

Date of Decision: 08.4.1999

OA 23/98

Harkesh Meena, Guard-A Special (Mail & Express), Western Railway, Kota.

... Applicant

Versus

1. Union of India through General Manager, Western Railway, Churchgate, Mumbai.
2. Divisional Railway Manager, Western Railway, Kota.

... Respondents

CORAM:

HON'BLE MR.GOPAL KRISHNA, VICE CHAIRMAN

HON'BLE MR.GOPAL SINGH, ADMINISTRATIVE MEMBER

For the Applicant

... Mr.Vinod Goyal

For the Respondents

... Mr.U.D.Sharma

O R D E R

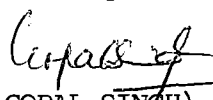
PER HON'BLE MR.GOPAL KRISHNA, VICE CHAIRMAN

Applicant, Harkesh Meena, in this application under Section 19 of the Administrative Tribunals Act, 1985, has challenged the vires of the provisions contained in Rule-25 (d) of the Railway Servants (Discipline & Appeal) Rules, 1968 as also the order dated 6.1.1998, at Annexure A-1, by which he was asked to show-cause against the proposed major penalty to be imposed upon him. The applicant has further prayed that the DAR action initiated against him may be dropped.

2. We have heard the learned counsel for the parties. Records of the case have been carefully perused.

3. It is admitted by the counsel for the applicant that the vires of the provisions contained in Rule-25 (d) of the Railway Servants (Discipline & Appeal) Rules, 1968 have been challenged by him in a subsequent OA, No.63/99, Harkesh Meena Vs. Union of India etc., which is still pending. The applicant had made a representation against the proposed major penalty. The penalty of removal from service has already been imposed upon the applicant and the same has been challenged in the subsequent OA, referred to above.

4. In the circumstances, we are of the view that this OA has become infructuous. The OA is, therefore, dismissed as having become infructuous at the stage of admission. No order as to costs.


(GOPAL SINGH)
ADM.MEMBER


(GOPAL KRISHNA)
VICE CHAIRMAN

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