

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 3053/2026

Radheyshyam S/o Revti, aged 54 years, R/o Palikheda, Police Station Highway, District Mathura.

-----Petitioner

Versus

1. Union Of India, Through Secretary Ministry Of Home Affairs North Block New Delhi.
2. The Principal Chief Security Commissioner, Head Officer North West Railway, Jaipur.
3. The Senior Divisional Security Commissioner, North-Western Rpf, Jaipur.
4. The Assistant Security Commissioner, R.p.f., North West Railway, Rewari, Dist. Hariyana.
5. The Inspector, Railway Security Force, Police Station Jaipur Rural, North-Western Railway.

-----Respondents

For Petitioner(s)	:	Mr. Anil Kumar Shukla Mr. R.K. Gouttam
For Respondent(s)	:	Mr. V.P. Mathur

HON'BLE MR. JUSTICE ANAND SHARMA

Order

23/02/2026

1. Petitioner has filed this writ petition assailing order dated 22.11.2024, whereby on account of conviction by the Competent Criminal Court in Sessions Case No.215/2006 (State of Uttar Pradesh Vs. Revati S/o Bhajanlal & Ors.) for committing offences under Sections 323/34, 324/34, 325/34, 304/34, 504 & 506 of IPC, by dispensing with regular enquiry and in exercise of powers under Rules 156(a)(i) & 166(i) of Railway Protection Force

Rules, 1987 (for short, 'the Rules of 1987'), the petitioner has been dismissed from railway service.

2. Learned counsel for the petitioner, at the outset, submitted that against the judgment of conviction and sentence, the petitioner approached High Court of Allahabad by way of filing Criminal Appeal No.11527/2024, where the sentence awarded to the petitioner pursuant to judgment dated 11.11.2024 has been suspended. He further submits that once the sentence has been suspended, the respondents cannot invoke provisions of Rules 156(a)(i) & 166(i) of the Rules of 1987 for dismissing the petitioner from service.

3. Learned counsel for the petitioner further submits that even the Inspector, Railway Security Force, has certified by issuing a certificate dated 25.05.2006 that at the time of alleged incident for which he has been convicted, the petitioner was present on his duty and did not leave the office. Thus, the judgment of conviction, if tested qua the certificate issued by the Inspector, Railway Security Force, it becomes contradictory to the service record of the petitioner.

4. Learned counsel for the petitioner also submits that under these circumstances, the order of dismissal from service dated 22.11.2024, is totally arbitrary and illegal and is liable to be quashed.

5. Mr. V.P. Mathur, learned counsel appeared on advance notice on behalf of respondents and opposed the writ petition and submitted that in a case of moral turpitude, the petitioner has been convicted by the Competent Criminal Court, which is a fit case for exercising powers under Rules 156(a)(i) & 166(i) of Rules

of 1987 and there is no infirmity in the impugned order dated 22.11.2024.

6. Heard learned counsel for the parties and perused the record.

7. It is not in dispute that the petitioner has been convicted for committing offence under Section 304 IPC and other offences by the Competent Criminal Court. Merely, filing an appeal against the judgment of conviction and passing an order for suspension of sentence, would not wipe off the effect and consequences of the conviction and would not absolve the petitioner from all the charges levelled against him. Admittedly, till this date, the finding of conviction has not been stayed by any higher Court.

8. In view of above, where there is a conviction against the petitioner under Section 304 IPC, which admittedly falls within a purview of moral turpitude, the respondents have not committed any mistake in exercising powers under Rules 156(a)(i) & 166(i) of the Rules of 1987.

9. In view of above, there is no substance and merit in the writ petition filed by the petitioner and the same, is hereby, dismissed.

10. Pending application(s), if any, shall stand disposed of.

(ANAND SHARMA),J