



**IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR**

BEFORE

HON'BLE SHRI JUSTICE SANJEEV SACHDEVA

&

HON'BLE SHRI JUSTICE VINAY SARAF

ON THE 17th OF FEBRUARY, 2025

MISCELLANEOUS PETITION No. 794 of 2025

SUNNY CHAURASIA

Versus

UNION OF INDIA AND OTHERS

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Appearance:

(BY SHRI SAMVEG TRIPATHI – ADVOCATE FOR PETITIONER)

(BY SHRI SANDEEP KUMAR SHUKLA – ADVOCATE FOR RESPONDENTS)
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ORDER

Per: JUSTICE VINAY SARAF

1. By the instant petition, the petitioner has called in question of legality, validity and propriety of order dated 03.10.2018 passed by Senior General Manager, Ordinance Factory Khamaria, Jabalpur, whereby the penalty of reduction of pay by one stage for a period of one year without cumulative effect was imposed upon the petitioner. The petitioner has also



assailed the order dated 25.11.2019 passed by Additional DGOF and Member, Appellate Authority, whereby the appeal preferred by the petitioner was dismissed.

2. The petitioner has challenged the impugned order dated 06.12.2024 passed in O.A. No.227/2020 by Central Administrative Tribunal, Jabalpur, Bench at Jabalpur affirming the orders passed by disciplinary authority as well as the appellate authority.

3. Heard Shri Samveg Tripathi, Advocate for petitioner on the question of admission.

4. The short facts of the case are that the petitioner was discharging the duties in the Ordinance Factory, Khamaria as Highly Skilled Grade-II and on 08.11.2018 he handed over his punching card to Kishore Kumar and left the factory without intimating to the superior officers and Kishore Kumar was caught at the time of punching his card. Upon the said allegation, charge-sheet was issued to the petitioner and in reply, the petitioner had admitted his guilt however, submitted explanation that his mother was suffering from cancer and he received an information that she has fell sick all of sudden therefore, he left the factory to take his mother to the hospital and handed over his punching card to Kishore Kumar.



5. As the disciplinary authority was not satisfied with the explanation supplied by the petitioner passed the order on 03.10.2018, whereby the penalty of reduction of pay by one stage for a period of one year without cumulative effect was imposed from the date of order. Order of disciplinary authority was assailed by the petitioner before the Appellate Authority who rejected the appeal by order dated 25.11.2019 and, therefore, the petitioner preferred Original Application No.227 of 2020 before CAT, Jabalpur, which was also dismissed by order dated 06.12.2024.

6. Learned counsel for petitioner submits that the penalty which was imposed upon the petitioner was disproportionate as for the misconduct of similar nature, another employee Shri Lal Bahadur Rai was imposed the punishment of censure only, whereas the petitioner was awarded greater penalty, which amounts to hostile discrimination. He further submits that in the original application filed before CAT, Jabalpur, the petitioner relied upon the judgment delivered by Supreme Court in the matter of *TELCO Ltd. Vs. Jitendra PD Singh reported in (2001) 10 SCC 530* and *Rajendra Yadav Vs. State of M.P. reported in (2013) 3 SCC 73*, whereby the Supreme Court has held that in the matter of almost identical charges of misconduct with the same incident, it would be denial of justice, if the different punishment is



awarded to different employees. He further submits that these judgments were not considered by CAT, Jabalpur and, therefore, the order passed by Tribunal is erroneous, illegal, unjust and liable to be set aside.

7. Shri Sandeep Kumar Shukla, learned Standing Counsel appearing on behalf of Union of India on advance copy supported the order passed by Tribunal and submits that no case of discrimination is made out. He further submits that the petitioner had already accepted the guilt and the punishment which was awarded to the petitioner is insufficient and the disciplinary authority had taken very lenient view in the case of petitioner. He prays for dismissal of petition.

