

O.A.33/03
with 272/03

29.04.2004

Hon'ble Mrs. Meera Chhibber, J.M.
Hon'ble Mr. S. C. Chaube, A.M.

None for the applicant even in the revised call.
Shri D.P. Singh, counsel for the respondents.

here Counsel for the respondents states that both the O.As
has since become infructuous as applicant has already been
given the penalty of compulsory retirement, which has been
challenged by him in either of the O.As before the court.

Respondents counsel has filed counter affidavit on 26.09.2003 bringing the order of compulsory retirement dated 19.09.2003 on record. Applicant has not even bothered to file rejoinder to the said counter affidavit, which means he has accepted the averments made by the respondents ~~examined~~ in their counter affidavit. By the O.As filed before us applicant had sought quashing of the order by which appellate authority had directed that major punishment should be imposed by conducting enquiry under Rule-9 of Railway Servant Disciplinary and Appeal Rules 1968. By the second O.A. applicant had sought the promotion.

Now that applicant has already been compulsorily retired from service vide order dated 19.09.2003 and the same has not been challenged by the applicant in either of these O.As. Naturally both these O.As have become infructuous. Accordingly both the O.As are dismissed as infructuous.

AB
Member (A)

SP
Member (J)

shukla/-