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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

- (1) OA No.695/89(New No.1806/90)
(2) OA No.707/90 With OA Nos.1733/90 & 1734/90
(3) OA No.814/88(New No.1807/90)

Date of Decision : 21-12-1990

1&3 Shri S.D.Shastri Applicant

Versus

Director General, All India
Radio, New Delhi. Respondents

2. Shri S.D.Shastri Applicant

Versus

Union of India through
Secretary, Ministry of Respondents
Personnel & Training & ers.

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THE HON'BLE MR. P.K.KARTHA, VICE CHAIRMAN(J)
THE HON'BLE MR. D.K.CHAKRAVORTY, MEMBER(A)

For the Applicant Applicant in person.

For the Respondents Shri P.H.Ramchandani,
Senior Counsel.

1. Whether Reporters of local papers may be allowed to see the judgement? *yes*
2. To be referred to the Reporter or not? *yes*
3. Whether their Lordships wish to see the fair copy of the Judgement? *No*
4. Whether it needs to be circulated to other Benches of the Tribunal? *No*

JUDGEMENT

(Judgement of the Bench delivered by Hon'ble Mr.P.K.Kartha, Vice Chairman(J))

These applications have been filed by the applicant, who is a Programme Executive of the All India Radio. Although they deal with different grievances of the applicant, they were heard together and we are of the view that it would be convenient to dispose them of in a common judgement so that duplication of facts could be avoided.

2. The applicant who joined the All India Radio as a Programme Executive in 1978, has had a chequered career as will be borne out from the following list

of dates and events:-

16.2.78

- Joined at Jaipur

3.9.80

- Was transferred from Jaipur to Ambikapur

3.9.80 to
31.12.80

- Adverse remarks made in his confidential reports

7.7.81

- Was transferred from Ambikapur to Dibrugarh

6.8.81

- Moved the Civil Court against the transfer order

11.6.81

- Adverse remarks from Confidential Report for the year 1980 communicated to him

15.1.82

- Joined duty at Dibrugarh

22.1.83

- Was transferred from Dibrugarh to Gauhati and joined there

13.6.83

- Adverse remarks from Confidential Report for the year 1981 communicated to him

1.2.84

- Crossing of Efficiency Bar which was due with effect from 1-2-84 but no orders were passed

1.3.84

- Was not confirmed when several others were confirmed

9.7.85

- Adverse Remarks in C.R. for the year 1983 communicated to him

19.7.85

- Adverse Remarks from C.R. for the year 1984 communicated to him.

22.5.86

- Filed in the Gauhati Bench of the Tribunal OA No.245/86 challenging his non-confirmation and OA No.246/86 regarding non-payment of salary and allowances for some months and against his transfer from Ambikapur to Dibrugarh in 1981.

4.6.86

- Was transferred from Dibrugarh to Shillong

1.9.86

- Filed in the Gauhati Bench of the Tribunal OA No.340/86 challenging transfer to Shillong.

20.8.86

- Order directing that he is fit to cross the Efficiency Bar of Rs.650-30-740-35-810-EB-35-880-40-1000-EB-40-1200 raising his pay to Rs.845/- p.m. with effect from 1.2.86 and not 1.2.84 and 1.2.85.

2.1.87

- Judgement of the Gauhati Bench in (1) OA No.245/86 directing that he be confirmed as Programme Executive

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- w.e.f.23.8.83;

- (ii) OA 246/86 dismissing the same with the observation that it would be advisable for him to approach the appropriate authority regarding the regulation of the period of absence from duty; and
- (iii) OA 340/86 allowing the same and quashing the impugned order of transfer to Shillong with the direction to post him to any of the three places, viz. Udaipur, Allahabad and Bhopal.

9.3.87

- Was transferred from Gauhati to Udaipur.

3.4.87

- MP No.418/87 in OA 246 of 1986 filed by him for constituting a Larger Bench to hear the L.P.A against the judgement dated 2-1-87 in OA No.246/86 was dismissed by the Hon'ble Chairman.

28.11.88

- Filed OA No.814/88 in Jodhpur Bench for declaration that he was fit to cross E.B. with effect from 1-2-84/ at the stage of Rs.845 and on 1-2-86 at the stage of Rs.2675 in the revised pay scale.

3.3.89

- Filed Writ Petition No.285/89 in Supreme Court against victimisation, demotion etc.

