



2025:CGHC:48149-DB

AFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 1914 of 2024**Order reserved on : 10.09.2025Order delivered on : 18.09.2025

- Austin Hyde S/o Late Arthur Hyde, aged about 59 years, Ward No. 38, Near Sai Mandir, Hemu Nagar Bilaspur, Tahsil and District - Bilaspur, Chhattisgarh.

... Petitioner**versus**

1. Union of India, through its General Manager, South East Central Railway, Bilaspur, District – Bilaspur, Chhattisgarh.
2. Senior Divisional Commercial Manager, South East Central Railway, Bilaspur, District – Bilaspur, Chhattisgarh.
3. Assistant Divisional Railway Manager, South East Central Railway, Bilaspur, District – Bilaspur, Chhattisgarh.
4. The Chief Commercial Manager, South East Central Railway, Bilaspur, District- Bilaspur, Chhattisgarh.

... Respondents

For Petitioner :- Mr. Amrito Das, Advocate.

For Respondents :- Mr. Anmol Singh, Advocate, on behalf of
Mr. Palash Tiwari, Advocate.

Division Bench

**Hon'ble Shri Justice Sanjay K. Agrawal &
Hon'ble Shri Justice Radhakishan Agrawal**

CAV Order

Sanjay K. Agrawal, J

1. Invoking extraordinary jurisdiction of this Court under Article 226/227 of the Constitution of India, the writ petitioner has preferred this writ petition calling in question the legality, validity and correctness of the impugned order dated 20.10.2023 (Annexure P/1) passed by the Central Administrative Tribunal, Jabalpur Bench, Circuit Sitting, Bilaspur, Chhattisgarh (for short "CAT") whereby the Original Application No.203/00563/2014 filed by the petitioner herein has been dismissed affirming the revisional order dated 02.06.2014 and appellate order dated 26/27.06.2013 (Annexure P/2) by which order of Disciplinary Authority dated 11.09.2012 (Annexure P/6) has been upheld.

2. The aforesaid challenge has been made on the following backdrop:-

(i) The petitioner is a Railway Staff Member and it is alleged that on 15.07.2010 (was not on official duty), he misused the Alarm Chain Pulling (ACP) twice at Bilaspur Railway Station to enable his family members (ladies) with luggage to board after departure of train No. 2252 KRBA-YPR Express Ex BSP,

causing operational delay. After conducting departmental enquiry while relying upon the two RPF eyewitnesses namely Shir S.K. Pandey, Head Constable (PW-3) and Shri A.K. Sahu, Constable (PW-4), the Disciplinary Authority found that the petitioner had detained the train No.2252 KRBA-YPR Express Ex BSP on 15.07.2010 through consecutive ACPs at Bilaspur Station, is proved, which is a serious offence and held the petitioner guilty inflicting penalty of reduction of Two stages below i.e. from ₹11180 + ₹14200 GP to ₹10290 + ₹4200/- GP in scale ₹9300-34800/- for a period of two years with immediate effect.

(ii) Feeling aggrieved against the order dated 11.09.2012 passed by the Disciplinary Authority, the petitioner preferred an appeal before the Appellate Authority which was dismissed on 26/27.06.2013 against which the petitioner preferred revision which was also dismissed on 02.06.2014 and thereafter, the same was assailed by filing Original Application under Section 19 of the Administrative Tribunals Act, 1985 (for brevity “Act, 1985”) before the CAT which was ultimately dismissed by impugned order dated 20.10.2023 upholding the punishment imposed upon the petitioner which is sought to be challenged by way of this petition.

3. Mr. Amrito Das, learned counsel for the petitioner, would submit that admittedly the petitioner on the date of incident i.e. 15.07.2010 was travelling as a passenger in the train with PNR Number and was not discharging his official duty, therefore, it could not be held that petitioner has committed any act of misconduct being violative of Rule 3(1)(i), (ii) and (iii) of the Railway Services (Conduct) Rules, 1966 (for brevity “Rules, 1966”) in discharge of his official duties. He would also submit that act of chain pulling is neither a misconduct nor an offence unless and until the said act is done without any reasonable and sufficient cause and the chain pulling is an act which is punishable under Section 141 of the Railways Act, 1989 (for short “Act, 1989”) and no offence was registered under Section 141 of the Act, 1989 at any point of time against the petitioner in absence of any reasonable and sufficient cause. He would further submit that mere chain pulling is neither an offence nor misconduct, therefore, the petitioner has wrongly been charged and even in the charge-sheet, served to the petitioner, no charge/allegation has been levelled against the petitioner that he was engaged in chain pulling without any sufficient and reasonable cause. He would further submit that the charges in charge-sheet itself are defective and the same are vague and baseless, the initiation of the departmental inquiry against the

