalty Advice dated 28.08.2014. The petitioner, being aggrieved by the dismissal order, preferred an appeal before the Senior Divisional Engineer, Metro MAS / Appellate Authority, apologizing for the incident and requested that the penalty be cancelled and sought reinstatement into service. However, the appeal was rejected, vide appeal Advice dated 31.03.2015.

2.3. On 12.08.2015, a revision petition was preferred as against the Appeal Advice dated 31.03.2025 before the 2nd respondent / Revisional Authority. However, the revision petition was also dismissed, vide Revision Advice dated 25.07.2016, without affording an opportunity for inquiry. Therefore, the writ petitioner preferred an application in O.A.No.1202 of 2017 before the Central Administrative Tribunal seeking to set aside the Revision Advice dated 25.07.2016 and to direct the respondents therein to



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conduct departmental enquiry in accordance with Railway Rules, 1968.

However, the said application was also dismissed, vide order dated 18.12.2023 holding that the special procedure under Rule 2 of the Railway Rules, 1968 had been followed, that the Appellate and Revisional Authorities had only confirmed the penalty and not enhanced it and that the penalty was imposed after following the relevant rules. Aggrieved over the same, the present Writ Petition has been filed.

3. The learned counsel appearing for the petitioner would submit that the writ petitioner was straight away dismissed from service by the Disciplinary Authority by invoking Rule 14(ii) of the Railway Servants (Discipline and Appeal) Rules, 1968 [in short “RS (D&A) Rules”] dated 28.08.2024 for the alleged incident dated 27.08.2014. The respondents did not even call for any explanation from the petitioner. The Tribunal overlooked the fact that the 3rd respondent / disciplinary authority followed the rules against bias, as he was one of the witness to the incident that occurred on 27.08.2014, that he sent a statement dated 28.08.2014 to the Senior DEN/Metro/MAS- Appellate Authority, narrating the incident and should have been permitted to issue the notice dated 28.08.2014 dismissing



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the petitioner from service. The Tribunal failed to consider that the Disciplinary Authority did not rely on independent material without exercising power under Rule 14(ii) of the RS (D&A) Rules and dispensing with the enquiry as mandated under Letter No.E(D&A) 92 RG6-48 dated 06.04.1992 issued by the Ministry of Personnel and Training, Administrative Reforms and Public Grievances and Pension. The Tribunal has also failed to consider the procedure prescribed vide Annexure 'A' to Letter No.E(D&A)85 RG6/72 dated 06.10.1988 issued by the Ministry of Railways (Railway Board). While imposing the maximum major penalty, the Disciplinary Authority failed to provide good and sufficient reasons to support the proportionality of the penalty which has the permanent effect of disqualifying the petitioner from future employment with the Government and Railway Administration.

4. *Per contra*, Mr.AR.L.Sundaresan, learned Additional Solicitor General of India appearing for the respondents would submit that the writ petitioner had committed serious misconduct on 27.08.2014 i.e., he has assaulted one K.Manisekaran, Assistant Divisional Engineer / Buildings in the office premises while he was leaving the office. As per the complaint of



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the said K.Manisekaran, the writ petitioner assaulted him with a wooden reeper and threatened that he would kill him and beaten him on different parts of the body, which had resulted in severe head injury and bleeding. Consequent to the incident, a police complaint was also lodged on 27.07.2014 and a criminal case was registered in Crime No.1338 of 2014 on the file of the G2, Periamet Police Station, Chennai. The learned Additional Solicitor General would further submit that consequent to the incident, the matter was referred to the Disciplinary Authority and upon perusal of documents and evidence, the Disciplinary Authority found that the assault was pre-meditated by the petitioner and through the 3rd respondent has concluded that the retention of the petitioner in railway service is undesirable and deemed to be detrimental and was not reasonable practicable to hold an inquiry in that incident. Hence, in exercise of powers conferred upon the Disciplinary Authority under Rule 14(ii) of the RS (D&A) Rules, penalty of dismissal from service was imposed on the petitioner with immediate effect, vide notice of dismissal from service dated 28.08.2014 issued by the 3rd respondent / Disciplinary Authority. The writ petitioner had also preferred an appeal before the Appellate Authority seeking apology and also requested to cancel the punishment of dismissal



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from service. The Appellate Authority considered the same on merits and confirmed the penalty of dismissal from service.

