

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).27456/2008
(From the judgement and order dated 12/06/2008 in WP No. 8063/2004 of The HIGH COURT OF BOMBAY)

SANDEEP MANJREKAR Petitioner(s)

VERSUS

UNION OF INDIA & ORS. Respondent(s)
(With prayer for interim relief)

WITH
S.L.P.(C)...CC NO. 15804 of 2008
(With appln. for c/delay in filing SLP and office report)

Date: 26/11/2008 This Petition was called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE S.B. SINHA
HON'BLE MR. JUSTICE CYRIAC JOSEPH

For Petitioner(s) Mr. A.V. Savant, Sr. Adv.
Mr. M.Y. Deshmukh, Adv.
Mr. Rameshwar Prasad Goyal, Adv.

For Respondent(s)

UPON hearing counsel the Court made the following
ORDER

Delay condoned.

Having regard to the provisions contained in the proviso appended to Rule 6 of the Railway Servants (Discipline & Appeal) Rules, 1968 providing for penalties specified in clauses viii and ix thereto, we are of the opinion that no case has been made out to interfere with the impugned judgment.

Mr. Savant, learned senior counsel, however, submits that another employee who was found to have been possessing excess cash has been given a lesser punishment; that may so, but that will be a case of illegality which has been committed in the other case. Article 14 of the Constitution of India being a positive concept, the petitioner cannot claim any right on the basis thereof.

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For the reasons aforementioned, we do not find any merit in the petitions.
The special leave petitions are dismissed accordingly.

[Meenu Sethi]
A.R.-cum -P.S.

[Pushap Lata Bhardwaj]
Court Master