25.8.89

- Order of the Supreme Court directing that he shall not be transferred to a place where there is no Hindi programmes, that he should be placed in Hindi Section and that he should be given coordination work according to the seniority.

1.9.89

- Filed OA 695/89 in Jodhpur Bench against his apprehended transfer from Udaipur.

11.1.90

- Adverse C.R. for the year 1988-89 communicated to him.

12.1.90

- Contempt Petition No.150/89 in W.P. No.285/89 filed by him was dismissed by the Supreme Court.

19.1.90

- Review Petition No.631 of 1989 in Writ Petition No.285 of 1989 filed by him was dismissed by the Supreme Court.

9.4.90

- Filed OA 707/90 in Principal Bench seeking several reliefs.

23.4.90

- He was transferred from Udaipur to Port Blair.

3.5.90

- He stood relieved with effect from 3.5.90 pursuant to transfer order.

4.5.90

- MP No.1060/90 in OA 707/90 filed in Principal Bench for stay of transfer to Port Blair.

7.5.90

- Tribunal issued notice of MP 1060/90 to the respondents and directed to maintain status quo as regards his continuance at Udaipur.

26.7.90

- He filed amended prayers in OA 707/90. Tribunal rejected the prayer for interim relief regarding impugned order of transfer to Port Blair.

10.8.90

- Hon'ble Chairman ordered transfer of OA Nos.695/89 and 814/89 from Jodhpur to Principal Bench.

23.8.90

- SLP(Civil) No.9864/90 filed by him against orders of the Tribunal dated 26.7.90 dismissed by the Supreme Court.

12.9.90

- Adverse C.R. of 1989-90 communicated to him.

3.

We have gone through the records carefully and have heard the rival contentions. Shri P.H.Ramchandani, the

learned Senior Counsel for the respondents stated that

during the period of his service for over 12 years since

1978, the applicant has submitted about 620 representations to

various authorities and that he has been engaged in litigation

with the respondents for the past one decade. The applicant

presented before us his long catalogue of grievances against

the respondents, who were allegedly bent upon harassing him and

ruining his career. He has cited before us, numerous authorities

in support of his contentions and we have duly considered them.

Admittedly, he has not been attending office since 3.5.90

when he was relieved from Udaipur to join duty at Port Blair

where he has been posted.

4.

We now proceed to consider the merits of the

claims made by the applicant in these applications.

OA 695/89(renumbered as OA No.1806/90)

5.

This application was filed in the Jodhpur Bench

of the Tribunal against his apprehended transfer from Udaipur. In MP No.2576/90, the applicant has stated that he had filed MP No.911/90 before the Hon'ble Chairman for transfer of this case to the Principal Bench at Delhi in the interest of early disposal of the case. In the meantime, the respondents ordered his transfer to Port Blair from Udaipur by the impugned order dated 23.4.1990. In view of this, he filed OA 707/90 in the Principal Bench.

6. In the light of ^{the} foregoing, we are of the opinion that OA 695/89 regarding the apprehended transfer of the applicant from Udaipur has become infructuous and is to be disposed of as having become infructuous.

OA No.707/90 with OA No.1733/90 & OA No.1734/90

7. On 26.7.90, the applicant filed amended prayers, namely, (1) payment of salary for the months from October 1981 to February 1982; (2) expunction of adverse remarks for the year 1988-89; and (3) quashing his transfer to Port Blair. The Tribunal treated the application as three applications in respect of the three different reliefs sought, subject to his payment of additional court fees.

8. The impugned order of transfer from Udaipur to Port Blair is dated 23.4.1990. 97 officers in the grade of Programme Executives/Producers were sought to be transferred by the said order. Apart from the applicant, Shri T.A.Veerasuamy working at Madras and Shri K.A.Muralidharan working at Calicut were also transferred to Port Blair while Shri B.D. Mazumder and Shri Kailash Verma working at Port Blair were transferred to Bangalore and Delhi respectively.

9. There was some argument at the Bar as to whether the posting of the applicant at Port Blair is in conformity with the order passed by the Supreme Court on 25.8.89 that the applicant shall not be transferred to a place where there is no Hindi programmes and that he should be placed in Hindi Section and that he should be given coordination work according to the seniority.

