



2025:CGHC:51086-DB

AFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 371 of 2025

C.C.S. Rao S/o Late C.K. Rao Aged About 59 Years
R/o R.T.S. Colony, S.E.C.Railway, Bilaspur-
495004, Chhattisgarh.

... Petitioner

versus

1 - Union Of India Through The General Manager,
South East Central Railway, Bilaspur,
Chhattisgarh- 495004

2 - Sr. Divisional Electrical Engineer (T.R.D.)
South East Central Railway, Bilaspur,
Chhattisgarh- 495004

3 - Asst. Divisional Railway Manager South East
Central Railway, Bilaspur, Chhattisgarh- 495004

4 - Chief Electrical Engineer S.E.C.Railway,
Headquarter, Bilaspur, Chhattisgarh- 495004

... Respondents

For Petitioner	:Mr. B.P. Rao, Advocate
For Respondents	:Mr. Ramakant Mishra, DSG with Mr. Rishabh Deo Singh, Advocate

DB- Hon'ble Shri Justice Sanjay K. Agrawal

Hon'ble Shri Justice Radhakishan Agrawal

Judgment On Board

14.10.2025

Sanjay K. Agrawal, J.

1. Invoking the extraordinary jurisdiction vested upon this Court under Article 226 of the Constitution of India, petitioner has preferred this writ petition calling in question the legality, validity and correctness of impugned order dated 08/11/2024 (Annexure P-12) passed by the Central Administrative Tribunal, Jabalpur Bench by which petitioner's original application No. 200/1062/2015 has been dismissed and the order dated 06/02/2015 (Annexure P-8) passed by the Revisional Authority as well as the order dated 05/06/2014 (Annexure P-6) passed by the Appellate Authority have been affirmed, thereby, holding that petitioner has to suffer the punishment of reversal from the post of Junior

Engineer (Electrical) to the Post of Technician Grade – III for a period of 1 year which shall operate to postponement of increment and thereafter, the status of the petitioner would be restored and the intervening period from the date of termination to reinstatement shall be treated as *Dies non*.

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

(i) Petitioner was originally appointed as Technician Grade – III in the pay scale of Rs. 5200-20200/- + GP 1900 PB-1 and thereafter, he was promoted to the post of Technician Grade – II in the pay scale of Rs. 5200 – 20200/- + GP 2400 PB-1 and then promoted to the post of Technician Grade – I in the pay scale of Rs. 5200 – 20200/- + GP 2800 PB-1 and thereafter, to the post of Master Craftsman with pay scale of Rs. 9300-34800/- + GDP 4200 PB-2 and ultimately, he was promoted to the post of Junior Engineer (Electrical) with pay scale of Rs. 9300-34800/- + GP 4200 PB-2.

(ii) On 15/07/2013, petitioner was issued charge-sheet (Annexure P-1) for remaining

unauthorizedly absent from 19/06/2013 to 15/07/2013 and after conducting departmental enquiry against him, the Disciplinary Authority vide punishment order dated 11/03/2014 (Annexure P-4) imposed extreme punishment of removal from service without sanctioning of compassionate allowance with immediate effect against the petitioner.

(iii) Against the punishment order passed by the Disciplinary Authority, petitioner preferred an appeal whereby the Appellate Authority vide order dated 05/06/2014 (Annexure P-6) modified the punishment order and inflicted the punishment of reversal from the post of Junior Engineer (Electrical) pay Rs. 13960+ Rs. 4200/- (GP) in PB-2 pay Rs. 9300-34800/- to the post of Technician Grade - III in PB-1 Rs. 5200-20200 Rs. 1900/- (GP) by fixing at stage Rs. 5200/- + Rs. 1900/- (GP) for a period of 3 years and after completion of punishment period, his pay will be fixed at Rs. 13960/- + GP Rs. 4200/- in PB-2 Rs. 9300-34800 and the period of punishment of 3 years shall operate to postpone future increments and the intervening period from the date of original penalty to joining duty shall

be treated as dies non. The punishment shall take effect from the date of joining the duty and further he will be posted at Birsinghpur TSS under ADEE/TRD/Manendragarh.

(iv) Feeling aggrieved and dissatisfied, petitioner then filed a revision petition whereby the Revisional Authority, by its order dated 06/02/2015 (Annexure P-8), while upholding the order of the Appellate Authority, slightly modified it and reduced the period of 3 years to 1 year and after completion of punishment, petitioner be restored to the post of Junior Engineer (Electrical) and he shall be posted at Kargi Road in OHE Depot.

(v) Challenging the aforesaid punishment finally imposed upon the petitioner, he filed original application before the Central Administrative Tribunal, Jabalpur but remained unsuccessful as by order dated 08/11/2024 (Annexure P-12), the Tribunal dismissed the original application filed by the petitioner and affirmed the order passed by the Revisional Authority, against which this writ petition has been preferred by the petitioner.

