

D.A. 994/94

①

7.7.94

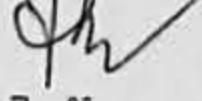
Hon'ble Mr. S.Das Gupta, A.M.
Hon'ble Mr. T.L.Verma, J.M.

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

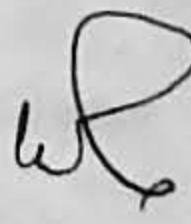
In this case, the applicant was a Railway employee when the chargesheet was issued but before the proceedings could be initiated and finalised, he stood retired ~~on~~ in service. The contention of the applicant is that the disciplinary proceedings under Rule 9 of ~~DAR~~, Railway Servants Disciplinary 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, ~~to~~ be deemed to be proceedings ~~on~~ 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~~ ^{u.} 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.

/jw/


A.M.

②

5.8.94

Hon. Mrs. S. Das Gopta, AM
Hon. Mrs. 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.

Dr.

L
JM

WL
AM

③

15-9-94 Hon. Justice B. C. Sarkar, KC.
Hon. K. Mether Kumar, A.M.

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

B.C.
JK

(4)

8.11.94

Hon. Mr. T. L. Verma, J.M
Hon. Mr. S Dayal, J.M

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.

J.M.

(5)

14-12-94

Hon. Mr. Justice B.C. Saksena, V.C.
Hon. Mr. K. Muthukumar, A.M.

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

(N.M.)

A.M.

B.C.
V.C.

CH/

(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.

L
A.M.

TH
J.M.

OR

am/

The case is already
fixed on 25.4.95 for
admission.

Misc. Appl. 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.

J.M.
17/2/95

20. 2. 1995

Hon'ble Mr. S. Das Gupta, A.M.

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

None for the parties. The application
was filed M.P. 280 of 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.

TH
J.M.

BL
A.M.