10. The respondents were directed to give the relevant information to the Tribunal. Accordingly, they have stated that the AIR Station at Port Blair was set up in 1963. The Principal language of the broadcast is Hindi. The station ^{also} broadcasts programmes in Bengali, Tamil, Malayalam, Telugu, Nicobari & English. The sanctioned strength of the station is as under:-

<u>Name of the post</u>	<u>Sanctioned strength</u>	<u>In position</u>
Station Director	1	1
Programme Executives	7	6
Producers	3	1
Farm Radio Officer	1	1

The Hindi programme broadcast includes:-

<u>Name of the programme</u>	<u>Duration per month</u>
Hindi spoken words	4 hours 5 minutes
Hindi Drama & Features	4 hours 30 minutes
Rural Programmes(Hindi)	25 hours
Hindi Children's Programmes	2 hours
Hindi Women's Programme	2 hours
Armed Forces Programmes(Hindi)	15 hours
Youth Programmes(Hindi)	5 hours
Publicity	1 hour

Programme Executives are deployed for the planning

and production of these programmes.

11. The applicant has contended that the impugned transfer order is null and void in view of the provisions of Section 19(4) of the Administrative Tribunals Act, 1985 and that it is mala fide, arbitrary, illegal and punitive. He has stated that this is the fourth difficult station to which he has been transferred and that it is violative of the transfer policy dated 14.7.81 at Annexure A-24 to the application. Because of frequent transfers, his personal life has been ruined. According to him, the impugned order has been issued in colourable exercise of power with oblique motive for making all his cases pending in this Tribunal infructuous. He has further contended that there is no sufficient Hindi Programmes of spoken word at Port Blair and that he cannot be transferred to such a place in view of the order of the Supreme Court dated 25.8.89 in W.P.No.285/89. According to him, the impugned order is also in violation of the judgement of the Gauhati Bench of the Tribunal in OA 340/90.

12. The respondents have denied the above allegations in their counter-affidavit. According to them, the post of Programme Executive carries All India transfer liability, that the officers are rotated from one station to another keeping in view the exigencies of public service and that as there was a need for Hindi-knowing Programme Executive at All India Radio, Port Blair, the applicant was transferred from Udaipur to Port Blair in public interest.

13. On 7.5.90, the Tribunal passed an ex parte interim order directing the respondents to maintain status quo as regards the continuance of the applicant as Programme Executive at Udaipur. On 21.5.90, the learned counsel for the respondents submitted that

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the applicant stood relieved with effect from 3.5.90 from Udaipur. On 26.7.90, after hearing both sides, the Tribunal rejected the prayer for interim relief, relying upon the decision of the Supreme Court in Gujarat Electricity Board v. Atmaram- 1989(2) SCC 602. S.L.P(Civil) No.9864 filed by the applicant against the order passed by the Tribunal on 26.7.90 was dismissed by the Supreme Court on 23.8.90.

14. Ambikapur, Dibrugarh, Guwahati and Port Blair are among the list of 22 difficult stations. The transfer policy laid down by the respondents are guidelines which should be followed by them as far as possible but the exigencies of service and public interest would be the overriding considerations.

15. The legal position in this regard has been laid down by the Supreme Court in its recent decisions in Gujarat Electricity Board and another V. Atmaram and Union of India and others V. H.N.Kirtania-1989(3) SCC 455.

16. In the case of the Gujarat Electricity Board, the Supreme Court observed that transfer of a Government servant appointed to a particular cadre of transferable posts from one place to the other, is an incident of service. No Government servant has a legal right for being posted at any particular place. Transfer from one place to another, is generally a condition of service and the employee has no choice in the matter. Transfer from one place to another is necessary in public interest and efficiency in public administration. The following observations made by the Supreme Court are pertinent:-

* Whenever a public servant is transferred, he must comply with the order but if there be any genuine difficulty in proceeding on transfer,

it is open to him to make a representation to the competent authority for stay, modification or cancellation of the transfer order. If the order of transfer is not stayed, modified or cancelled, the concerned public servant must carry out the order of transfer....

