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W.P.No.17254 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.02.2026

CORAM

THE HONOURABLE MR.JUSTICE HEMANT CHANDANGOUDAR

W.P.No.17254 of 2019

R.Manoharan
Constable, Railway Protection Force
Southern Railway
Villivakkam
Chennai 600 049.

...Petitioner

Vs.

1.Union of India Rep.by
The Chief Security Commissioner
Railway Protection Force
Southern Railways
6th Floor, Moore Market Complex
Chennai 600 003.

2.The Senior Divisional Security Commissioner
Railway Protection Force
Southern Railway
Chennai Division
Park Town
Chennai 600 003.

3.The Assistant Security Commissioner/W & S
Railway Protection Force
Southern Railway
Chennai Division
Park Town, Chennai 600 003.

4.The Chairman
Railway Board
Rail Bhavan, New Delhi – 110 001.

...Respondents



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Prayer: This Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the Penalty Advice No.M/XP-227/03/2015 dated 28.09.2016 passed by the Assistant Security Commissioner/ W&S, Railway Protection Force, Southern Railway, Chennai Division (3rd respondent) as Disciplinary Authority and Order No.M/XP/227/3/15 dated 10.09.2018 passed by the Senior Divisional Security Commissioner, Railway Protection Force, Southern Railway, Chennai (2nd Respondent) as Appellate Authority and to quash the same and to declare the Railway Board's clarification issued vide No.E(D&A)2007/GS 1-2 dated 18.06.2009 (RBE No.108/2009) as null and void to the extant it is contrary to Rule 18 of the Railway Services (conduct) Rules, 1966 passed under the authority of the President of India under Art.309 of the Constitution of India. Consequently to direct the respondents:-

(i) to grant annual increment due to the petitioner as on 01.01.2017 and subsequent increment as on 01.01.2018 which were withheld as per above mentioned impugned orders;

(ii) to further direct the respondents to pay the difference of pay and other allowances and other consequential service benefits with applicable interest;

For Petitioner : Mr.Pandian R
For Respondents : Mr.M.Vijay Anand for R1 to R4
Standing Counsel (Railway)

ORDER

The challenge in this Writ Petition is to the order dated 10.09.2018 bearing No.M/XP/227/3/15 passed by the second respondent. By the said order, the second respondent modified the punishment imposed by order dated



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28.09.2016 from “withholding of the next annual increment for a period of two years with cumulative effect” to “withholding of annual increment for a period of two years without cumulative effect.”

2. While the petitioner was serving as a Constable in the Railway Protection Force (RPF), he was issued a charge memorandum dated 04.05.2015 containing three charges. The petitioner denied the charges, necessitating the initiation of departmental enquiry proceedings. The petitioner participated in the enquiry. The Enquiry Officer, after considering the statements of the Management witnesses, the petitioner, and other witnesses, returned a finding that all the charges were not proved.

3. Upon receipt of the enquiry report, the third respondent, being the Disciplinary Authority, disagreed with the findings of the Enquiry Officer and issued a second show cause notice dated 30.06.2016. The petitioner submitted his further explanation. However, the third respondent rejected the same, held that all the charges stood proved, and imposed the punishment. The said punishment was subsequently modified by the second respondent, the Appellate Authority, by the impugned order, which is under challenge in this Writ Petition.



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4. Mr.Pandian R., learned counsel for the petitioner, submitted that under Rule 147(ii) of the RPF Rules, 1987, and Rules 3(1)(ii) and 18(2) of the Railway Services (Conduct) Rules, 1966, the petitioner was not required to intimate the acquisition of property owned by his wife out of her independent funds. He further contended that there is no evidence to substantiate the allegation that the petitioner was involved in the purchase of property by the wife of PW5 for commission. In the absence of any substantial evidence, the impugned order passed by the third respondent, as modified by the second respondent, is not legally sustainable.

