



2025:DHC:3283-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 9875/2023

RAKESH KUMAR MEENAPetitioner

Through: Mr. R.K. Shukla, Adv.

versus

UNION OF INDIA AND ORSRespondents

Through: Mr. Raghwendra Tiwari, Ms.
Mamta Tiwari, Adv.

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

HON'BLE MR. JUSTICE AJAY DIGPAUL

ORDER (ORAL)

02.05.2025

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**REVIEW PET. 246/2025-Review of order dt. 28.01.25 & CM
APPL. 26296/2025 (Exemption), CM APPL. 26297/2025 (delay of
56 days in filing Review Petition)**

1. The only argument advanced by Mr. Raghwendra Tiwari, learned Counsel for the Review Petitioner, in respect of this writ petition, is that, as the petitioner had admitted the charges against him and that, therefore, there was no requirement of holding an inquiry. He has relied, for this purpose, on Rule 9 (9) of The Railway Servants (Discipline and Appeal) Rules, 1968, which reads thus:

“9 (a) (i) On receipt of the written statement of defence, the disciplinary authority shall consider the same and decide whether the inquiry should be proceeded with under this rule.

(ii) Where the disciplinary authority decides to proceed with the inquiry it may itself inquire into such of the articles of charge as are not admitted or appoint under sub-rule(2) a Board of Inquiry or other authority for the purpose.

(iii) Where all the articles of charge have been admitted by the



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Railway servant in his written statement of defence, the disciplinary authority shall record its findings on each charge, after taking such further evidence as it may think fit and shall act in the manner laid down in rule 10.

(iv) If the disciplinary authority, after consideration of the written statement of defence, is of the opinion that the imposition of a major penalty is not necessary, it may drop the proceedings already initiated by it for imposition of major penalty, without prejudice to its right to impose any of the minor penalties, not attracting the provisions of sub-rule (2) of rule 11. Where the disciplinary authority so drops the proceedings but considers it appropriate to impose any of the minor penalties, not attracting the provisions of sub rule (2) of rule 11, it may make an order imposing such penalty and it will not be necessary to give the railway servant any further opportunity of making representation before the penalty is imposed.”

2. We do not read the above rule as empowering the authorities to punish railway servant with the punishment of dismissal from service till the holding of an inquiry.
3. We see no reason to review our judgment dated 28 January 2025.
4. Accordingly, the review petition as well as accompanying applications stand dismissed.

C. HARI SHANKAR, J.

AJAY DIGPAUL, J.

MAY 2, 2025

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[Click here to check corrigendum, if any](#)