petitioner was bad in law and the Disciplinary Authority, Appellate Authority and the Tribunal all the three authorities have concurrently erred in imposing the charges upon the petitioner. To buttress his submission, he would rely upon the decision of the Supreme Court in the matter of **S. Govinda Menon v. Union of India**¹.

4. Mr. Anmol Singh, learned counsel for the respondents, would submit that the interference in the order passed by the Disciplinary Authority confines, in exercise of writ jurisdiction under Article 226 of the Constitution, that the Writ Court cannot appreciate evidence or civil appellate review over departmental finding supported by the legal evidence. In support of his submission, he would rely upon the decisions of the Supreme Court as well as the High Court in the matters of **B.C. Chaturvedi v. Union of India**², **State Bank of Bikaner and Jaipur v. Nemi Chand Nalwaya**³, **State of Andhra Pradesh & Ors. v. S. Sree Rama Rao**⁴, **State of Rajasthan & others v. Bhupendra Singh**⁵ and **Natarajan v. Divisional Superintendent, Southern Railway**⁶.

¹ AIR 1967 SC 1274

² (1995) 6 SCC 749

³ (2011) 4 SCC 584

⁴ 1963 AIR 1723

⁵ 2024 SCC OnLine SC 1908

⁶ 1977 (1) LLJ 387

5. We have heard learned counsel for the parties, considered their rival submissions made herein-above and gone through the records meticulously.
6. It is well settled proposition of law that Courts will not act as an Appellate Court and re-assess the evidence led in domestic enquiry, nor interfere on the ground that another view was possible on the material on record. If the enquiry has been fairly and properly held and findings are based on evidence, the question of adequacy of evidence or reliable nature of the evidence will be no ground for interfering with the finding in departmental enquiry. However, when the finding of fact recorded in departmental enquiry is based on no evidence or where it is clear perverse then it will invite the intervention of the Court. The principles of law laid down by their Lordships of the Supreme Court in the matter of **S. Sree Rama Rao** (supra) with regard to scope of examination and interference under Article 226 of the Constitution, has been followed with approval in the matter of **Bhupendra Singh** (supra). In **S. Sree Rama Rao** (supra), their Lordships have held as under:-

“7. ... The High Court is not constituted in a proceeding under Article 226 of the Constitution a Court of appeal over the decision of the authorities holding a departmental enquiry against a public servant : it is

concerned to determine whether the enquiry is held by an authority competent in that behalf, and according to the procedure prescribed in that behalf, and whether the rules of natural justice are not violated. Where there is some evidence, which the authority entrusted with the duty to hold the enquiry has accepted and which evidence may reasonably support the conclusion that the delinquent officer is guilty of the charge, it is not the function of the High Court in a petition for a writ under Article 226 to review the evidence and to arrive at an independent finding on the evidence. The High Court may undoubtedly interfere where the departmental authorities have held the proceedings against the delinquent in a manner inconsistent with the rules of natural justice or in violation of the statutory rules prescribing the mode of enquiry or where the authorities have disabled themselves from reaching a fair decision by some considerations extraneous to the evidence and the merits of the case or by allowing themselves to be influenced by irrelevant considerations or where the conclusion on the very face of it is so wholly arbitrary and capricious that no reasonable person could ever have arrived at that conclusion, or on similar grounds. But the departmental authorities are, if the enquiry is otherwise properly held, the sole judges of facts and if there be some legal evidence on which their findings can be based, the adequacy or reliability of that evidence is not a matter which can be permitted to be canvassed before the High Court in a proceeding for a writ under Article 226 of the Constitution.”