3. Mr. B.P. Rao, learned counsel appearing for the petitioner, would submit that the Central Administrative Tribunal is absolutely unjustified in dismissing the original application filed by the petitioner affirming the order passed by the Revisional Authority holding that petitioner will be inflicted with the punishment of reversal from the post of Junior Engineer (Electrical) to the post of Technician Grade – III, however, Rule 6(vi) of the Railway Servants (Discipline & Appeal) Rules, 1968 (hereinafter, "the Rules of 1968") clearly provides that major penalty of reduction to a lower time scale of pay, grade, post or service, with or without further directions regarding conditions of restoration to the grade of post or service from which the Railway servant was reduced and his seniority and pay on such restoration to that grade, post or service can be imposed on a railway servant for good and sufficient reasons, as such, the petitioner ought to have been reverted from the post of Junior Engineer (Electrical) to the post of Master Craftsman and not to the lowest post of Technician Grade – III on which he was initially

appointed. As such, the impugned orders passed by the Central Administrative Tribunal affirming the orders of the Revisional Authority as well as the Appellate Authority are liable to be set aside.

4. Mr. Ramakant Mishra, learned counsel appearing for the respondents, would support the impugned order and submit that considering the nature and gravity of misconduct of the petitioner, suitable punishment has been inflicted upon him which does not call for any interference by this Court, therefore, the instant writ petition is liable to be dismissed.
5. We have heard learned counsel for the parties, considered their rival submissions made hereinabove and went through the records with utmost circumspection.
6. It is not in dispute that petitioner was originally appointed on the post of Technician Grade – III in the pay scale of Rs. 5200-20200/- + GP 1900 PB-1 and thereafter, he was promoted to the posts of Technician Grade – II, Technician Grade – I, Master Craftsman and ultimately, to the post of Junior Engineer

(Electrical) in the pay scale of Rs. 9300-34800/- + GP 4200 PB-2, however, he was subjected to charge-sheet (Annexure P-1) for remaining unauthorizedly absent from 19/06/2013 to 15/07/2013 and departmental enquiry was conducted against him pursuant to which the Disciplinary Authority imposed the extreme punishment of removal from service upon the petitioner which was challenged by him by way of filing an appeal whereby the Appellate Authority modified the punishment order and inflicted the following punishment upon the petitioner :-

"YOU ARE REVERTED TO THE POST OF JE (ELECTRICAL) PAY RS 13960+ RS 4200/- (GP) in PB-2 PAY RS. 9300-34800/- TO THE POST OF TECHNICIAN GR III IN PB-1 RS. 5200-20200/- + RS. 1900/- (GP) BY FIXING AT STAGE RS. 5200/- + RS 1900 (GP) FOR A PERIOD OF THREE (3) YRS. AFTER COMPLETION YOUR PAY WILL BE FIXED AT RS. 13960/- + GP RS 4200/- IN PB-2 RS. 9300-34800. THE PERIOD OF PUNISHMENT OF 3 YRS SHALL OPERATE TO POSTPONE FUTURE INCREMENTS. THE INTERVENING PERIOD FROM THE DATE OF ORIGINAL PENALTY TO JOINING DUTY SHALL BE TREATED AS DIES-NON. THE PUNISHMENT SHALL TAKE EFFECT FROM THE DATE OF JOINING THE DUTY. FURTHER YOU WILL BE POSTED AT BIRSINGHPUR TSS UNDER ADEE/TRD/MANENDRAGARH."

7. Thereafter, against the aforesaid order passed by the Appellate Authority, petitioner preferred a revision petition and the Revisional

Authority, while upholding the order of the Appellate Authority, partly modified it, which is reproduced herein-below :-

"In the course of your personal hearing, it was admitted by you of having committed the offence, which was unbecoming of a Railway Servant. However, giving due consideration of your overall performance in general, and no other adverse comments in your Service Record, the period of the punishment imposed by the Appellate Authority of "Reverted from the post of JE (Electrical) Pay Rs. 13960/- + Rs. 4200/- (GP) in PB-2 Pay Rs. 9300-34800/- to the post of Technician Gr. III in PB-1 RS. 5200-20200/- + RS. 1900/- (GP) by fixing at stage Rs. 5200/- + RS 1900 (GP) for a period of three (03) years. After completion of punishment period your pay will be fixed at Rs. 13960/- + GP Rs. 4200/- in PB-2 Rs. 9300-34800/-. The period of punishment of 3 years shall operate to postpone future increments. The intervening period from the date of original penalty to joining duty shall be treated as dies-non. The punishment shall take effect from the date of joining the duty. Further you will be posted at Birsinghpur TSS under ADEE/TRD/Manendragarh" is being **"reduced from 03 years to only 01(one) year, while upholding that the intervening period from the date of original penalty to the date of joining duty on reinstatement shall be treated as Dies-non. After completion of the punishment you shall be restored to your original post of JE and shall be posted at Kargi Road OHE Depot. In case there is no clear vacancy, suitable adjustment should be made by the Division".**

8. The question that arises for consideration in this writ petition is, "whether the Central

Administrative Tribunal is justified in reaffirming the punishment of reversal from the post of Junior Engineer (Electrical) to the post of Technician Grade - III imposed upon the petitioner by the Appellate Authority, which has also been affirmed by the Revisional Authority or the petitioner ought to have been reverted from the post of Junior Engineer (Electrical) to the post of Master Craftsman, being the immediate lower post ?"