5. Per contra, Mr.M.Vijay Anand, learned Standing Counsel for the respondents, submitted that PW5 had categorically stated that he paid a sum of Rs.5,000/- as commission to the petitioner at the time of the sale transaction. He further contended that the petitioner's wife purchased the property out of the petitioner's funds and that the acquisition was not intimated to the Department, thereby violating Rule 147(ii) of the RPF Rules, 1987, and Rules 3(1)(ii) and 18(2) of the Railway Services (Conduct) Rules, 1966. It was submitted that, in the absence of any perversity or arbitrariness in the findings of the Disciplinary Authority, no interference is warranted.



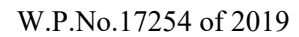
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6. The submissions of the learned counsel on either side and the materials placed on record have been carefully considered.

7. Charge No.1 alleges that the petitioner failed to obtain prior permission or give intimation to the Department, as required under the existing rules, in respect of the purchase of an immovable property on 05.05.2009. The property in question was purchased by the petitioner's wife under a registered sale deed. To substantiate his contention that the property was purchased out of his wife's independent income, the petitioner produced her Income Tax Returns for the Assessment Years 2009–2010 to 2015–2016. For the Assessment Year 2009–2010, her total income was shown as Rs.1,94,350/-.

8. The respondents invoked Rule 147(ii) of the RPF Rules, 1987, which provides that no member of the Force shall place himself under any pecuniary obligation in a manner that may affect the proper discharge of his duties. The said Rule has no application to the present charge, which pertains to alleged non intimation of purchase of immovable property by the petitioner's wife.



10. In view of the said clarification, the petitioner was not required to intimate the purchase of immovable property by his wife in her own name out of her independent income. Therefore, the finding of the third respondent that Charge No.1 stands proved is contrary to the applicable Rules and is legally unsustainable.

11. Charge No.2 is interlinked with Charge No.1 and alleges that the petitioner acquired immovable property in the name of his wife without obtaining prior permission or giving intimation in the prescribed format.

12. The Disciplinary Authority held that the petitioner had not produced any document to substantiate his claim that the property was purchased solely



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out of his wife's income. However, the petitioner had produced the Income Tax

Returns of his wife to establish her independent financial capacity. Ignoring the said documentary evidence, the third respondent held the charge to be proved.

The said finding, rendered in disregard of material evidence on record, is arbitrary and perverse and, therefore, cannot be sustained.

13. Charge No.3 alleges that the petitioner duped his colleagues, namely PW4/S. Senthil Muthu and PW5/R. Mathiyalagan, into purchasing land owned by him at inflated prices by making false representations regarding market value and future appreciation.

14. PW5, in his deposition, stated that he paid Rs.5,000/- as commission to the petitioner at the time of registration. However, during cross-examination, he admitted that the petitioner was not present at the time of registration of the sale deeds in favour of Sri Silambarasan and Smt.Sathyabama, and Sri Baskar and Sri Kandan were present.

15. Significantly, no documentary or substantive evidence was produced to establish that PW4 and PW5 had purchased immovable property belonging to the petitioner or his spouse, or that the petitioner had misrepresented the value



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of the property. In the absence of cogent evidence, the finding of guilt in respect of Charge No.3 is based on no evidence. A finding unsupported by evidence is perverse and liable to be interfered with in exercise of writ jurisdiction.

16. In view of the foregoing discussion, this Court is of the considered opinion that the findings recorded by the third respondent are based on no evidence, are arbitrary and perverse, and therefore liable to be set aside. The Appellate Authority, without properly appreciating these aspects, merely modified the punishment while sustaining the findings of guilt. Such an approach is also legally unsustainable.

17. Accordingly, this Writ Petition is allowed. The impugned order dated 10.09.2018 passed by the second respondent is set aside. Consequently, the order dated 28.09.2016 passed by the third respondent is also set aside. The petitioner is entitled to all consequential and attendant benefits arising therefrom. There shall be no order as to costs.

13.02.2026

Index : Yes/No

Speaking order : Yes/No

dna

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HEMANT CHANDANGOUDAR.J.,

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