

O.A. 994/94

(1)

7.7.94

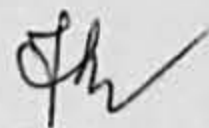
Hon'ble Mr. S.Das Gupta, A.M.
Hon'ble Mr. T.L.Verma, J.M.


Heard Shri R.C.Johari for the applicant on admission. In this, the applicant was a Railway

In this case, the applicant was a Railway employee when the chargesheet was issued but before the proceedings could be initiated and finalised, he stood retired on service. The contention of the applicant is that the disciplinary proceedings under Rule 9 of DAR, Railway Servants Disciplinary and Appeal Rules, 1968 cannot be taken since the applicant stands already retired.

Rule 9 (2) (A) of the CCS Pension Rules specifically provides that the disciplinary proceedings initiated before the retirement of a Government servant shall, after his retirement, be deemed to be proceedings under Rule 9 of CCS Pension Rules and shall be continued and concluded by the Authority by which they were commenced in the same manner as if the Government servant had continued in service. The Railway employee also being a Central Government employee, there must be similar provisions in the Rules relating to the Railway servants. However, the learned counsel for the applicant wants time to show Rules which specifically ^{debars} ~~debar~~ the authorities from proceeding with the disciplinary action under Rule 9 of DAR once the Railway employee retires.

List this case for admission on 5.8.94.


J.M.


A.M.

/jw/

② S 8.94 Hon. Mr. S. Das Gpt. AM
Hon. Mr. T. L. Verma. JM

The learned Counsel
for the applicant requests
for adjournment on the
ground of illness.

Adjourned.

Fix this case for
admission on 15.9.94.

LH

JM

WL

AM

③ 15-9-94 Hon. Justice B. C. Saxena CC.
Hon. K. Muthu Kumar AM


Due to lawyers strike, Adjourned
to 8-11-94 for admission.

BCC
JM

(4) 8.11.94 . Hon. Mr. T. L. Verma, JM
 . Hon. Mr. S. Dayal, AM

Shri R.C. Johari
 Counsel for the applicant has
 requested for adjournment on
 the ground of illness. Adjourned.
 List this case for admission
 on 14.12.94.



 A.M.

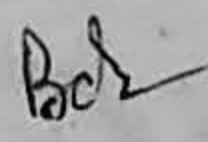

 JM

(5) 14-12-94 Hon. Mr. Justice B.C. Saxena, V.C.
 Hon. Mr. K. Mithulkumar, A.M.

Learned Counsel for the
 applicant is reported
 to be unwell. List on
 10-2-95 for admission.

(N.M.)


 A.M.


 V.C.

-4/

(b)

10/2/1995

O.A. No. 994/94

Hon'ble Mr. T.L. Verma, J.M.

Hon'ble Mr. K. Muthukumar, A.M.

None for the applicant. Adjourned.

List this case on 25.4.1995 for admission.

A.M.

J.M.

Or

am/

The case is already fixed on 25-4-95 for admission.

Misc-App'l No 280/95 has been filed on 11-2-95 by applicant.

Registrar has ordered to list the same on 20-2-95 for order before Hon'ble Court.

Jm
17/2/95

20.2.1995

Hon. Mr S. Das Gupta, Am.

Hon. Mr ~~S~~ T. L. Verma, Jm.

None for the Parties. The applicant has filed M.P. 280 d 1995 praying for withdrawal of the said application. In view of the submissions made in the M.P., the same is allowed and the O.A. is dismissed as withdrawn.

Jm

Am