7. The petitioner was charged for violation of Rule 3(i), (ii) and (iii) of the Rules, 1966, which states as under:-

3. General. – (1) Every railway servant shall at all times-

- (i) maintain absolute integrity;
- (ii) maintain devotion to duty;
- (iii) do nothing which is unbecoming of a railway servant;

8. The charges framed against the petitioner, state as under:-

MEMORANDUM OF ARTICLE OF CHARGES FRAMED AGAINSTS SHRI, A. HYDE HD TTE/BSP.

That said **Shri A.Hyde Hd TTE/BST**, while travelling as a passenger by Train No.2252 KRBA-YPR Express Ex BSP on 15.07.10 committed the following misconducts -

Article – I

That said **Shri A.Hyde Hd TTE/BST** detained the Train No.2252 for ten minutes through two consecutive ACPs at BSP thereby caused great unconvinience to bonafide Railway passengers and tarnishing the image of Railways.

Article – II

That said **Shri A.Hyde Hd TTE/BST** though being a railway employee, involved personally and pulled the alarm chain in A1 Coach No SWR 90053 ACCN at two consecutive occasions at BSP due to which the punctuality of train was affected.

Article – III

That said **Shri A.Hyde Hd TTE/BST** though being a railway employee, while travelling as passenger Ex BSP detained the Train No.2253 KRBA-YPR for ten minutes through two consecutive ACPs on his personal interest to enable his family members (ladies) to board the train with luggages, who were suppose to be present at the station well before the arrival of the train.

By the above act, **Shri A.Hyde Hd TTE/BST** had failed to maintain integrity, exhibited lack of devotion to duty and has acted in a manner unbecoming of Railway Servant, in contravention of Sub-Rules 3.1 (i), (ii) & (iii) of the Railways Service (Conduct) Rules -1966 and thereby rendered himself liable to be taken under Railway Servants (D&A) Rules-1968 as amended from time to time.

9. A careful perusal of the aforesaid charges levelled against the petitioner would show that in the charge-sheet it has been

merely alleged that the petitioner pulled the alarm chain in order to enable his family members (ladies) to board the train with luggage and the said act of the chain pulling is alleged to be a misconduct. However, the chain pulling is neither a misconduct nor an offence unless and until the said act is done without any reasonable and sufficient cause and needlessly interfering with means of communication in a train is an offence punishable under Section 141 of the Act, 1989 which states as under:-

141. Needlessly interfering with means of communication in a train.— If any passenger or any other person, without reasonable and sufficient cause, makes use of, or interferes with, any means provided by a railway administration in a train for communication between passengers and the railway servant in charge of the train, he shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both:

Provided that, in the absence of special and adequate reasons to the contrary to be mentioned in the judgment of the court, where a passenger, without reasonable and sufficient cause, makes use of the alarm chain provided by a railway administration, such punishment shall not be less than—

- (a) a fine of five hundred rupees, in the case of conviction for the first offence; and
- (b) imprisonment for three months in case of conviction for the second or subsequent offence.

10. Reading of the aforesaid provision makes it abundantly clear that pulling of a chain per se is not an offence, it is an offence, if the

same is done without any reasonable and sufficient cause for which the person alleged to have committed the act can be punished. Further, three charges levelled against the petitioner have been noticed herein-above, but there is no charge / allegation in the charge-sheet that the petitioner had engaged in chain pulling 'without any sufficient and reasonable cause'. The only allegation against the petitioner is that he was engaged in the chain pulling and, therefore, by such an act, he failed to maintain integrity, exhibited lack of devotion to duty and has acted in a manner unbecoming of a railway servant. However, there is no charge that the petitioner was engaged in chain pulling without any reasonable and sufficient cause. The said charge is proved by two eye witnesses namely Shri S.K. Pandey (PW-3) and Shri A.K. Sahu (PW-4) who also did not say so which states as under:-

“PW-3 Sri S.K. Pandey, Hd. Constable/RPF/BSP the on duty RPF staff while replying the question No.4 that “Who pulled the Chain”? deposed that “Mr. Hyde pulled the chain and when asked vide question No.5 that “Did you ask Mr. Hyde why he pulled the chain” the PW replied that Yes, I asked him the same and he (C.O.) replied that his family has not turned up to catch the train.

PW-4 Sri A.K.Sahu. Constable/RPF/BSP also deposed while replying Q.No.4 & 5 that Sri A.Hyde, Hd.TTE/BSP (C.O.) had pulled the alarm chain by train on the plea that his family had not turned up to catch the train.”

