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CAT/7/12

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL NEW DELHI

O.A. NO. 2103/89.

DATE OF DECISION 20.9.1993

<u>SHRI D.V. SINGH,</u>	<u>Petitioner</u>
<u>SHRI B.B. RAVAL,</u>	<u>Advocate for the Petitioner(s)</u>
Versus	
<u>UNION OF INDIA & OTHERS</u>	<u>Respondent</u>
<u>through Secretary, Deptt. of Telecommunications.</u>	<u>Advocate for the Respondent(s)</u>
<u>SHRI A.K. SIKRI,</u>	

FORAM

The Hon'ble Mr. I.K. RASGOTRA, MEMBER (A)

The Hon'ble Mr. B.S. HEGDE, MEMBER (J)

1. Whether Reporters of local papers may be allowed to see the Judgement? *Ans*
2. To be referred to the Reporter or not? *Yes*
3. Whether their Lordships wish to see the fair copy of the Judgement? *X*
4. Whether it needs to be circulated to other Benches of the Tribunal? *X*

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[Delivered by Hon'ble Shri B.S. Hegde, Member (Judicial)]

The applicant was appointed as LDC in the year 1969 in the Department of Telecommunications, Northern Telecom Region and he was promoted to the rank of UDC in the year 1979. From 1969 to July, 1983, the applicant worked in various sections/branches and from August, 1983 he was posted in the Commercial Branch. His case is that on 1st November, 1983 his superior officer, Shri Darshan

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Lal, Respondent No. 6 him. verbally directed/ to process the case of transfer of telephone No. 531060 belonging to one Smt. Raj Kumari. While ordering, he handed over the concerned file alongwith transfer papers by hand to the applicant to put up the papers forthwith. A departmental enquiry was initiated against him by the Respondents after appointing an Inquiry Officer. The memorandum of chargesheet was served upon the applicant which was duly replied to by the applicant. The enquiry was concluded and the Inquiry Officer submitted his findings stating that the charges levelled against the applicant are proved and gave his recommendations to the Disciplinary Authority who imposed the punishment of stoppage of four increments with cumulative effect. The applicant, aggrieved by the imposition of this penalty by the Disciplinary Authority, preferred an appeal, which has not been disposed of as yet by the Respondents. Accordingly, he filed this O.A. under Section 19 of the Administrative Tribunals Act, 1985 praying therein for the following reliefs :-

- (i) To quash the charge-sheet and the consequent punishment as illegal, void ab initio and non-est in the eyes of law.

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(ii) Direct the Respondents not to treat this illegal punishment as predictment/ restriction in the way of his future career prospects and promotion.

2. The subject O.A. has chequered history. The Tribunal, by its order dated 21.5.1992 has disposed of the O.A. on the ground that non-supply of the enquiry report to the applicant has resulted in contravention of the principle of natural justice and also prejudice to the applicant. Accordingly, the Tribunal quashed the order passed by the Disciplinary Authority (Annexure A-4) and directed the Respondents to take up the enquiry from the stage of supply of the enquiry report to the applicant etc. against which the Respondents preferred SLP in the Supreme Court and the Apex Court allowed the SLP and passed the following order vide dated 4.1.93:-

" The order of penalty imposed on him Respondents in the present case was prior to the decision of this court in Union of India v. Mohd. Ramzan Khan [1991(1) SCC 588]. Obviously, the principle enunciated therein being of prospective application as stated in

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Mohd. Ramzan Khan's case itself, does not apply to reopen the question of penalty imposed in the present case. The Tribunal was, therefore, in error in applying the principle of Mohd. Ramzan Khan's case and to set aside the penalty in the present case. The case must, therefore, go back to the Tribunal to decide the matter afresh on the remaining points after hearing both the sides.

Consequently, the appeal was allowed and the matter was sent back to the Tribunal for a fresh decision on the remaining points after hearing both the sides."

3. The Apex Court set aside the order of the Tribunal dated 21.5.1992 and remanded back to the Tribunal with the direction that the said Tribunal do restore to its file O.A. No. 2103/89 and after hearing both the sides, do dispose of the same afresh on the remaining points on merits. The O.A. has been accordingly restored to its original position for hearing on merits.

