



Writ Petition No.22359 of 2024

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

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RESERVED ON  
28.01.2026

PRONOUNCED ON  
17.02.2026

**CORAM**

**THE HONOURABLE MR. JUSTICE C.V. KARTHIKEYAN  
AND  
THE HONOURABLE MR. JUSTICE K.KUMARESH BABU**

**Writ Petition No.22359 of 2024**

**and W.M.P.Nos.24351 & 24355 of 2024**

- 1.Union of India  
Rep., by The General Manager,  
Southern Railway, Park Town,  
Chennai – 600 003.
  - 2.The Chief Commercial Manager (PM),  
Southern Railway, Park Town,  
Chennai – 600 003.
  - 3.The Additional Divisional Railway Manager,  
Tiruchirappalli Division,  
Southern Railway,  
Trichy.
  - 4.The Senior Divisional Commercial Manager,  
Tiruchirappalli Division,  
Southern Railway,  
Trichy.
- ... Petitioners

Vs

1.B.Shankar Kumar



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2.The Registrar,  
Central Administrative Tribunal,  
Chennai Bench,  
Chennai – 600 104.

... Respondents

**PRAYER:-** Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari to call for the records pertaining to order dated 14.02.2023, passed in Original Application No.1400/2016, on the file of the second respondent and quash the same.

For Petitioner : Mr.AR.L.Sundaresan ASGI  
Assisted by Mr.AR.Sakthivel

For R1 : Mr.L.Chandrakumar for R1

For R2 : Tribunal

### **ORDER**

(Order of the Court was made by Mr.K.KUMARESH BABU.,J.)

This writ petition has been filed to quash the order passed by the Central Administrative Tribunal, in Original Application No.1400/2016, dated 14.02.2023.



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2) Heard Mr. A.R.L. Sundaresan, learned Additional Solicitor General of India, assisted by Mr. AR.Sakthivel, learned counsel appearing for petitioners and Mr.L.Chandrakumar, learned counsel appearing for the first respondent.

3) The learned Additional Solicitor General of India appearing for the petitioners would submit that the first respondent was appointed as Enquiry cum Reservation Clerk in the year 2006 and was working under the pay band of Rs.5200-20200 to the grade pay of Rs.2,800. On 08.01.2020 based on the information some of the Enquiry-cum-Reservation clerks are accepting the bunches of applications from touts and generating tickets, over-looking the priority of passengers waiting in the queue had conducted a preventive check. On the said date, the first respondent was found to have accepted 8 reservation applications from a single person and had generated 8 Tatkal tickets for the same person over-looking the passengers who stood in the queue. Even though, the tickets have been generated, no cash have been collected and there was a shortage of Rs.18,051/-. Hence, the respondent had contravened the provisions of Railway Service Conduct Rules and conducted himself in a manner offending the right of the general public.



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Hence, he was served with a charge memo and after a full-fledged enquiry he had also been imposed with a punishment of reduction of pay in two stages for a period of 40 months.

4. On an Appeal filed by the first respondent, the punishment was modified to reduction of pay by two stages for six years from the date of imposition of penalty. After which the seniority, grade pay would be restored with normal increments. Being aggrieved against the same, he had approached the Central Administrative Tribunal, wherein under the impugned order, the Tribunal had set aside the entire proceedings and remitted the matter back with a direction to issue a fresh charge sheet. He would submit that the Tribunal had wholly erred in relying upon the Vigilance Manual, 2006 which pertains to a trap procedure to come a conclusion that the entire proceeding is vitiated.

5. He would submit that had the passenger who had given the reservation forms being in the queue, tickets generated would have been handed over to him and the cash would have collected. According to him, this would amply prove that the first respondent had acted in a tainted



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manner by receiving reservation forms from third party who did not stand in the queue, only leading to the presumption that the same had been done at the behest of touts. He would submit that the first respondent had also admitted for generating those tickets in favour of person, who had not stood in the queue on the said date. As per the Rules, the value of the tickets has to be either paid in cash or vouchers at the time of issue.

6. In the present case, the first respondent having issued the tickets, had failed to collect the cash or the vouchers from the concerned person which would itself show that there is a violation. He would further submit that there has been no procedural lapse or violation of any Rules on the part of the disciplinary authorities, the first respondent has also been afforded with a personal hearing even at the appellate stage. Hence, he would submit that the Tribunal had wholly misconstrued itself on the facts in holding that the entire disciplinary proceedings have been vitiated as being done in violation of the Rules and the procedures. Hence, he would seek indulgence of this Court with the impugned order.

