



IN THE HON'BLE HIGH COURT OF CHHATTISGARH AT BILASPUR (C.G.)

WRIT PETITION (S) NO. 3954 / 2009

(227)

IN THE MATTER OF ARTICLE 226/227  
OF THE CONSTITUTION OF INDIA ;

AND

IN THE MATTER OF  
ADMINISTRATIVE TRIBUNAL ACT  
1985

AND BETWEEN :

PETITIONER



P. Jaya Prasad Rao, Son of Late  
Shri P. Bhoosnam, Ex-Station  
Master, Karkeli, Distt. Shadol  
[M.P.] Presently Residing At  
House of Dr. M. Mohan Rao,  
Door No. 22/13/15, Near Nagdevi  
Talkies, Rajamundri, East  
Godawary, Distt. Andra Pradesh

VERSUS

RESPONDENTS

1. Union of India, Through the  
Secretary, Ministry of Railways,  
Railway Bhawan, New Delhi
2. General Manager, South Eastern  
Central Railway, General Manager's  
Office, Bilaspur, Chhattisgarh
3. Senior Divisional Railway  
Manager, South Eastern Central  
Railway, Bilaspur, Chhattisgarh

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF  
INDIA FOR ISSUANCE OF APPROPRIATE WRIT IN THE NATURE OF  
MANDAMUS, CERTIORARI AND FOR ISSUANCE OF OTHER SUITABLE  
WRITS, DIRECTION OR DIRECTIONS, ORDER OR ORDERS

(1) PARTICULARS OF THE

108

**HIGH COURT OF CHHATTISGARH AT BILASPUR**

**DIVISION BENCH**

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**CORAM:** **HON'BLE MR. ABHAY MANOHAR SAPRE &**  
**HON'BLE MR. G. MINHAJUDDIN, JJ.**  
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**WRIT PETITION (227) No. 3954/2010**

**PETITIONER**

P. Jaya Prasad Rao

**VERSUS**

**RESPONDENTS**

Union of India and others

**WRIT PETITION UNDER ARTICLE 226/227 OF THE**  
**CONSTITUTION OF INDIA.**

Present:- Mr. Amrito Das, Advocate for the petitioner/applicant.  
Mr. H.S. Ahluwalia, Advocate for the respondents.

**ORDER**

**(Passed on 31/07/2012)**

**The following order of the Court was passed by Abhay**  
**Manohar Sapre, J:-**

1. This is a writ petition filed by the petitioner/applicant of Original Application No.179/2007 under Article 226/227 of the Constitution of India against the order dated 5/2/2009 passed by the Central Administrative Tribunal Jabalpur Bench, Jabalpur (for short called "the Tribunal") in aforementioned original application.
2. By impugned order, the Tribunal dismissed the original application filed by the writ petitioner/applicant and declined to grant the relief claimed by the writ petitioner in his original application.
3. So the question that arises for consideration in this writ petition is whether any case is made out for interfering in the impugned order of the Tribunal?

4. Having heard the learned counsel for the parties and on perusal of the record of the case, we find no ground to differ with the reasoning and the conclusion of the Tribunal when the Tribunal proceeded to dismiss the writ petitioner's original application.

5. Without much burdening with our order with more facts and in short stating them, the writ petitioner (applicant) was in railways. He retired long back in 1995 as Station Master. He is now in his late seventies.

6. While he was in service, he was prosecuted and eventually convicted for one criminal offence. He was therefore removed from the service. He then filed appeal against his conviction. However, the appellate Court upheld the conviction but granted him the benefit of Section 4 of the Probation of Offenders Act. He then challenged his removal and he was reinstated in service. He then challenged the order by which he was reinstated because according to him, he was not given all the benefits to which he was otherwise entitled to receive. In other words, he was given some benefits but not all and hence he questioned for what he did not get. The tribunal by impugned order declined to grant him the relief's with following observations:-

**12. We may note at the cost of repetition that the conviction by the competent court of law had not been disturbed even by the appellate Court. The applicant had only been granted the benefit under Section 4 of Probation of Offenders Act, 1958 which as per settled law does not erase the effect of the conviction. Penalty of removal which had been challenged before this Tribunal vide O.A. No. 386 of 1989 had been upheld, yet in its wisdom the concerned authority recalled the penalty and reinstated the applicant. Whether this was justified or not, we do not want to go on this aspect, though much could be observed on this matter particularly keeping in view the law of the land on the said subject. However, as the applicant was reinstated by the**

respondents we do not wish to make any observation on said aspect.

13. On careful analysis of the facts noticed hereinabove, we are of the considered view that the present application is totally misconceived and the relief which had not been granted is sought to be extracted under the garb of contention that he is entitled for "all consequential relief". Said terms, in our considered view, would not include the reliefs sought for like promotion, penal interest etc."

7. It is with this admitted background if we examine the case of the writ petitioner then we find no case to differ with the view taken by the tribunal quoted supra. In our view, this is not a case where the writ petitioner was not granted any benefit after reinstatement in service but here is a case where despite upholding the conviction, the writ petitioner was not only able to secure the reinstatement in service but he was also able to get almost all kinds of monetary benefits of his pay fixation and pensionary benefits.

8. In this writ petition (O.A.) he wanted that since his pay fixation was not done properly and hence it should be now done by the orders of the Court from retrospective dates and he be paid all monetary benefits with interest and then finally his pension be refixed accordingly. We do not agree.

9. In our view keeping in view the observations made by the Tribunal supra, the writ petitioner should feel satisfied at such old age (75-years) that he was lucky to get everything in his service carrier including reinstatement, pay fixation and pension. We do not wish to go into any other question as to whether he was entitled to claim more and if so how much. Taking into account the overall scenario, we do not wish to grant any more indulgence to the writ petitioner than what was shown and given to him by the railways. He should be thankful to his employer because once despite conviction having been upheld, he was

able to secure the reinstatement with all kinds of service benefits. Substantial justice has been done to him.

**10.** In the light of foregoing discussion, the writ petition is found to be totally devoid of any merit. It fails and is dismissed.

No order as to costs.

Sd/-

(Abhay Manohar Sapre)

**JUDGE**

Sd/-

G. Minhajuddin  
Judge

yogesh