8. Heard the arguments advanced by learned counsels for the parties and perused the documents available on record.

9. It is not in dispute that the petitioner had handed over his punching card to Kishore Kumar for the purpose of punching the same and left the factory without any intimation. The petitioner was served with the charge-sheet and he accepted his guilt in reply with the explanation. The punishment imposed upon the petitioner for reduction of pay for a period of one year without cumulative effect by the disciplinary authority, cannot be held to be excessive or disproportionate. When the petitioner has accepted the



charges, the disciplinary authority was having discretion to impose any kind of minor penalty and the disciplinary authority has imposed the aforesaid penalty. The Tribunal has examined the scope of judicial review in disciplinary matters and held that judicial review is not an appeal from a decision, but a review of the manner in which the decision is made. By relying the judgment of Apex Court delivered in the matter of ***B.C. Chaturvedi Vs. Union of India and Ors. reported in 1996 SCC (L & S) 80***, the Tribunal has held that the decision of disciplinary authority was not illogical or suffers from procedural impropriety or was shocking to the conscious of the Court and, therefore, the same is not liable to be interfered.

10. The Tribunal has also relied upon the judgment of Apex Court in the matter of ***Damoh Panna Sagar Rural Regional Bank and another Vs. Munna Lal Jain reported in (2005) 10 SCC 84*** and ***Union of India Vs. K.G. Soni 2006 SCC (L & S) 1568*** and held that the admission is the best piece of evidence against a person making the admission and in a disciplinary proceedings, if the charged officer admits the charged framed against him or makes an unconditional/unqualified confession, there is nothing more to be done by way of an enquiry.



11. In the present matter also, the petitioner accepted the charges and in reply tried to supply the explanation, which was not satisfactory and, therefore the disciplinary authority imposed the punishment on the petitioner as per his discretion. The punishment imposed by the disciplinary authority is not shocking to the conscious of the Court or illogical or suffers from procedural impropriety and, therefore there is no scope to interfere in the decision. The scope of judicial review is limited to the deficiency in the decision making process and not the decision. The Tribunal has pointed out that the disciplinary authority had taken a lenient view in the case of the petitioner and the petitioner has already undergone the period of punishment, which was imposed upon him by virtue of his own admission and on the basis of departmental enquiry.

12. So far as the judgments relied by petitioner delivered in the matter of *TELCO Ltd. (supra)* and *Rajendra Yadav (supra)*, the same are not helpful to the petitioner as in the matter of *TELCO Ltd. (supra)* three workmen were charged for guilty of misconduct in connection with same incident however, awarded different punishment and under these circumstances, Supreme Court has held that when the two others were awarded only one month suspension, punishment of dismissal from service to



third one was inappropriate. In the matter of *Rajendra Yadav (supra)*, the disciplinary authority imposed the punishment which was disproportionate as lesser punishment was imposed for serious offences and stringent punishment was imposed for lesser offences. Under these circumstances, the Supreme Court had interfered in the matter however, in the present matter, one Lal Bahadur Rai was awarded censure upon the similar allegations and the petitioner has been awarded the reduction of pay by one stage for a period of one year without cumulative effect. The same cannot be treated as discrimination because both the employees were not charged with the same incident, the disciplinary authorities were different and the post of the employees were also different. Different disciplinary authorities exercised their discretionary powers differently more so, petitioner admitted the allegations, whereas Lal Bahadur Rai denied the same. By no stretch of imagination, it can be accepted that the petitioner and Lal Bahadur Rai were on similar footing. The Tribunal has not committed any error in not mentioning the judgments relied by the petitioner, as the same are not relevant and applicable to the case in hand.

13. Consequently, the petitioner has failed to demonstrate that the penalty imposed by the disciplinary authority was disproportionate to the act



of petitioner or during the enquiry proper procedure was not adopted. Under these circumstances, no case for interference in the order passed by Disciplinary Authority, Appellate Authority and Tribunal is made out and resultantly, the admission is declined.

14. Petition is dismissed. No order as to costs.

(SANJEEV SACHDEVA)
JUDGE

(VINAY SARAF)
JUDGE

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