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4. At the out-set the Learned Counsel for the applicant, Shri B.B. Raval, questioned the very basis

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of the enquiry proceedings and urged that there have been series of flaws in ^{the} enquiry, whereby the existing norms were violated with impunity and, therefore, the enquiry is vitiated and the consequential evil results cannot visit the applicant ^{also} and other allied grounds. He has also urged that the enquiry officer was changed at the instance of the higher ups. Accordingly, during the course of enquiry, 4 Inquiry Officers were appointed in succession.

5. The question to be seen here is whether the enquiry has been conducted in accordance with the relevant rules and sufficient opportunity was given to the applicant to participate in the enquiry. In this connection, it is relevant to reiterate the charges levelled against the applicant which are reproduced below :-

" That the said Shri D.V. Singh, UDC, while functioning as coml. dealing asstt. under Commercial Officer (W) during 1983-84 i.e. when on 31.10.83 Mrs. Raj Kumari the subscriber of phone No. 531060 applied for transfer (F) of her telephone in the name of Sh. Mukesh Aggarwal, as a token of gift and asked for the shift to 8 (FF) Transport Centre, Rohtak Road, New Delhi-110035 from 2/221 DDA Colony Naraina, New Delhi-28 connived to (D.V. Singh) get changed the PAF,

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in connection with sale of telephone in another party with the motive to get extra illegal remunerations in the form of illegal gratifications from the interested parties, in violation of Rule 186 and 188 of P&T Manual Volume -III. He has thus failed to maintain absolute integrity, failed to maintain devotion to duty and acted in a manner unbecoming of a Government servant, in violation of Rule 3(1)(i) 3(1)(ii) of CCS (Conduct) Rules, 1964.

Article-II: That during the aforesaid period and while functioning in the aforesaid office, the said Sh. D.V. Singh, UDC, on 11.11.83 & 22.11.83, complained to the A.M.(W) that the attitude and behaviour of C.O. (W-II) Sh. Darshan Lal was not conducive to his working in the coml.Branch and language used in his complaint against his superiors is of a person unbecoming of Government servant which violates Rule 3(1)(iii)."

6. The stand of the applicant is that the direction given by Respondent No. 6 is in contravention of the laid down procedure for summoning the record while attending to such transfer cases. In the present case the allegation is that Shri Darshan Lal, Respondent No.6, himself filled up the requisition

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slip and summoned the file from records in view of the facts that Smt. Raj Kumari, living in the vicinity of his neighbourhood and was personally known to him. of the O.A.

In para 4(7) the applicant states that he put up a note to the effect that the papers are in order and put up for approval. The file was then marked by the applicant to the Section Supervisor, Amar Singh, who submitted the file to the Commercial Officer, Shri Darshan Lal with the following remarks the same day :-

"F" (Transfer) - Sister to brother during life time paper checked and found O.K."

7. The learned counsel for the applicant draws our attention that during this period, the applicant had made two representations/complaints against Respondent No. 4 against the misdemeanour and insulting behaviour of the Commercial Officer, Respondent No. 6, Shri Darshan Lal, in writing. So far he has not received any reply. Though the applicant denied the charges, inquiry was initiated against him after his denial of the charges.

8. The Respondents, in their reply, submitted that Darshan Lal did not ask him to process the case of transfer of telephone No. 531060 belonging to one Smt. Raj Kumari. As per the system in vogue in the

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Commercial Section of West Area, the commercial file is either requisitioned verbally for immediate requirement or the dealing assistant obtains the file personally by signing the relevant file card and/or by requisition slip when no signature on file card is insisted. In the present case, the file card bearing signature of the applicant clearly indicated that the file was requisitioned by the applicant who initiated the action on the same. Therefore, it is the applicant who, of his own, re-quisioned the file and initiated the action of transfer of telephone no. 531060. Ultimately, it was revealed, that Smt. Raj Kumari requested for transfer of telephone no. 531060 in her name for transfer to Shri Mukesh Aggarwal, who was only a cousin brother of Smt. Raj Kumari and thus as per rules the telephone in question could not be transferred to the said Mukesh Aggarwal. Further, the applicant, after summoning the file, put up a note and stated that all the documents on which the transfer was sought were in order. In the present application, the applicant has tried to implicate Shri Darshan Lal, Respondent No. 6, who directed him to process the case of telephone No. 531060 which is a false statement and the applicant has taken an after-thought

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plea to save his skin. As a matter of fact, the Respondent No. 6, who detected the fraud being committed and noting of applicant on the file that he had checked the papers which were found O.K. and it was a case of transfer from sister to brother during life time. This is contrary to available documents.