5. The learned Additional Solicitor General would further submit that the Appellate Authority has also rejected the appeal upon consideration of medical records and other materials. Further the writ petitioner has also preferred revision and the same was also rejected by confirming the order of the Disciplinary Authority. To strengthen his contention, the learned Additional Solicitor General has relied upon the judgment of the Hon'ble Supreme Court in *Railway Officer Association v. Union of India [(2009) 9 SCC 24]* to show that reasons to be recorded for dispensing with the enquiry as contemplated under Article 311(2) of the Constitution of India and where immediate action was absolutely essential, the Disciplinary Authority was right in taking view that it was not reasonably practicable to hold enquiry in such a situation.

6. We have considered the submissions made on either side and also perused the entire materials available on record.



7. The fact remains that the writ petitioner was working as Junior Clerk since 2012. While he was working in the office of ADEN/Buildings, he committed grave misconduct on 27.08.2014. The petitioner has assaulted one K.Manisekaran, Assistant Divisional Engineer / Buildings in the office premises of ADEN/Buildings, when he was leaving the office. As per the complaint of said K.Manisekaran, the petitioner has assaulted him with wooden reeper, threatened him that he would kill him and beaten him, which has resulted in severe injury and bleeding. The staff of ADEN office and others came to rescue him and the said K.Manisekaran was immediately taken to the Railway Hospital. Consequent to the said incident, a police complaint was also lodged and a criminal case was also registered against the petitioner in Crime No.1338 of 2014 for the offences under Sections 341, 294(b), 333 and 506(ii) IPC. Subsequently, the matter was referred to the Disciplinary Authority, who found that the assault was pre meditated by the petitioner and the retention of the petitioner in Railway Service is deemed to the detrimental and was not reasonably practicable to hold an enquiry in the incident and hence in exercise of powers conferred upon the Disciplinary Authority, under Rule 14(ii) of RS (D&A) Rules, the penalty of dismissal from service was imposed on the petitioner with immediate effect,



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vide Notice of Dismissal from Service dated 28.08.2014 by the Disciplinary Authority.

8. It is seen from the Notice of Dismissal dated 28.08.2014 that the petitioner was advised that under Rules 18 and 19 of the Railway Servants (D&A) Rules, 1968, the petitioner may prefer an appeal against the said order before Sr.DEN/Metro/Mas within 45 days from the date of serving of the said notice. It is also not in dispute that consequent to the aforesaid dismissal order, the writ petitioner had preferred an appeal dated 06.02.2015 before the Appellate Authority. In the aforesaid appeal, the petitioner stated as follows:

“.....

I was imposed with the penalty of “Dismissal from service” under Rule 14(ii) of Railway Servants (D&A) Rules for the alleged reason that on 27.08.2014 at around 16.15 hours, I had assaulted Sri.K.Manisekaran, ADEN/Bldg/I/MAS in the office premises when he was leaving his office.

In this regard, I humbly bring forth the following for sympathetic consideration with the request for condoning the delay in submission of this appeal.

During the above period, I was undergoing severe mutual depression due to unforeseen family circumstances and the pressure was so aggressive that on a few occasions, I had acted in a manner which was quite uncharacteristic of me for I am by nature a very docile person. I was unaware of my actions as I seemed to have momentarily lost control of myself and acted as if in a trance.

In connection with the happenings on 27.08.2014, I hereby



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submit my apology and deep regret.

I also bring forth that I am from a poor scheduled caste family and got my appointment in the year 2012 under sports quota. I am representing the Southern Railway and the Tamil Nadu Team in the field of Hockey and I was the Gold medalist of the Madras University Team.

As such, the punishment imposed would adversely affect my future and would bring down by family to ruins.

Subsequent to the advice and counselling of my parents and Union officials, I had realised the ground reality and hereby assure you sir, that I shall take steps to make sure that recurrence of similar nature would never happen in my life time.

