



2026:AHC:41996-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 19802 of 2025

Smt Geeta Chaurasia

.....Petitioner(s)

Versus

Union of India and 6 others

.....Respondent(s)

Counsel for Petitioner(s)	: Manvendra Dixit, Nisha Dixit
Counsel for Respondent(s)	: S.P. Singh (A.S.G.I.), Ashish Kumar

Chief Justice's Court

HON'BLE ARUN BHANSALI, CHIEF JUSTICE

HON'BLE KSHITIJ SHAILENDRA, J.

1. Heard Shri Manvendra Dixit, learned counsel for the petitioner and Shri Ashish Kumar, learned counsel for the respondents.
2. This petition has been filed challenging the order dated 28.08.2025 whereby the Central Administrative Tribunal, Allahabad Bench, Allahabad has dismissed the Original Application ('OA') No.1579 of 2015 filed by the petitioner and denied reliefs claimed therein. The OA was filed laying challenge to orders dated 15.10.2015 and 06.11.2015 passed by the respondents, consequence whereof was in terms of recovery/deduction of sums from the salary of the petitioner.

Further relief was claimed by the petitioner to direct the respondents to reimburse her the deducted amount from her salary.

3. The petitioner, who was working as Chief Matron in the Indian Railway Cancer Institution and Research Centre, Varanasi ('the Institute'), retired on 30.06.2016. One year prior thereto, action was initiated against her on allegation of shortage of bed sheets in the Institute and an order was passed on 15.10.2015 directing deduction of Rs.1,15,455/- in monthly installments from her salary. Subsequently, another order was passed on 06.11.2015 modifying the previous order dated 15.10.2015 and a sum of Rs.51,955/- was ordered to be deducted from her salary.

4. Challenge was laid to the aforesaid orders before the Tribunal on the ground that the petitioner was neither served with any charge sheet in the matter nor any formal inquiry was conducted against her and, therefore, the impugned action and orders being contrary to the provisions of **Railway Servants (Discipline and Appeal) Rules, 1968 ('the Rules, 1968')** and having been passed in violation of principles of natural justice, were unsustainable and liable to be set aside.

5. The OA was contested by the respondents taking a stand that as per the guidelines contained in the Railway Board Circular dated 01.09.2015, in case of loss of linen, recovery has to be effected at 75% of the last purchase rate and, on audit and vigilance checks conducted at the Institute, loss of 387 bed sheets was found for which the petitioner was held accountable. It was further stated in the counter affidavit that certain amount was ordered to be recovered from the salary of the petitioner in easy installments only after consideration of the representation filed by her.

6. The Tribunal, after hearing the parties, came to the conclusion that recovery was not a punishment, rather was a routine step to recover the Government money under the Railway Board Circular dated 01.09.2015 and since the department had followed the Rules, it was not required to hold a formal disciplinary inquiry. The Tribunal also referred to the

notice issued to the petitioner and its response submitted by her and dismissed the OA by observing that revision made in the initial order dated 15.10.2015 by a subsequent order dated 06.11.2015 was based upon consideration of response submitted by the petitioner, report of vigilance team and official guidelines.

7. Learned counsel for the petitioner has made submissions that neither any charge sheet was served upon the petitioner nor any disciplinary proceedings or full-fledged inquiry was conducted against her and, therefore, the recovery is contrary to the Rules, 1968. It is further contended that respondents were not competent to revise the initial order dated 15.10.2015 based upon an exercise undertaken by themselves and, in any case, the response submitted by the petitioner was not given thoughtful consideration.