9. Further, they averred that the applicant initiated 'F' case by requisitioning the commercial file of telephone No. 531060 from commercial record on 1.11.1983. The commercial file was never dealt with from 28.12.81 till 1.11.83. The applicant processed the case ^{the} same day and submitted the case file for approval of 'F' to Deputy Area Manager (W) through SS(C)/CO(W) on 1.11.83 itself. Respondent No. 6, while examining the case observed the following discrepancies/irregularities :-

1. I/c has been printed in some other Press as the paper quality do not tally.
2. The case was originally booked in 29.3.74 as filled in the I/c but the print line of the sheet used and shown as DTD/August/83/70,000.
3. This series is being issued from our counter now-a-days.
4. 13/c has been only stamped but no date is mentioned.
5. The case has been processed on 1.11.83 and put-up to the u/s-CO(W) on 1.11.83 for necessary action.

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The matter was referred to Vigilance Cell who had compared the PAF placed at I/c of Commercial file with the green form (original in GMT, New Delhi) and the following discrepancies have been noted:-

- (a) In the PAF, Mrs. Raj Kumari has mentioned the names of her family members as below :-
 - i) Shri Srinivas Aggarwal .. Father.
 - ii) Smt. S. Aggarwal .. Mother
 - iii) Shri Mukesh Aggarwal .. Brother

(b) However, in the Green form no. A-133540 (with GMT, New Delhi), the subscriber has sanctioned the name of her husband Shri Chandra Parkash."

It is further submitted, that the respondent no. 6 had examined the case and it was the respondent no. 6, who had detected the discrepancies/irregularities. This itself falsifies the allegations made by the applicant against the respondent no. 6. This clearly shows that he is trying to shift the blame on his superiors.

10. We have heard the extensive arguments made by both the counsel and also perused the pleadings and records of the case. The penalty imposed by the Disciplinary Authority against the applicant was stoppage of four increments with cumulative effect. It is true

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that the Tribunal, in its earlier Judgements, did not go into the merits of the case except on the ground of non-supply of enquiry report to the applicant. In the circumstances in which we are placed in this case, we shall have to see whether the enquiry proceedings have been conducted in accordance with the rules and whether the applicant has been given sufficient opportunities to defend himself. On perusal of the Inquiry Report, we are of the opinion, that sufficient opportunities were provided to the applicant and the enquiry went on for a period of more than two years in which the applicant had participated in most of the hearings except on three occasions. During the course of enquiry, he made many representations which were replied to by the Respondents. On perusal of the records, we find that the enquiry had prolonged partly due to the non-participation of the applicant on one pretext or the other. The main contention of the applicant was that the Inquiry Officers were changed with malafide intention and in spite of the repeated requests, requisition slip was not filed before the Inquiry Officer which is the primary document to see whether the commercial file

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was summoned by the Respondent No. 6 or by the applicant himself. It is on record, that the Inquiry Officer gave his findings on 31.5.89 and the Disciplinary Authority after considering the report of the Inquiry Officer imposed the penalty of punishment of stoppage of four increments with cumulative effect against the applicant on 30.6.1989 and enclosed the report of the Inquiry Officer along with the order of punishment. The contention of the applicant that the enquiry was completely vitiated is biased and liable to be rejected on the grounds of denial of opportunities and principle of natural justice is not tenable.

As stated earlier, on perusal of the enquiry report, Officer we find that enquiry had given sufficient opportunities to defend his case and the applicant did participate in the proceedings and on account of his non-participation, the enquiry proceedings had been prolonged. Though initially the Inquiry Officer rejected the prayer made by the applicant for cross-examination of the Respondent's witnesses i.e. Darshan Lal, Respondent No. 6, Raj Kumari, Mukesh Aggarwal

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however, the and Amar Singh. Subsequent Inquiry Officer conceded his request and fixed for cross examination of the State witnesses. Out of the four, three witnesses were examined and the 4th witness was present on a particular date of hearing. The applicant absented himself and neither the applicant nor his defence Assistant were present to cross-examine Smt. Raj Kumari. The reason given by him is not convincing. Therefore, the Inquiry Officer came to the conclusion keeping in view of the various facts and preponderance of probability, charges levelled against the applicant are proved. Both the applicant as well as Shri Amar Singh were experienced officers of the commercial section whereas the Respondent No. 6 was new to the section and it is clear from the perusal of the records that responsibility of changing PAF (of year 1974 I/c in Ext. S-6) lies on Shri D.V. Singh, the applicant, taking in confidence Shri Amar Singh, S.S.