Prayer:

On merciful consideration of the above mentioned facts, I humbly request the esteemed Sr.DEN/Metro/MAS to kindly “cancel the severe penalty of Dismissal from service” imposed by the DA, with the plea for my reinstatement to service, for the act of which I will be ever grateful to you. ”

9. A perusal of the above appeal preferred by the writ petitioner shows that he was apologizing and requested to cancel the severe punishment of dismissal from service. The Appellate Authority considered the appeal preferred by the writ petitioner, wherein it has been stated that the Appellate Authority shall examine whether regular departmental enquiry can be conducted at that stage, however observed that the situation has not improved and vitiated atmosphere only is prevailing. In the statements given by the witnesses, they have expressed their apprehension that they would also be physically heard and hence, requested that their statement



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should be treated as confidential. In the prevailing hostile situation, no witness is coming forward to tender evidence and found that conducting regular departmental enquiry is not at all possible and rejected the appeal, vide order dated 31.03.2015. In the rejection order passed by the Appellate Authority, the writ petitioner was advised that under Rule 25 of the RS (D&A) Rules, the petitioner can prefer revision before the Revisional Authority within a period of 45 days from the date of receipt of the advice.

10. The petitioner has also preferred a revision against the appeal advice dated 31.03.2015 before the Revisional Authority/ Divisional Manager. The above said revision petition was also dismissed, vide Revisional Advice dated 25.07.2016. While preferring the revision petition, the petitioner had contended that on the fateful day (27.08.2014), the circumstances of continuous harassment faced by him at the office in front of other colleagues without any valid reasons resulted in an unwarranted incident with ADEN/Buildings and the same could have been avoided by him. It has also been stated that it is not his intention to justify his role in the incident. It is clear that the writ petitioner, while preferring an appeal aggrieved over the dismissal order dated 23.08.2015 before the Appellate



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Authority on 06.02.2015 and in the revision petition before the Revisional Authority dated 12.08.2015, he has not taken a stand that without seeking for explanation before proceeding to invoke Rule 14(ii) of the RS (D&A) Rules. The petitioner has never taken a stand that the impugned action was taken without conducting any enquiry in accordance with the rules. The writ petitioner, while challenging the dismissal of review order passed by the Revisional Authority before the Central Administrative Tribunal, has taken a stand that the writ petitioner was straight away dismissed from service without calling for an explanation and without following due procedure and the relevant service rules applicable to the petitioner. The Disciplinary Authority, in exercise of powers conferred under Rule 14(ii) of the RS (D&A) Rules, imposed the punishment of dismissal from service on the petitioner.

11. At this juncture, it is relevant to quote Rule 14 (ii) of the Railway Servants (Discipline and Appeal) Rules, 1968, which is extracted hereunder:

“14.Special procedure in certain cases:- Notwithstanding anything contained in Rules 9 to 13-

.....

(ii) where the disciplinary authority is satisfied, for reasons to be recorded by it in writing, that it is not reasonably practicable to hold an inquiry in the manner provided in these rules, or....”



12. It is also relevant to extract the dismissal order passed by the

Disciplinary Authority dated 28.08.2014, which reads hereunder:

SPEAKING ORDER

“Sri K.Manisekaran, ADEN/Bldgs.I/MAS complained that he was assaulted by Sri A.Aravindhan, Jr.Clerk, ADEN / Bldgs./I/MAS office @ MPK on 27.08.2014 at around 16.15 hours in the office premises of ADEN/Buildings office at MPK, when he was leaving his Office. Further, he complained that Sri A.Aravindhan had assaulted him with a wooden reeper and threatened that he will kill him and beaten him on different parts of the body, which has resulted in severe head injury and bleeding.

The reports reveal that Sri A.Aravindhan has come with a pre-meditated plan to attack K.Manisekaran, ADEN/Bldgs./I and to cause bodily injuries. Sri.K.Manisekaran could not withstand the attack and once his head was injured and bleeding, there was loss of blood and he got giddiness and fell down.

The assault of Sri.K.Manisekaran has created a sense of fear for like among the officers & staff and created an insecure atmosphere among the. Whatever may be reasons, assaulting an officer and causing bleeding injury is a serious offence. After the perusal of documents, evidences and circumstances, I am of the opinion that the assault was a pre-meditated one by Sri.A.Aravindhan and I am totally convinced that retention of Shri A.Aravindhan in Railway Services and further is considered undesirable and it is not reasonably practicable to conduct an enquiry in the incident.