9. At this stage, it would be appropriate to notice the provision contained under Rule 6(vi) of the Rules of 1968, which provides as under :-

"6. Penalties

The following penalties may, for good and sufficient reasons and as hereinafter provided, be imposed on a Railway servant, namely:

Major Penalties

(v) XXX

(vi) Reduction to a lower time scale of pay, grade, post or service, with or without further directions regarding conditions of restoration to the grade or post or service from which the Railway servant was reduced and his seniority and pay on such restoration to that grade, post or service."

10. As per Rule 6(vi) of the Rules of 1968, as noticed above, the penalty imposed upon the

petitioner is reduction in rank, which is one of the major penalties that can be imposed upon a Railway servant. The expression "rank", in the concept of "reduction in rank" refers to the stratification of the positions or grades or categories in the official hierarchy.

11. The promotional hierarchy or the chain of promotion for Railway servants, including the petitioner herein, would be as under :-

- Technician -III (Rs. 5200-20200/- + GP 1900 PB-1
- Technician - II (Rs. 5200-20200/- + GP 2400) PB-1
- Technician - I (Rs. 5200-20200/- + GP 2800) PB-1
- Master Craftsman (Rs. 9300-34800/- + GP 4200) PB-2
- Junior Engineer (Rs. 9300-34800/- + GP 4200) PB-2

12. The Supreme Court, in the matter of Hussain Sasan Saheb Kaladgi v. State of Maharashtra¹, has clearly held that a promotee can be reverted from the promotional post to the post from which he was promoted and held as under :-

"... A direct recruit to a post, it cannot be gainsaid, cannot be reverted to a lower post. It is only a promotee who can

1 (1988) 4 SCC 168

be reverted from the promotion post to the lower post from which he was promoted. These propositions are so elementary that the same are incapable of being disputed and have not been disputed. "

13. Similarly, in the matter of Nyadar Singh v. Union of India and Others², their Lordships of the Supreme Court have held that reduction in rank effects removal from a class, grade or category of post to a lower class or grade or category and observed in paragraph 19 as under :-

"19. The third view of the matter which while holding such a reduction is permissible, but subject to the post to which the government servant is reduced being one from which promotion to the post from which reduction is effected is permissible, is to be found in *Srinivasa Sastry case*³ where Rama Jois, J. of the Karnataka High Court held: (SLR p. 515, para 9)

... It is no doubt true that normally penalty of 'reduction in rank is imposed only so as to bring down a civil servant to a lower time scale, grade, service or post, held earlier by him before promotion and not below the post, grade, service, or time scale to which a civil servant was directly recruited, and it appears, that it is also reasonable to do so. The learned counsel, however, could not substantiate the point with reference to the rule which empowered the

2 (1988) 4 SCC 170

3 P.V. Srinivasa Sastry v. Comptroller & Auditor General of India reported in (1979) 3 SLR 509

Disciplinary Authority to impose the penalty of reduction in rank as it does not make any such differentiation ... "

- 14.** Coming to the facts of the present case in light of Section 6(vi) of the Rules of 1968 as well as the principles of law laid down by their Lordships of the Supreme Court in the aforesaid judgments (supra), it is quite vivid that the Appellate Authority as well as the Revisional Authority, both are unjustified in imposing the penalty of reversal from the post of Junior Engineer (Electrical) to the post of Technician Grade – III upon the petitioner as he ought to have been reverted to the lower post of Master Craftsman, which he was holding prior to being promoted to the post of Junior Engineer (Electrical), rather he has been reverted to the lowest post of Technician Grade – III to which he was originally appointed, which is unsustainable and bad in law. Accordingly, the orders passed by the Central Administrative Tribunal (Annexure P-12), Revisional Authority (Annexure P-8) as well as the Appellate Authority (Annexure P-6), to the extent of reverting the petitioner from the post of Junior Engineer (Electrical) to the post of Technician

Grade – III, are hereby set aside and it is held that petitioner stands reverted from the post of Junior Engineer (Electrical) Pay Rs. 13960/- + Rs. 4200/- (GP) in PB-2 Pay Rs. 9300-34800/- to the post of Master Craftsman pay Rs. 9300-34800/- + GP 4200) PB-2 by fixing at stage Rs. 9300/- + RS 4200 (GP) for a period of one year. The rest of the conditions imposed by the Revisional Authority shall remain intact. Petitioner will be entitled for consequential benefits, if any.

15. Accordingly, this 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