There is no dispute that the respondent was holding a transferable post and under the conditions of service applicable to him, he was liable to be transferred at any place within the State of Gujarat. The respondent had no legal or statutory right to insist for being posted at one particular place."

and posted

17. In Kirtania's case, the Supreme Court

observed as under:-

"The respondent being a Central Government employee, held a transferable post and he was liable to be transferred from one place to the other in the country. He has no legal right to insist for his posting at Calcutta or any other place of his choice. We do not approve of the cavalier manner in which the impugned orders have been issued without considering the correct legal position. Transfer of public servant made on administrative grounds or in public interest, should not be interfered with unless there are strong and pressing grounds rendering the transfer order illegal on the ground of violation of statutory rules or on ground of mala fides. There was no good ground for interfering with respondent's transfer."

18. In our opinion, there is no justification to interfere with the action taken by the respondents, keeping in view the legal position enunciated by the Supreme Court.

18A. We do not also see any merit in the contention of the applicant that the impugned order is violative of the provisions of Section 19(4) of the Administrative Tribunals Act, 1985. It will be noticed from Section 19(4) that only proceedings under the relevant service rules as to redressal of grievances in relation to the subject matter of the application filed under Section 19 will abate and not any other proceeding. Section 19(4) does not put an embargo on any other proceeding that is pending or which may be decided upon after the filing of an application unless it is established that such a proceeding is tainted with mala fides or extraneous considerations. In our opinion, the applicant has not substantiated the allegation of mala fides or extraneous considerations on the part of the respondents in making the impugned order dated 23.4.1990.

19. We may now consider the prayer made by the applicant for expunging the adverse remarks in his confidential report for the year 1988-89.

20. The adverse remarks communicated to the applicant were the following:-

" Part-III- Assessment of the Reporting Officer for the period from 1.1.88 to 31.3.89 in respect of Sh. S.D. Shastri, PEX

(A) Nature and quality of work

1. I do not agree with the resume by the Reporting Officer. As far as

work is concerned he is a self-styled man, generally he had taken the decision himself in regard to the programmes which does not come in his jurisdiction. A Programme Officer is supposed to execute his work necessarily within the limitation of the discipline, but he has himself violated it many times.

2. His working method is full of faults. Most of the quarterly scheme of programme has been prepared late.

He has no capacity to work in the adverse circumstances. Even on a small matter he has been contacting the Station Director.

3. He has insufficient knowledge of work. He complies the local orders received from the Directorate with his convenience.

During the Reporting period it has all of sudden found that he is violating the instructions of the officers.

(B) Attribute

1. He has not developed the leadership quality so far because he is always curious to handle many works at a time himself alone. Therefore, he is mentally puzzled and thus he does not achieve the target.

2. No doubt, he is willing but he takes the help of the others. He has no ability to take the advice and accept it as necessary at the time.

3. No doubt, he has enthusiasm for facing new problems but so far as the question of solving them with discretion is concerned, he has to achieve efficiency.

4. Most of his decisions proved to be wrong because these were not in the broad interests of the Station and were not according to the established orders/procedures.

5. He can't express his views with patience and confidence. His obstinacy is the main hurdle in this regard.

6. These evaluations are mostly based on his own likings/dislikings.

7. He has been having bitter relations with almost all the staff. He does not waste any time to create a trouble. Instead of solving the problems, he has rather an habit to enhance these problems.

8. So-so.

9. Common.

GENERAL
PART IV

1. Normal

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2. Beyond doubt.

3. *He was against every order received from his officials and raised his objections.

** He took important decisions regarding programmes without the permission of the Station Director which were totally against rules.

*** He was not impressed upon by the memorandums issued by the Directorate General. He even raised objections upon these memorandums and also threatened to prosecute.

- (a) Ordinary
- (b) Ordinary
- (c) Ordinary
- (d) His performance of duties always reflected indiscretion.

4. GRADING

(BELOW AVERAGE)

Reason:- His bias, pride, obstinacy and lack of sense of behaviour, unauthorised decisions regarding broadcasts and above all lack of sociability- due to all these shortcomings, he has not become a dependable officer. "

21. Somewhat similar adverse remarks were communicated to him for the period from 1.4.89 to 31.3.1990.

22. The applicant has prayed for expunging the adverse remarks on the ground of delayed communication, non-consideration of representations within time and non-application of mind.

23. The adverse remarks for the year 1988-89 were communicated to the applicant on 11.1.90. The applicant has contended that it should have been communicated to him by 5.7.89 in the normal course. The representation submitted by him on 17.2.90 was considered by the competent authority and rejected by it, vide order dated 12.9.90.