11. Shri Ashok Chopra, ^{QWI}UDC has stated during the marked course of enquiry the procedure of calling files from the record section as below :-

" Whenever a file is required from record section, the requisition slip used to be signed by the officer, if the record was

demanded by him or by the dealing assistant.

He also stated that Commercial Officer is also

issuing slips for calling relevant files from

the record section through dealing assistant

but he did not throw any light who signed the

requisition slip of this specific case whereas

in this case signatures are found on the receipt

card of the charged official, Shri D.V. Singh."

that the
The allegation/Commercial Officer and Smt. Raj Kumari
lived in the same area as neighbour is an after-thought
and it is only when the Respondent No. 6 pointed out
the deficiency/irregularities in the transfer applica-
tion put up by the applicant. The applicant started
writing against him to his superior officers and made
out a story that the requisition slip was summoned
by the Commercial Officer etc. Even assuming for a
moment that requisition slip was summoned by the
Commercial Officer, being an experienced dealing
assistant, if there is any deficiency, it is the
duty of the dealing assistant to point out the short-
comings of the case, but instead he submitted the file
stating that every thing is in order. The applicant
would not have declared the case as fit from sister

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to brother without the replacement of the original PAF. The applicant in his defence argued that the commercial file got requested by Shri Darshan Lal, Respondent No. 6 and he only signed the requisition card. It is clear from the findings of the Inquiry Officer that the responsibility of changing PAF lies on Shri D.V. Singh. It is incorrect to state that the Inquiry Officer had not given him due opportunities. As a matter of fact, he considered and analysed the various facts of evidence that let in and gave full opportunities to applicant to defend himself and came to the conclusion that the charges levelled against him are proved. The Applicant himself has stated that the filling up of re-quisation slip and summoning of files from records by Respondent No. 6 is in contra-vention of the laid down procedure for summoning the records. If that be so, it is the foremost duty of the applicant to point out the deficiencies/irregularities while putting up a note for higher authorities

Therefore,

to transfer the telephone No. 531060. the said allegation is not based on records. Instead, he immediately put up the note to the effect that the papers are in order and put up for approval. He further contended

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that the Area Manager had recommended to punish him by stoppage of two increments with cumulative effect.

12. In the present case, the file card bearing the signature of the applicant clearly indicates that the file was requisitioned by the applicant who initiated the action on the same. Therefore, it is clear that the file was requisitioned and again was initiated for transfer of telephone No. 531060 by the applicant himself. As per the guidelines for transfer of telephone issued by the department, the transfer is permissible under the following circumstances :-

" During the life-time of the subscriber - During the life-time of the subscriber, the transfer may be permitted to the near relatives, viz., father, mother, wife, husband, son or daughter, brother and sister including step brother and step sister but not cousin irrespective of the category under which the telephone was originally obtained. The telephone ought to have worked for a period of not less than one year. If it was a special or a priority connection, the original hirer may not get any new connection under that category for a period of further five years."

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Smt. Raj Kumari told the Vigilance Officer that her father's name is G.S. Verma and Shri Mukesh Aggarwal is her cousin and she wants to give the telephone to her cousin. Thus as per the guidelines cited above the telephone in question could not be transferred to the said Mukesh Aggarwal on the basis of her blood relationship. Therefore, it is obvious, that the PAF forms had been changed at the instance of the applicant and none else. Even if the statement of the Area Manager is to be accepted as per the applicant, he in one breath said that the charges are not conclusively proved and on the other hand, he recommended the punishment of stoppage of two increments which are contradictory in nature. Further, Disciplinary Authority is not bound by any comments made by the Area Manager. In the light of the above, the non-availability of the requisition slip does not make any difference inasmuch as the requisition card is signed by the applicant on which he admitted his signature. He was allowed to cross-examine the statement of witnesses and no prejudice had been caused to the applicant. Therefore, we are of the view that the allegations against Enquiry Officers and Respondent No. 6 are uncalled for and baseless.