11. A careful perusal and analysis of the depositions of PW-3 & PW-4 which has been quoted in the inquiry report would show that they have only said that the petitioner pulled the chain and they have not stated that they have seen the family members boarding the train by which the operation of train was delayed. The Disciplinary Authority by its order dated 11.09.2012 relying upon the Inquiry Officer said that the act of detention of train through intentional ACP has been proved against the petitioner beyond doubt, it is a serious offence and accordingly held him guilty. The Disciplinary Authority also did not record a finding that alleged pulling of chain was without reasonable and sufficient cause and undisputedly, no offence under Section 141 of the Act, 1989 has been registered against the petitioner. However, in order to hold the petitioner guilty, the Disciplinary Authority ought to have recorded the specific finding that the pulling of the chain has been done by the petitioner without reasonable and sufficient cause and that will amount to misconduct as well as the criminal offence under Section 141 of the Act, 1989. As such, the Disciplinary Authority also while passing the impugned order did not apply its mind to the said aspect of the matter and acted in highly arbitrary and unreasonable manner to hold the act of the petitioner is a serious offence, which the Appellate Authority and Revisional

Authority did not pay heed including the learned CAT and, therefore, petitioner's appeal, revision and Original application were dismissed.

12. The Supreme Court in the matter of **S. Govinda Menon** (supra) while dealing with the impact of the act or omission of the person on the department has held that the test is whether the act or omission has some reasonable connection with the nature and condition of his service or whether the act or omission has cast any reflection upon the reputation of the member of the Service for integrity or devotion to duty as a public servant. Their Lordships have opined that even if the appellant was not subject to the administrative control of the Government when he was functioning as Commissioner under the Act and was not the servant of the Government subject to its orders at the relevant time, his act or omission as Commissioner could form the subject-matter of disciplinary proceedings provided the act or omission would reflect upon his reputation for integrity or devotion to duty as a member of the Service.

13. In the matter of **Government of Andhra Pradesh v. Venkata Raidu**⁷ it has been held by their Lordships of the Supreme Court that it is well settled that a charge-sheet should not be a vague but should be specific. Furthermore, in the

⁷ (2007) 1 SCC 338

matter of Anant R. Kulkarni v. Y. P. Education Society⁸ relying upon the decision of the Supreme Court in the matter of Surath Chandra Chankravarty v. The State of West Bengal⁹, it has been held that it is not permissible to hold an enquiry on vague charges, as the same does not give clear picture to delinquent to make out an effective defence as he will be unaware of the exact nature of allegations against him and what kind of defence he should put up for rebuttal thereof.

14. In view of the aforesaid discussion and analysis, in our considered opinion, the Disciplinary Authority, Appellate Authority, Revisional Authority and the CAT all have concurrently failed to notice the charges served to the petitioner which were unspecific and vague and the same did not say that the petitioner on 15.07.2010 twice pulled the chain without reasonable and sufficient cause and unless and until the said act is done without any reasonable and sufficient cause, it neither amounts to misconduct nor an offence under Section 141 of the Act, 1989. Further, the Disciplinary Authority has held that pulling chain itself is an serious offence and proceeded to hold the petitioner guilty for misconduct which the Appellate Authority, Revisional Authority and the CAT have perpetuated

⁸ (2013) 6 SCC 515

⁹ AIR 1971 SC 752

while affirming the same and thus committed jurisdictional error in affirming the order of the Disciplinary Authority.

15. Since it is a case where the charges are vague and unspecific and taking the charges as it is, no misconduct is made out against the petitioner and therefore, the order passed by the CAT dated 20.1.2023 as well as the order of the Revisional Authority dated 02.06.2014 and appellate order dated 26/27.06.2013 (Annexure P/2) upholding the order of Disciplinary Authority dated 11.09.2012 are hereby set aside and the penalty imposed by the Disciplinary Authority is also hereby set aside.

16. The decisions cited by learned counsel for the respondents i.e. **B.C. Chaturvedi** (supra), **Nemi Chand Nalwaya** (supra) and **Natarajan** (supra) are clearly distinguishable to the facts of the present case.

17. With the aforesaid observation, the instant writ petition is **allowed** to the extent indicated herein-above. No order as to cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge

Sd/-
(Radhakishan Agrawal)
Judge

Ankit