I therefore, in exercise of powers conferred upon me under Rule 14(ii) of Railway Servants (D&A) Rules, 1968, decide to impose a penalty of “Dismissal from Service” against Sri A.Aravindhan, Jr.Clerk, ADEN/Bldgs./I/MAS office @ MPK, with immediate effect.”



13. While passing the dismissal order dated 28.08.2014, the petitioner was advised under Rules 18 and 19 of the RS (D&A) Rules, to prefer an appeal and subsequently, he has chosen to prefer an appeal and upon rejection of appeal, he has chosen to prefer revision and the revision also came to be dismissed. The writ petitioner himself had admitted that he was undergoing severe mental depression due to unforeseen family circumstances and the pressure was so aggressive that on few occasions had acted in a manner which was quite uncharacteristic and therefore, in his appeal, he has requested for sympathetic consideration. The writ petitioner has also admitted that after counselling of his parents and Union officials, he had realised his mistakes. The Disciplinary Authority, after considering the documents and the statement of the witnesses and circumstances, opined that the assault was pre-meditated and that the retention of the petitioner in railway service is undesirable and deemed to be detrimental and was not reasonable practicable to hold an inquiry in that incident.

14. The Appellate Authority had passed a detailed order dated 31.03.2015, against which the petitioner preferred a revision on 12.08.2015 and the Revisional Authority has also considered the revision petition in



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detail and confirmed the order of the Disciplinary Authority and the Appellate Authority, vide order dated 25.07.2016.

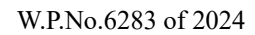
15. It is to be noted that the Special Procedure under Rule 2 of the RS (D&A) Rules has been followed by the Disciplinary Authority. It is also to be noted that the writ petitioner came to be appointed as Junior Clerk in the year 2012 under Sports Quota as he has assaulted superior officer and a criminal case was also came to be registered. When the writ petitioner himself admitted that he has assaulted his senior official and the said assault, created a sense of fear for life among the staff and officers and created an insecure atmosphere in the office. Assaulting an officer and causing severe injury leading to bleeding is a serious misconduct of the Government servant. If really the writ petitioner is victimized by the acts of the superior or he had any grievance, he could have approached the higher officials in the manner known to law to secure the ends of justice, but such act of assaulting the superior officer and causing injury with wooden reeper is a serious misconduct.



16. At this juncture, it is relevant to cite the judgment of the Hon'ble Supreme Court with regard to the role of High Court in judicial review of disciplinary proceedings in the case of ***"The State of Karnataka and Anr. v. Umesh [2022 Livelaw (SC) 304]*** wherein it has been held as under:

“17. In the exercise of judicial review, the Court does not act as an appellate forum over the findings of the disciplinary authority. The court does not re-appreciate the evidence on the basis of which the finding of misconduct has been arrived in the course of a disciplinary enquiry. The Court in the exercise of judicial review must restrict its review to determine whether: (i) the rules of natural justice have been complied with; (ii) the finding of misconduct is based on some evidence; (iii) the statutory rules governing the conduct of the disciplinary enquiry have been observed; and (iv) whether the findings of the disciplinary authority suffer from perversity; and (v) the penalty is disproportionate to the proven misconduct...”

17. We are of the view that though the writ petitioner claimed to be a State Level Hockey Player and appointed as Junior Clerk under Sports Quota, once he entered into Government service, he is expected to abide by the Rules and Regulations governing the conditions of service. The departmental inquiry is to maintain discipline in the service and efficiency of public service. Therefore, for the alleged misconduct, the writ petitioner was rightly imposed with the penalty of dismissal from service by the Government under Rule 14(ii) of the RS (D&A) Rules, in accordance with



18. In the light of the above reasoning, this Writ Petition stands
 dismissed. No costs.

Jvm
Internet : Yes
Index : Yes / No
Neutral Citation : Yes / No

- 1.The General Manager,
Union of India,
owning Southern Railways,
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- 2.Divisional Railway Manager,
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N. SATHISH KUMAR, J.
and
M. JOTHIRAMAN, J.

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4.The Registrar,
Central Administrative Tribunal, Chennai Bench,
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Chennai 600 104.

Order in
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28.11.2025