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The contention that the Presenting Officer has not examined all the witnesses stated in the list of witnesses. it is the option or prerogative of the Inquiry Officer to drop any and not obligatory on his part to examine all the witnesses. All the allegations made by the applicant have been denied by the Respondents and we are inclined to agree with the stand of the Respondents that the Inquiry had been conducted in accordance with the rules and he was given full opportunity to defend himself, and to cross examine the witnesses.

13. During the course of hearing, at the request of the learned counsel for the applicant, we had called for the relevant files for our perusal from the Respondents. In pursuance to the direction, Respondents had submitted the following files for our perusal:-

1. AM(W) DG AM/DISC/D.V.Singh/UDC/84 K W I
2. File containing documents and exhibits of case of Sh.D.V.Singh, UDC which includes file of phone No. 531060
3. DISC. I/IN Q/DVS/79/84/ I
4. DISC. I/INQ/ DVS/79/84/II

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It is an undisputed fact that Shri Mukesh Aggarwal is subscriber's cousin brother and as per the rules, telephone cannot be transferred to cousin brother unless the required fee is paid to the department as per Rules. The learned counsel for the applicant has furnished a list of cases on various counts which are given below:-

1. Paresh Ghandra Dutta V. Collector of Calcutta - 1979 (1) SLR page 44
2. K.S. Yadav V. Municipal Corporation of Delhi - 1981 (1) SLJ 394.
3. Surendra Ghandra Das V. State of West Bengal - 1982 Lab. IC 574; 1981 (3) SLR 737 and 681.
4. Tirlok Nath V. Union of India - 1967 SLR 759 ;
5. State of M.P. V. Chintaman Sadashiv Waishampayan - AIR 1962 SC 1623 ;
6. Kalyan Singh V. State of Punjab - 1967 SLR 129 ;
7. Dhup Singh V. State of Haryana - 1970 Lab. IC 477 ; 1969 SLR 436.
8. K. Sundara Rajan V. Dy. Inspector General of Police - 1973 SLJ 100; 1972 SLR 723.
9. Brindaban V. State of U.P. 1973 (1) SLR 111 ;
10. Balwant Rai Mahajan V. V.P. Khosla - 1979 (1) SLR 391.
11. Parthasarathi V. State of A.P. (1973) II SC 464 ; AIR 1973 SC 2701.
12. Ghoudhry V. Union of India AIR 1956 Cal. 1602;

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13. P. Sreeramulu V. State of A.P.
AIR 1970 A.P. 114.
14. Prakash Chandra Suar V. State of Orissa
1981(3) SLR 323 (P.B.)
15. Union of India V. T.R. Verma-
1958 SCR 499 (507);
16. State of M.P. V. Chintaman Sadhashiva
Waishanpayam - AIR 1961 SC 1623;
17. Sashi Bhusan Mohanty V. State of Orissa
1969 SLR 63;
18. Amar Nath V. The Commissioner, 1969
Cur LF 484;
19. Ghinnao Srivastava V. State of U.P.
1975(1) SLR 323; 1975 Lab IC 1033;
20. Narayana Mishra V. State of Orissa
1982(2) SLR 506.
21. S. Krishnan Nair V. Divisional Superintendent
Southern Railway, 1973 SLJ 46;
1973 (2) SLR 353.
22. Gian Singh V. State of H.P. 1974(2)
SLR 226; 1975 Lab IC 73;
23. Nand Kishore Prasad V. State of Bihar
AIR 1978 SG 1277;
1978 (2) SLR 46; 1978 SLJ 591.
24. State of Assam V. Mohan Chandra Kalia
1972 II SCWR 375; AIR 1972 SC 2535;
25. Narayan Mishra V. State of Orissa 1982(2)
SLR 506.
26. Union of India V. Rajendra Prakash Tiwari
1970 SLR 392(Delhi);
27. Bibhuti Bhushan Paul V. State of West Bengal
AIR 1967 Cal. 29. also see State of Punjab

R.P.