7. The learned counsel appearing on behalf of the first respondent on



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the other hand would submit that the charges framed against the first respondent itself was very vague, cryptic and baseless and also not in conformity with the Provisions of the Railway Servants Discipline and Appeal Rules. He would submit that there are no independent witnesses to support the delinquencies alleged against the first respondent. He would further submit that there has been no application of mind and the entire disciplinary proceedings and the order of punishment is a colourable exercise of power smacked with arbitrariness.

8. That apart, he would submit that the punishment imposed on the first respondent is highly disproportionate. He would submit that the main allegation is that the first respondent has overlooked the priority of the passengers standing in the queue which is neither supported by any complaint from the waiting passengers who were in the queue and that apart, he would submit that only the tickets were generated and not issued for collecting the value of the tickets. He would submit that it is the responsibility of the first respondent to give the cash statement at the time when his duty ends and even before that the first respondent cannot be mulcted with a delinquency that there was a shortage of cash.



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9. He would submit that the Tribunal had analysed all these issues and after advertng to the Rules, had found that the entire disciplinary proceedings had been in violation of the Rules and the procedures laid therein and hence, interfered with the punishment imposed on the first respondent. Hence, he would submit that there is no necessity to interfere with the well considered order of the Tribunal and seeks dismissal of the Writ Petition.

10. We have considered the submissions made by the learned counsels appearing on either side and perused the materials available on record.

11. The first respondent had been issued with a charge memo based upon a surprise inspection indicating that the first respondent had accepted reservation forms from a third party who was not standing in the queue and had generated tickets based upon such reservation forms, however without collecting the value of the tickets. Even before the enquiry authority, it was the case of the first respondent that accepting more number of reservation forms would not amount to a misconduct and also that such tickets were



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only generated and not issued. It is his further case that only on issuance of the said tickets, the amounts would be collected. It was his further case that the eight tickets were not issued consecutively and in between the eight tickets, two of the tickets were generated & issued and the amounts were also collected. It is also not his case that for the eight reservation forms were submitted by the passengers, whose stood in the queue. He had also not given any explanation as to why the tickets that were generated by him, were not issued to the passengers forthwith and for not collecting the value of the tickets also.

12. It is also to be noted that after generating tickets, he had issued further tickets to other passengers standing in the queue. These admitted facts would indicate that the first respondent had generated tickets based on reservation forms without being handed over to him across the counter and that such reservation forms had been collected by him in advance before the start of his duty at 8.00 am. It would only mean that he had at the behest of some individuals and violated the norms for issuance of tickets. Further on these admitted facts that there is also no necessity to examine any independent witness. The sequence of events would drive home the

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probability of the delinquency that has been committed by the first respondent. It is the service law jurisprudence that the alleged delinquency need not be proved by strict proof of evidence and that it is enough that such delinquency could be driven by probabilities of the case.

13. From the facts of the case, we are of the view that in all probabilities, the delinquency committed by the first respondent stands proved. We also do not find any procedural violations to hold that the disciplinary proceeding stands vitiated.

14. The first respondent had also sought to question the proportionality of punishment imposed on him, the disciplinary authority had imposed a punishment of reduction in pay from Rs.10410 to Rs.9640/- in the present pay band and to remain constant for a period of 40 months with cumulative effect from the date of issue of the order and that the penalty will also have the effect of postponing future increments on restoration. However, the Appellate Authority had modified the punishment to a punishment of reduction of pay by two stages for six years from the date of imposition of penalty, after which his seniority, Grade and pay would



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also stand restored including the normal increments during the period of punishment and however, the Grade Pay was directed to remain constant.

15. For the delinquency committed by the first respondent which has been proved in all probabilities, we deem fit that the nature of modified punishment as imposed by the Appellate Authority could be sustained with the modification only in respect of the period alone and we deem it fit that the said period can be modified to three years instead of six years.

16. For the aforesaid reasons, the Writ Petition stands allowed and impugned order is set aside and the punishment as imposed by the Appellate Authority with the modification as indicated above, shall stand imposed on the first respondent. In effect the punishment modified by us on the first respondent is as follows:-

*Reduction of pay by two stages from Rs.10410/- to Rs.9640/- for three years from the date of imposition of penalty, after which, the seniority, Grade and Pay will be restored to Rs.10,410/- + normal increments due during the punishment period, the Grade Pay remains constant.*



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However, there shall be no order as to costs. Consequently,

connected Miscellaneous Petitions are closed.

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**(C.V.K.,J.)**

**(K.B., J.)**

**17.02.2026**

Index: Yes/No

Speaking Order/Non Speaking Order

Neutral Citation: Yes/No

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To

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



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**C.V. KARTHIKEYAN., J.**  
**and**  
**K.KUMARESH BABU.,J.**

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**Pre-Delivery Order in**  
**Writ Petition No.22359 of 2024**  
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