24. We have considered the rival contentions. Confidential rolls are intended to reflect the general assessment of the performance of the officer concerned.

The system of maintenance of such records is not always foolproof and much depends on the objectivity and impartiality of the superior officers who function as Reporting Officers and Reviewing Officers. As the Supreme Court has observed in Amarkant Choudhary Vs. State of Bihar, AIR 1984 S.C. 531 at 534:-

"Courts can give very little relief in such cases. The Executive itself should, therefore, devise effective means to mitigate the hardship caused to the officers who are subjected to such treatment."

(Emphasis supplied)

25. In R.G. Butail Vs. Union of India, 1970(2) S.C.C 876 at 880, the Supreme Court observed that a confidential report is intended to be a general assessment of work performed by a Government servant subordinate to the reporting authority. Such reports are maintained for the purpose of serving as data of comparative merit when questions of promotion, confirmation, etc., arise. Such reports are not ordinarily to contain specific instances upon which assessments are made, except in case where, as a result of any specific instance, a censure or a warning is issued and that such warning is by an order to be kept in the personal file of the Government servant. In such a case, the officer making the order has to give a reasonable opportunity to the Government servant to present his case.

26. In the instant case, the remarks in question about the applicant deal with the general assessment. In view of this, we are of the opinion that it will not be appropriate for a Court or Tribunal to sit in judgement over the assessment of the officer's performance made by the Reporting and Reviewing Officers who/in the best position to know about the worth of the officer reported upon. Judicial review would come into play only in the event of arbitrariness or malafides

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on the part of the Reporting Officer/Reviewing Officer. In the instant case, the applicant has not substantiated the allegation of mala fides or arbitrariness on the part of the Reporting Officer/Reviewing Officer. In such a case, we do not consider it appropriate to interfere with the assessment made by the authorities concerned in the discharge of their normal duties. We are also of the opinion that the administrative instructions regarding the time limit within which adverse remarks are to be communicated and representations disposed of, are directory and not mandatory. The non-adherence to the ^{limits} time/ prescribed in the relevant instructions by itself will not warrant expunction of the adverse remarks.

27. The applicant has prayed for a direction to the respondents to make payment of the salary for the months from October, 1981 to February, 1982.

28. The applicant had filed OA 246 of 1986 in the Guwahati Bench of the Tribunal for the same relief. The Tribunal by its judgement dated 2.1.87 dismissed the application with the observation that it would be advisable for the applicant to approach the appropriate authority in the matter of regularisation of the period of absence from duty. Apparently, he did not comply with the above directions. The applicant then filed a review petition which was dismissed by the same Bench on 4.2.87. Thereafter, the applicant filed MP No.418/87 in the Principal Bench of the Tribunal praying for constitution of a larger Bench to hear the L.P.A against the judgement dated 2.1.87 delivered by Guwahati Bench in OA No.246/86. This was dismissed by the Principal Bench on 3.4.87.

29. The respondents have contended that the prayer made by the applicant has already been considered and dismissed by the Tribunal on three occasions. They have contended that the applicant was on wilful absence during the above period and has not performed any work for All India Radio and, therefore, he is not entitled to any salary for this period on the principle of "no work no pay".

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30. We have considered the rival contentions. We do not consider it necessary to go into the question of res judicata raised by the respondents. In the interest of justice, the applicant may be allowed to apply ^a for any kind of leave due and admissible to him for this period and in that event, the respondents shall regulate the period of absence from duty in accordance with the relevant rules. While doing so, they shall not ^{be} affect any break in his service.

QA No.814/88(New No.1807/90)

31. In this application, the applicant has sought for a declaration that he was fit to cross the Efficiency Bar w.e.f. 1.2.84 in the light of records(CRs) upto 1982 and the respondents be directed to fix his pay accordingly on 1-2-84 at the stage of Rs.845 and also on 1-2-86 at the stage of Rs.2675 in the revised pay scale and to make the payment of all arrears within a reasonable time along with interest.

32. The impugned order dated 20.8.86 passed by the respondents regarding the crossing of Efficiency Bar by the applicant reads as follows:-

" The Director General, All India Radio has satisfied himself that Shri S.D. Shastri, PEX, AIR, Shillong is fit to cross the Efficiency Bar at the stage of Rs.810/- in the scale of Rs.650-30-740-35-880-40-1000-EB-40-1200 raising his pay to Rs.845/-p.m. with effect from 1.2.86. The competent authority has not found him fit to cross E.B. w.e.f. 1.2.84 and 1.2.85."