8. *Per contra*, learned counsel for the respondents made submissions that nature of penalty imposed upon petitioner being minor penalty in terms of Rules 6(iii) of the Rules, 1968, since notice was issued to her and response was received by the respondents, no regular inquiry was required to be undertaken. It is further submitted that two orders were passed on 06.11.2015, one holding the petitioner guilty and the other being only consequential order directing recovery/adjustment from the salary, but the first (basic) order dated 06.11.2015 was not challenged before the Tribunal, challenge to the consequential order was not sustainable. It is also submitted that the earlier order dated 15.10.2015 was never given effect to and it was only the subsequent modified order dated 06.11.2015 which was enforced in terms of recovery and, therefore, the challenge laid to the earlier order was of no consequence.

9. In response to the above, learned counsel for the petitioner has drawn attention of the Court to pay-slip of the petitioner for the month of October, 2015 indicating deduction of a sum of Rs. 14,432/- from her salary and submission has been made that the said deduction was based upon the indications made in the first order dated 15.10.2015 and,

therefore, contrary submissions advanced are against the factual position.

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

11. When the arguments on the first date of hearing, i.e. 07.01.2026, were advanced by learned counsel for the parties, following order was passed:-

- “1. Counsel for the petitioner submits that action for recovery was taken against the petitioner without following the procedure prescribed in Railway Servants (Discipline & Appeal) Rules, 1968 ('Rules, 1968').
2. Counsel for the respondents submits that the nature of penalty imposed is a minor penalty in terms of Rule 6(iii) of the Rules, 1968 and, therefore, the fact that the notice was issued and response was received, no regular inquiry was required to be undertaken. However, we do not find from the record any notice having been issued in terms of provisions of Rule 11 of the Rules, 1968.
3. Counsel for the respondents prays for time to place on record the material to indicate compliance of provisions of Rule 11 of the Rules, 1968.
4. Needful may be done before the next date.
5. List the petition on 10.02.2026, as fresh.”

12. Today, when the matter was taken up, Shri Ashish Kumar, learned counsel for the respondents made submissions that he does not propose to bring on record any further material as directed under the previous order, inasmuch as the entire material indicating due compliance of Rule 11 is already on record of the writ petition. Therefore, the Court proceeded to hear the matter finally.

13. There being no dispute that the penalty imposed upon the petitioner is a minor penalty covered by Rule 6(iii), which provides for recovery from the pay of the whole or part of any pecuniary loss caused by employee to the Government or Railway Administration by negligence or breach of orders. Therefore, it has to be seen as to whether the procedure prescribed for imposing minor penalties, as envisaged under Rule 11 has been followed by the respondents. For a ready reference, Rule 11, insofar as the same is relevant in the present case, is reproduced as under:-

- “11. **Procedure for imposing minor penalties-** (1) Subject to the provisions of sub-clause (iv) of clause (a) of sub-rule (9) of Rule 9 and of sub-rule (4) of Rule 10, **no order**

imposing on a Railway servant any of the penalties specified in clauses (i) to (iv) of Rule 6 shall be made except after -

(a) informing the Railway servant in writing of the proposal to take action against him and of the imputations of misconduct or misbehaviour on which it is proposed to be taken, and giving him a reasonable opportunity of making such representations as he may wish to make against the proposal;

(b) holding an inquiry in the manner laid down in sub-rules (6) to (25) of Rule 9, in every case in which the disciplinary authority is of the opinion that such inquiry is necessary;

(c) taking the representation, if any, submitted by the Railway servant under clause (a) and the record of inquiry, if any, held under clause (b) into consideration;

(d) recording a finding on each imputation of misconduct or misbehaviour; and

(e) consulting the Commission where such consultation is necessary.

.....”

14. A perusal of clause (a) of sub-rule (1) of Rule 11 clearly indicates that no order imposing any of the minor penalties specified in Clauses (i) to (iv) of Rule 6 shall be made except informing the Railway servant in writing of the proposal to take action against him and of the imputations of misconduct or misbehaviour on which it is proposed to be taken, and giving him a reasonable opportunity of making such representation as he may wish to make against the proposal.

