

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5248 of 2026

1. The Union of India through the Chairman and Chief Executive Officer, Railway Board, Ministry of Railways, Rail Bhawan, New Delhi-110001.
2. The Member (Traction and Rolling Stock), Railway Board, Ministry of Railways, Rail Bhawan, New Delhi-110001.
3. The Secretary, Railway Board, Ministry of Railways, Rail Bhawan, New Delhi-110001.
4. The General Manager, East Central Railway, Hajipur 844101.
5. The Director (Establishment)/Spl, Railway Board, Ministry of Railways, Rail Bhawan, New Delhi-110001

... .. Petitioner/s

Versus

Chandra Shekhar Jha S/o Madhukant Jha, Resident of Flat No. 404, Lakhan Enclave, Sharma Path, Rukunpura, Bailey Road Patna- 800007.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Shri Vishwajeet Kumar Mishra, Sr. Advocate
Mr. Sanat Kr. Mishra, CGC

For the Respondent/s :

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
and
HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH)

3 20-07-2026 The present writ petition has been filed challenging the order dated 16.01.2026 passed by the learned Central Administrative Tribunal, Patna Bench, Patna (hereinafter referred to as the 'Ld. CAT') in O.A. No.050/00510/2017, whereby and whereunder the original application filed by the sole respondent has been allowed in the following terms:-



“(a) The applicant deserves his due promotion in the Higher Administrative Grade (Non Functional) with effect from 29.07.2015. Respondents are directed to issue the orders accordingly within a period of sixty days from the receipt of the certified copy of this order.

(b) The respondents are further directed to calculate and grant him the arrears of the pay after making necessary deduction of the amount that have already been paid to the applicant so far in the earlier grade.”

2. At the outset, the learned counsel for the petitioners submits that the petitioners be granted liberty to approach the Ld. CAT for review of the said order dated 16.01.2026, inasmuch as the Ld. CAT has proceeded on a wrong premise to the effect that the order of punishment passed by the petitioners against the sole respondent is not a major penalty but a minor penalty whereas the penalty of reduction of pay by two stages for a period of three months without cumulative effect falls under the definition of major penalty which has been defined under Rule 6 of the Railways Servants (Discipline and Appeal), Rules, 1968. It is thus submitted that if the Ld. CAT would have considered the order of punishment to be having the effect of major penalty, the impugned order dated 16.01.2026 directing the sole respondent to be promoted in the Higher Administrative Grade (Non Functional) with effect from 29.07.2015 would not



have been passed.

3. Having regard to the limited submission made by the learned counsel for the petitioners, we deem it fit and proper to grant liberty to the petitioners to file appropriate review petition before the Ld. CAT for review of the order dated 16.01.2026 passed in O.A. No.050/00510/2017.

4. Accordingly, the present writ petition stands disposed of.

(Mohit Kumar Shah, J)

(Sourendra Pandey, J)

GAURAV S./-

U			
---	--	--	--