33. The respondents have submitted in their counter-affidavit that " the applicant was due to cross the Efficiency Bar at the stage of Rs.810/- in the pre-revised scale of pay of Programme Executive viz. Rs.650-30-740-35-810-EB-35-880-40-1000-EB-40-1200 raising his pay to Rs.845/- with effect from 1.2.84, on the basis of findings arrived at by a duly constituted

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Departmental Promotion Committee as per Rules, after taking into account his past performance as reflected in his annual confidential reports upto the year previous to the date on which it was due or to the subsequent crucial date or dates as the case may be. Such a Committee had been constituted and did consider his case pertaining to the crossing of Efficiency Bar as on the first due date viz. 1.2.1984 and again as on 1.2.1985 but did not find his record of performance satisfactory for either of the dates to allow him to cross the Bar from any of the said dates. However, the said Committee having felt satisfied with his subsequent record allowed him to cross the Bar from the next crucial date i.e. 1.2.1986. The suggestion of the Departmental Promotion Committee to allow him to cross the Efficiency Bar at the stage of Rs.810/- raising his pay to Rs.845/- with effect from 1.2.1986 was duly approved by the competent authority i.e., the Director General, All India Radio, being the Appointing Authority in respect of the grade of Programme Executive. The orders about allowing him to cross the Efficiency Bar were accordingly issued. (Vide Counter-affidavit, para 3(iv))

34. In our opinion, the withholding of increments due to the failure to cross Efficiency Bar does not constitute a penalty but such a rule cannot have a retrospective effect (vide D.P.Gupta v. State, SLR 1969 692). Such a rule must also be reasonable. If the increments are withheld retrospectively, it would amount to the imposition of a penalty within the meaning of Rule 11(iv) of the CCS(CCA) Rules, 1965.

35. In the instant case, the effect of the impugned order dated 20.8.86 is to withhold permanently the

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increments due to the applicant on 1-2-84, 1-2-85 and 1-2-86 by directing that he has been found fit to cross the Efficiency Bar at the stage of Rs.810/- with effect from 1-2-86. Once an employee has been found fit to cross the Efficiency Bar, he would be entitled to the increments due to him till that date.

36. In the conspectus of the facts and circumstances, OA 1806/90, OA 707/90 and OA 1807/90 are disposed of with the following findings, orders and directions:-

OA No.695/89(New No.1806/90)

- (1) OA 695/89(renumbered as OA 1806/90) regarding the apprehended transfer of the applicant from Udaipur is disposed of as having become infructuous in view of his transfer from Udaipur to Port Blair by the impugned order dated 23-4-1990.

OA 707/90 with OA Nos.1733/90 & 1734/90

- (2) We upheld the validity of the impugned order dated 23.4.90 whereby the applicant was transferred from Udaipur to Port Blair, in the light of the decisions of the Supreme Court in Gujarat Electricity Board and another v. Atmaram, 1989(2) SCC 602 and Union of India and others v. H.N.Kirtania, 1989(3) SCC 455.
- (3) We see no justification to expunge the adverse remarks in the confidential reports of the applicant for the years 1988-89 and 1989-90.
- (4) With regard to the prayer of the applicant that the respondents be directed to pay him salary for the months from October 1981 to February 1982, we direct the respondents to regulate the said period of absence from duty in accordance with

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the relevant rules. While doing so, they shall not effect any break in service.

OA No.814/88 (New No. OA 1807/90)

(5) We set aside and quash the impugned order dated 20-8-86 passed by the respondents regarding the crossing of Efficiency Bar by the applicant and direct them to fix his pay at Rs.920 as on 1-2-86 in the unrevised scale (Rs.2675 in the revised scale). The respondents are directed to pay the arrears to him within a period of three months from the date of receipt of this order.

(6) All Misc. Petitions and other Petitions in OA Nos. 1806/90, 1733/90, 1734/90 and 1807/90 filed by the applicant stand disposed of accordingly.

Let a copy of this order be placed in all the case files.
The parties to bear their respective costs.

(D.K.CHAKRAVORTY)
MEMBER 2/11/1990

(P.K.KARTHA)
VICE CHAIRMAN