15. Since reference of notices/communications dated 10.01.2015 and 23.01.2015 was made on behalf of the respondents terming them to be due compliance of Rule 11, for a ready reference, first, notice dated 10.01.2015 is reproduced as under:-

“पूर्वोत्तर रेलवे

कार्यालय

मुख्य मैट्रन

कैंसर संस्थान वाराणसी

दिनांक-10-1-15

सं०-2015/मेड/536/1/लिनेन

श्रीमती गीता चौरसिया मुख्य मैट्रन

कैंसर संस्थान/वाराणसी

विषय- वेड शीट (चादर) के सम्बन्ध में।

आपके स्टोर में एक कमेटी द्वारा दिनांक-13-10-14 को आपके लेजर की जांच की गई, जांच में वेड शीट की जांच करने पर पाया गया कि आपके लेजर में 914 बेड शीट अंकित है, जिसमें से आप द्वारा केवल 201 बेड शीट का ही लेखा-जोखा प्राप्त हुआ है। बाकी 713 बेड शीट का लेखा, जोखा प्राप्त नहीं हुआ है। कमेटी द्वारा किये गये सर्वे की प्रति संलग्न है।

अतः आप पत्र प्राप्ति के तीन दिन के अन्दर टोटल 914 बेड शीट का लेखा-जोखा अधोहस्ताक्षरी को प्रस्तुत करें, अन्यथा आपके ऊपर प्रशासनिक कार्यवाही की जायेगी।

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सहायक नर्सिंग अधिकारी

कैंसर संस्थान/वाराणसी

प्रतिलिपि-डा0 आरती दिव्या/ व विधि/कैंसर संस्थान वाराणसी सूचनार्थ प्रेषित ।

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सहायक नर्सिंग अधिकारी

कैंसर संस्थान/वाराणसी"

16. A perusal of the notice dated 10.01.2015 indicates that the petitioner was required to produce details/account of 914 bed sheets within a period of three days, failing which, administrative proceedings against her was sought to be initiated (अतः आप पत्र प्राप्ति के तीन दिन के अन्दर टोटल 914 बेड शीट का लेखा-जोखा अधोहस्ताक्षरी को प्रस्तुत करें, अन्यथा आपके ऊपर प्रशासनिक कार्यवाही की जायेगी।). The notice does not indicate as to what action was proposed to be taken against the petitioner on account of imputations of alleged misconduct or misbehaviour on her part, nor does the notice contemplate grant of any reasonable opportunity of making such representation as the petitioner could wish to make against the proposed action, if any. Nevertheless, the petitioner responded to the notice dated 10.01.2015 within time on 13.01.2015, whereafter the respondents issued following communication dated 23.01.2015:-

"पूर्वोत्तर रेलवे

कार्यालय

चिकित्सा निदेशक

कैंसर संस्थान/वाराणसी

दिनांक-23.01.2015

सं0-14/मैंड/0170

सेवा में,

श्रीमती गीता चौरसिया

मुख्य मैट्रन/कैं०सं०/वाराणसी

विषय:- लिनेन/बेडशीट की कमी के संबंध में।

संदर्भ:- आपका आवेदन दिनांक-13.01.2015

चिकित्सा निदेशक/कैं० सं० द्वारा गठित कमेटी द्वारा आपके वार्ड के बेडशीट की गिनती करने पर यह पाया गया कि आपके वार्ड में बेडशीट कम थे जिसकी प्रतिपूर्ति के लिए आपको पत्र सं० 0-15/मैंड/536/1/0042, दिनांक-13.10.14 एवं 12.1.15 को पत्र दिया गया था, जिसके संदर्भ में आपने अपना पत्र दिनांक -13.1.2015 में

उल्लेख किया है कि अचानक बीमार होने के कारण आप ड्यूटी नहीं कर पायी इसलिए वार्ड की चाभियाँ अगले स्टाफ को देना पड़ा तथा आपके पत्र के अवलोकन से निम्नलिखित तथ्य स्पष्ट होते हैं-