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28. V. Bakhtawar Singh- 1972 SLR 85;
Aarmander Singh V. General Manager,
Northern Rly. 1973 SLJ 569; 1973(1)
SLR 846.
29. Badrul Huda Ahmed V. State of Assam,
1972 SLR 62(Assam).
30. Rajendra Narain Tewari V. Haryana Govt.,
1973 (2) SLR 331; 1973 SLJ 978.
31. Madan Gopal Gupta V. Agra University
1975 Lab IC 3.
32. D.J. Warkari V. K.V. Karanjkar-1980(1)
S.L.R. 839.
33. Bhagat Raja V. Union of India AIR 1967
SC 1706;
34. Vijay Singh Yadava V. State of Haryana
1971(1) SSR 720;
35. Tarlochan Singh V. State of Punjab
1975 SLJ 387 ;
36. Dr. P.K. Mittal V. State of Punjab-
1982(2) SLR 267.
37. State of Punjab V. Bakhtawar Singh-
1972 SLR 85 (SC)
38. Food Corporation of India Vs. State of
West Bengal- 1981(1) SLJ page 661.

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We have perused the various case laws cited by the learned counsel for the applicant. However, keeping in view the facts of this case, we are of the opinion, that the citations referred to above do not have a bearing on this case, therefore, we did not go into the details. As cited above, the enquiry has not been vitiated on any count and reasons of the transfer of the enquiry officers during enquiry was pursuant of their transfer, due to administrative exigencies and not on any malifide grounds.

14. The question whether the Tribunal could interfere with the penalty awarded by the Competent Authority on the ground that it is excessive or ^{etc.} disproportion~~to~~ the misconduct proved, the Apex Court in Union of India Vs. Permananda Z 1989 (10) ATC 30(SC) 7 held " that the jurisdiction of the Tribunal to interfere with the disciplinary matters or punishment can not be equated with an Appellate jurisdiction. The Tribunal can not interfere with the findings of the Enquiry Officer or Competent Authority where they are not arbitrary or utterly perverse. It is appropriate to remember that the power to impose

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penalty on a delinquent officer is conferred on the competent authority either by an act of legislature or rules made under the proviso to article 309 of the Constitution. If there has been an enquiry consistent with the rule and in accordance with the principle of natural justice, what punishment would meet the ends of justice is a matter exclusively within the jurisdiction of the competent authority, if the penalty can lawfully be imposed and is imposed on the proved misconduct, the Tribunal has no power to substitute its own discretion for that of the authority. The adequacy of penalty unless it is malafied is certainly not a matter for the Tribunal to concern itself with. The Tribunal also cannot interfere with the penalty if the conclusion of the Enquiry Officer and the Competent Authority is based on evidence even if it is found to be irrelevant or extraneous to the matter.

15. Further, the Apex Court in Union of India V. Sardar Bhadur [1972 4 SCC 618] held that the disciplinary proceeding is not a criminal trial.

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The standard proof required is that of preponderance of probability and not proof beyond reasonable doubt.

If an enquiry has been properly held, the question of adequacy or reliability of the evidence cannot be

canvassed by the courts. It is further reiterated

in Orissa Vs. Vidya Bhushan Mohapatra [A.1963

SC 779] that the court is not concerned to decide

whether the punishment imposed, provided it is

justified by the rules, is appropriate having regard

to the mis-demeanour established.

16. Keeping in view of the aforesaid decisions of the Apex Court and the principles laid down therein, we are of the opinion, that the Enquiry report does not suffer from any error apparent on the face of the record nor the findings of the disciplinary authority.

Having failed to persuade us on merits, the learned counsel for the applicant attempted to highlight the alleged loopholes in the Enquiry as well as Disciplinary Authority's decisions and placed reliance

over earlier decisions, after the hearing was over

on various issues in support of his submissions. We

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see no merits in the submissions which are distinguishable from the facts of this case. The Tribunal has no power normally to interfere with the quantum of punishment imposed by the Disciplinary Authority. In the circumstances, the prayer made by the applicant to quash the order of the disciplinary authority cannot be upheld and it is not for the Tribunal to re-appraise the evidence adduced before the Enquiry Officer/Disciplinary proceedings.

16. In the conspectus of the facts and circumstances of the case, this is not a fit case to be interfered with as the application is devoid of merit. The same fails and is dismissed with no orders as to costs.

B.S. Hegde
(B.S. HEGDE) 20/9/93
MEMBER (J)

I.K. Rasgotra
(I.K. RASGOTRA) 20/9/93
MEMBER (A)