



2026:AHC:18426-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 1265 of 2025

Jagdish Prasad

.....Petitioner(s)

Versus

Union of India and 3 others

.....Respondent(s)

Counsel for Petitioner(s)	:	Abhijit Kumar, Ram Prasad Dubey
Counsel for Respondent(s)	:	A.S.G.I., Rajesh Tripathi

Chief Justice's Court

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

1. This petition is directed against order dated 08.04.2024 passed by Central Administrative Tribunal, Allahabad Bench, Allahabad, whereby the Original Application filed by the petitioner has been dismissed.

2. The Original Application was filed by the petitioner challenging the order dated 09.02.2015 passed by Disciplinary Authority, whereby major penalty of removal from service was awarded, order dated 15.06.2015 passed by the Appellate Authority, whereby the penalty awarded by the Disciplinary Authority was reduced to that of reversion in Grade Pay of Rs. 5200-20200 + GP 1800 fixing pay at initial stage for a period of five years with cumulative effect and order dated 17.05.2018, whereby the payment details of settlement dues was made by the Senior D.F.M., N.C.R., Jhansi and requiring the respondents to fix the pay scale of compulsory retirement from the date on which the compulsory retirement order was passed by the respondents.

3. The petitioner was charge-sheeted for remaining unauthorisedly absent from duty. An inquiry was conducted wherein the petitioner did not file any explanation to the charge and remained absent and failed to participate in the inquiry proceedings. Inquiry report was submitted finding the petitioner guilty of the charges. Despite substituted service of the inquiry report along with notice from the Disciplinary Authority through registered post and pasting on the notice board, the petitioner did not file any response to the show cause notice, resulting in the

Disciplinary Authority imposing the penalty of removal from service.

4. In the departmental appeal filed by the petitioner, the Appellate Authority, though found the petitioner guilty of charges, on humanitarian ground, reduced the penalty of removal from service by reverting the petitioner in Grade Pay of Rs. 5200-20200 + GP 1800 fixing pay at initial stage for a period of five years with cumulative effect. Though revision against the order was maintainable, no revision was filed. Thereafter, Original Application was filed before the Tribunal, which came to be decided by order dated 26.04.2017 disposing of the O.A. with a direction to the respondents to decide the representation of the petitioner within a period of two months from the date of receipt of the copy of the order. Pursuant to the order passed, the pension of the petitioner was fixed at the Grade Pay of Rs. 1800/-.

5. Counter affidavit to the O.A. was filed *inter alia* pointing out that two major penalty charge sheets were served on the petitioner wherein in one charge sheet, punishment of removal from service, which came to be reduced, was imposed and in the second charge sheet, punishment of compulsory retirement from service was imposed, which subsequent punishment was not questioned. Further submissions were made defending the orders passed by the Disciplinary Authority and the Appellate Authority.

6. After hearing the parties, the Tribunal came to the conclusion that though under the direction of the Tribunal, the Revisional Authority passed the order on 23.06.2017, the said order had not been challenged rather no reference to the said order was made and as such, the petitioner has not approached the Tribunal with clean hands.

7. Once no response was given to the charge sheet or show cause notice after the *ex-parte* inquiry report was submitted, no fault can be found with the order passed by the Disciplinary Authority which was upheld by the Appellate Authority though punishment was substituted. Based on the said fact situation, the O.A. was dismissed as being without any merit.

8. Counsel for the petitioner made submissions with reference to certain documents filed with the O.A. that the respondents were not justified in

holding the petitioner guilty of unauthorised absence. Submissions have been made that the petitioner was not well and had sought medical leave, which was not granted and, therefore, the findings of the Inquiry Officer, Disciplinary Authority and the Appellate Authority deserve to be set aside. However, it has not been denied that the petitioner was visited with penalty of compulsory retirement in a different charge sheet, which penalty has not been questioned by him.

9. Counsel for the respondents supported the order impugned.

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

11. The petitioner had ample opportunity to file response to the charge sheet/show cause notice issued pursuant to the submission of *ex-parte* inquiry report. However, on both the occasions, he chose neither to appear before the Inquiry Officer nor respond to the show cause notice issued by the Disciplinary Authority and, therefore, no fault can be found finding the petitioner guilty of the charges.

12. The attempt made in the present writ petition for the first time to claim that the petitioner had sought medical leave, cannot be countenanced inasmuch as once the opportunity available to the petitioner was not availed, the filing of the documents subsequent thereto are of no avail. Further, under the directions of the Tribunal, the representation was directed to be treated as revision petition, which was decided by the Revisional Authority. However, the said order was never put to challenge.

13. It is interesting that while punishment imposed in one charge sheet of reduction of pay has been questioned by the petitioner, the punishment imposed under a different charge sheet of compulsory retirement has not been questioned.

14. Once the case of the petitioner has been thoroughly considered by the Appellate and Revisional Authorities and relief of reduction in quantum of punishment of removal from service to reduction of pay has been imposed by the Appellate Authority, no justifiable ground has been made out either before the Tribunal or before this Court for interference in the

orders impugned.

15. Consequently, there is no substance in the writ petition, the same is, therefore, **dismissed**.

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

January 27, 2026
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