1. जब आप ठीक होकर कार्य पर वापस आयीं और पुनः चार्ज लेने के बाद आपने अपना स्टॉक जाँच करके प्रशासन को लिखित रूप से क्यों नहीं अवगत कराया कि आपके स्टॉक में बेडशीट की कमियाँ हैं, जिससे प्रशासन द्वारा तत्काल कार्यवाही की जा सकती थी।
2. गंदे एवं खून तथा उल्टी से सने कपड़े जब आपके अधीनस्थ जो कर्मचारी नहीं हटाना चाहते हैं, तो आपने उन कर्मचारियों के बारे में लिखित शिकायत क्यों नहीं की जबकि अधोहस्ताक्षरी द्वारा कैं०सं० के सभी वार्ड इंचार्ज को यह निर्देश दिया गया है कि आपके वार्ड का अगर कोई कर्मचारी अपना कार्य करने से मना करता है, तो तुरन्त आप उसकी लिखित शिकायत अधोहस्ताक्षरी से करें।
3. आपने प्रशासन को लिखित रूप से यह सूचना नहीं दी कि आप इंचार्जशिप करने के योग्य नहीं हैं।
4. आपने अपने पत्र में यह उल्लेख किया है कि आप बीमारी के उपरान्त ठीक होकर कार्य ग्रहण करने के बाद कोई लिखित सूचना देने के लायक नहीं थीं, जो कि असत्य है, क्योंकि आपने समय-समय पर अनावश्यक बातों हेतु पत्राचार भी किया।
6. यदि, आपकी मानसिक स्थिति बोलने एवं चलने की स्थिति ठीक नहीं है तब आपको और इलाज की जरूरत प्रतीत होती है। इस प्रकार की स्थिति में आप अपना इलाज न कराकर मरीजों के साथ कार्य कैसे कर सकती हैं।
7. आप वार्ड की मैट्रन इंचार्ज हैं और यदि आपके वार्ड में कार्यरत तीनों शिफ्ट के कर्मचारी अपने चार्ज का लेन - देन नहीं करती हैं, तो यह आपकी जिम्मेदारी बनती है कि आप अपने अधीनस्थ कर्मचारियों से सुचारु एवं प्रशासनिक तरीके से कार्य लें यदि यह सम्भव नहीं हो पा रहा था, तो आपने इसकी लिखित सूचना अपने अधिकारियों को देना चाहिए था।

आपके पूर्व के कथनों से यह प्रतीत होता है कि आप अपने पद की गरिमा एवं जिम्मेदारियों को नहीं समझती हैं या आप अपनी जिम्मेदारियों का निर्वहन नहीं करना चाहती हैं। आपके इस गैर जिम्मेदाराना तरीके से किए गए कार्यों से कार्य में बाधा उत्पन्न होने के साथ-साथ रेल राजस्व की क्षति भी हुई है।

अतः आपको यह ज्ञात कराया जाता है कि आपके चार्ज में दिए गए लिनेन की कमियों की प्रतिपूर्ति आपसे करवाने हेतु प्रशासन को बाध्य होना पड़ेगा।

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सहायक नर्सिंग अधिकारी

कैंसर संस्थान / वाराणसी"

17. A perusal of the communication/letter dated 23.01.2015 indicates that, having considered the response dated 13.01.2015 submitted by the petitioner, it was indicated by the respondents that on account of her act Railway had suffered pecuniary loss and, therefore, she was informed/made aware (आपको यह ज्ञात कराया जाता है) that the administration would be compelled to recover the damage due to shortage of linen (कि आपके चार्ज में दिए गए लिनेन की कमियों की प्रतिपूर्ति आपसे करवाने हेतु प्रशासन को बाध्य होना पड़ेगा).

