



2026:AHC:168202-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 69505 of 2011

Union of India through G.M. E.C. Railway Hazipur
and others

.....Petitioner(s)

Versus

The Central Administrative Tribunal and another

.....Respondent(s)

Counsel for Petitioner(s)	:	Saumitra Singh, Satya Prakash Mishra
Counsel for Respondent(s)	:	S.C., Vinod Kumar

Chief Justice's Court

HON'BLE ARUN BHANSALI, CHIEF JUSTICE
HON'BLE KSHITIJ SHAILENDRA, J.

1. This petition is directed against the order dated 19.08.2011 passed in Original Application ('OA') No. 478 of 2006, whereby the OA filed by the respondent has been allowed.
2. The O.A. was filed with the submissions that the respondent entered into railway service in the year 1997 in Group-D vide order dated 15.12.1997 and continued till July 1999. Medical examination was conducted and he was found fit to work in medical category A-2 and was posted as Shuntman Grade-II on 07.04.1998 under S.M. Sonenagar.
3. The respondent was transferred by order dated 03.07.1999 to Mughalsarai and joined at Mughalsarai on 04.07.1999. He fell ill and was admitted to Railway Hospital, Mughalsarai. After becoming fit, he appeared for duty and was directed to work at Bangalow of Divisional Operating Manager, where he refused to work as domestic servant. Whereafter he was not permitted to work and was being marked absent unauthorizedly. Neither any notice nor any charge sheet was served on the respondent, but a letter was issued to him seeking explanation for the charges of major penalty. Reply was sent, however, no response was received, based on which facts, O.A. No. 1655 of 2004 was filed, which was decided directing the petitioners to decide the representation of the respondent, which direction was not complied with.
4. A contempt petition was filed, which resulted in passing of the order impugned before the Tribunal. A response was filed contesting the

submissions made on behalf of the respondent. It was claimed that the respondent is not a railway employee as he was not appointed as Group-D staff. The document annexed with the O.A. was false and fabricated. The respondent was directed to produce the original engagement letter and as the original document was fabricated, action was taken against him for producing forged documents, whereafter the respondent did not appear. Even the order of transfer etc. was also forged.

5. The Tribunal, after hearing the parties, came to the conclusion that the respondent was appointed as a substituted Group-D employee at Sonenagar, where he joined on 17.12.1997. He was transferred from Sonenagar to Mughalsarai and charge sheet was served for unauthorized absence. The Tribunal also came to the conclusion that instead of admitting the documents and the facts, the plea raised was that he was never appointed, which was factually incorrect and as no inquiry was held against the respondent, the O.A. was allowed and the respondent was directed to be permitted to resume his duties in Group-D.

6. Aggrieved by the same, the present writ petition was filed, wherein Co-ordinate Bench of this Court directed that the petitioners would comply with the judgment of the Tribunal subject to result of the writ petition.

7. Counsel for the respondent submits that respondent was permitted to join as a Group-D employee and he continues to be in service.

8. Counsel for the petitioners attempted to make submissions that the Tribunal was not justified in passing the order impugned in view of the fact that respondents' appointment was not established and, therefore, the order impugned deserves to be set aside.

9. Counsel for the respondent supported the judgment passed by the Tribunal with the submissions that on the documents available on record, the plea raised by the petitioners is essentially false and, therefore, the Tribunal was justified in allowing the O.A.

10. We have considered the submissions made and have perused the material available on record.

11. The documents annexed with the O.A. and the findings recorded by the Tribunal clearly establishes that the respondent was duly engaged and was posted at Sonenagar from where he was transferred to Mughalsarai, where apparently on account of his refusal to work as domestic servant, the consequential treatment was meted to him, wherein he was shown as unauthorizedly absent and was not permitted to joint duties. Admittedly, no notice was issued to the respondent before putting an end to his engagement and the plea raised about documents of engagement being forged, cannot be believed.

12. In view thereof, we do not find any reason to interfere with the order impugned. There is no substance in the writ petition. The same is, therefore, **dismissed**.

(Kshitij Shailendra,J.) (Arun Bhansali,CJ.)

August 11, 2026
P.Sri./Sazia