18. Since learned counsel for the respondents has attempted to submit that these two communications dated 10.01.2015 and 23.01.2015 were sufficient compliance of the statutory requirements of Rule 11(1)(a), the Court deems it appropriate to quote standard Form No.11 which is meant for imposition of minor penalties under Rule 11. Specific reference was made to the said Form on behalf of the petitioner during the course of arguments and the same is reproduced as under:-

“STANDARD FORM NO.11

Standard Form of Memorandum of Charge for Imposing Minor Penalties

(Rule 11 of RS(D&A) Rules, 1968

No.....

(Name of the Railway Administration)

.....
(place of issue).....dated.....

MEMORANDUM

1. Shri..... (name, designation and office in which working) is hereby informed that the undersigned proposed to take action against him under Rule 11 of the Railway Servants (Discipline and Appeal) Rules, 1968. A statement of the imputations of misconduct or misbehaviour on which action is proposed to be taken as mentioned above, is enclosed.
2. Shriis hereby given an opportunity to make such representation as he may wish to make against the proposal. The representation, if any, should be submitted to the undersigned so as to reach within ten days of receipt of this Memorandum.
3. If Shri..... fails to submit his representation within the period specified in para 2, it will be presumed that he has no representation to make and orders will be liable to be passed against Shri.....ex-parte.
4. The receipt of this Memorandum should be acknowledged by Shri.....

Signature.....

Designation.....”

19. In the opinion of the Court, Standard Form-11 is the statutory requirement and, in case the department proposes to impose any of the minor penalties specified in Clause (i) to (iv) of Rule 6, the notice has to be in this form or at least all its requirements should be substantially fulfilled. Any communication which does not conform to the statutory requirements indicated above, cannot be treated as due compliance of the provisions of Rule 11(1)(a).
20. In view of the above discussion, we are of the considered view that the respondents have utterly failed to follow statutory procedure

prescribed under the Rules 1968 and, therefore, the consequential minor penalty imposed upon the petitioner is found to be unsustainable.

21. As far as the submission that on account of no challenge having been laid to the first order dated 06.11.2015, challenge to the consequential order was not sustainable, we are of the view that since the very basis of challenge to the entire proceedings undertaken by the respondents in terms of issuance of an order dated 15.10.2015 directing recovery of Rs. 1,15,455/- from the salary of the petitioner in installments and also modified order dated 06.11.2015 where the amount was altered, when examined in the light of relief claimed in the OA regarding reimbursement of the deducted amount of salary along with interest, we do not find that mere omission to challenge another order passed the same day, i.e. on 06.11.2015, would be fatal to the case of the petitioner. The challenge has to be examined by the writ Court in its entirety and once it is found that the procedure adopted by the respondents in imposing penalty was *de hors* the Rules 1968, we are of the view that every order involving common features and nature and detriment to the interest of the petitioner which has ultimately resulted in recovery/deduction from her salary, is liable to be set aside.

22. As far as the alleged non-implementation of the order dated 15.10.2015, we find that by the time Rs.14,432/- was deducted from the salary of the petitioner for the month of October, 2015, the subsequent order dated 06.11.2015 had not come in existence and, therefore, the submission advanced that the order dated 15.10.2015 was not given effect to, is found to be contrary to record.

23. In view of the above discussion, dismissal of OA by the Tribunal on the ground that recovery was a routine step under the Circular dated 01.09.2015 and the action was not a punishment but based upon audit and vigilance checks conducted at the Institute, is wholly unwarranted and, therefore, the order is liable to be set aside.

24. Consequently, the writ petition is **allowed**.

25. The order dated 28.08.2025 passed by the Tribunal is hereby **set aside**.

26. The OA is allowed; orders impugned therein are set aside and the respondents are directed to refund the sums deducted from the salary of the petitioner in furtherance of the orders dated 15.10.2015 and 06.11.2015 along with interest @ 6% p.a. from the date of recovery/deduction till the same are paid to her. The payment, as directed, shall be made to the petitioner within a period of **two months from today**.

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

February 24, 2026

Jyotsana