

Reserved

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD

ALLAHABAD this the 9th day of ~~September~~ ^{November}, 2006.

HON'BLE MR. A.K. SINGH, MEMBER-A
HON'BLE MR. K. ELANGO, MEMBER-J

ORIGINAL APPLICATION NO. 1596 OF 1999

Ram Samujh, aged about 56 years, S/o Sri Kewai,
Sorting Assistant, Railway Mail Service Office,
Gorakhpur.

.....Applicant.

VE R S U S

1. Union of India through Secretary Ministry of
Postal & Telegraph Department, New Delhi.
2. Post Master General, Gorakhpur Region.
Gorakhpur.
3. Director, Postal Services, Gorakhpur.

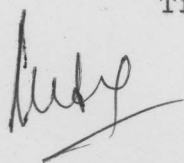
.....Respondents

Present for the Applicant: Sri S.K. Pandey
Present for the Respondents: Sri S. Singh

O R D E R

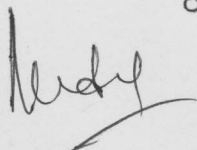
A.K. SINGH, MEMBER-A:-

O.A. bearing No. 1596 of 1999 filed by the
applicant Ram Samujh was earlier decided by this Tribunal
vide order dated 7.12.2004. The O.A., in question, was
dismissed as devoid of any merit as per the impugned
order. The applicant filed a Civil Misc. Writ Petition
no. 32010 of 2005 before Allahabad High Court. The High
Court on careful consideration of facts and points of
laws involved, set aside the impugned order of the
Tribunal and directed for a fresh decision in the



matter through a speaking and reasoned order by this Tribunal.

2. Brief facts of the case are that the applicant was working as Sorting Assistant in Gorakhpur RMS on 8.7.1993. A charge sheet was issued to him on 26.4.1994 levelling serious allegations. An inquiry into these charges was also held by an Inquiry officer appointed for the purpose. The Enquiry Officer as per his report dated 17.9.1997 held all the charges proved against the applicant. As the applicant belonged to B.C.R. cadre, the Director, Postal Services, Gorakhpur, was the disciplinary authority of the applicant and accordingly the case papers were sent to him for taking necessary decision in the matter. On careful consideration of the facts and circumstances of the case as well as on appraisal of evidences on record, the Disciplinary Authority, while agreeing with the report of the Enquiry Officer, imposed the penalty of reduction of pay from the stage of Rs. 6650/- in the Scale of Rs. 5000-8000/- to the minimum of the lower grade of pay scale of Rs. 4500-7000/- for two years with further direction that he will not earn any increment during currency of punishment. He also directed recovery of Rs. 9800/- being the amount of loss sustained by the Department of Posts & Telegraph in ten installments. The applicant preferred an appeal against this decision to the competent authority namely Post Master General,

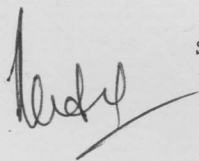


Gorakhpur on 23.1.1998, which was also rejected vide memo dated 24.5.1998 with a slight modification in the order of punishment passed by Director, Postal Services, Gorakhpur (respondent no.3), which is reproduced hereunder:-

"I find that the charges against the appellant has been found fully proved and, therefore, I find no justification for interference of the punishment imposed by the disciplinary authority with the modification in wording that the punishment of reduction awarded by the Disciplinary authority to the lower grade will be with immediate effect and until he is found fit after period of two years from the date of the order to be restored to the post of BCR."

3. Being aggrieved by the aforesaid decision/order of respondent no.2 namely Post Master General, Gorakhpur, the applicant filed O.A. bearing no. 1596 of 1999 which was dismissed as devoid of any merit by this Tribunal vide order dated 7.12.2004. The applicant filed Writ Petition no. 32010 of 2005 which was decided by the High Court vide order dated 6.5.2005. The High Court vide its order set-aside the impugned order of this Tribunal and issued direction to pass a reasoned order in the matter. Accordingly, the O.A., in question, is before us for consideration and necessary decision.

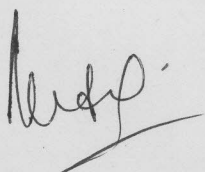
4. The main arguments advanced by the applicant in support of its case are as under:-



- (i) The memorandum of charge-sheet issued in this case is by an authority below the rank of appointing authority and as such the enquiry proceedings are vitiated.
- (ii) The Disciplinary authority has accepted the report of the Enquiry Officer in a mechanical manner and without application of mind.
- (iii) That the loss of six insured parcels amounting to Rs. 9800 was not caused by the applicant nor was it lost during the course of duty hours of the applicant on 8.7.1993. As such, he was not reasonable for the aforesaid loss.

5. The respondents have opposed the O.A. on the following grounds:-

- (i) That one insured Bundle -6 contained six insured letters (herein to be referred to as IB), which were received in Gorakhpur RMS/L on 8.7.1993 alongwith other registered articles duly entered in Gita Press Post Office registered list dated 8.7.1993 in respect of 1-B-6 contained 6 insured letters (i) Ins. 139 Worli, Bombay, (ii) insured 138 Worli, Bombay, (iii) Insured 903 Malad, Bombay, (iv) Insured 758 Bombay GPO, (v) Insured no. 415 Thana and (vi) Insured 411 Gomtipur, Ahmedabad.
- (ii) The I.B. was closed by Gita Press Post Office for Sheopuri, New Colony, Post Office. Sri Ram Sumer Lal (now retired) Sorting Asstts. No.3 handed over the said IB-6 to in charge Shorting Asstt. No.1 Sri Somai. Sri Somai acknowledged it receipt from Gita press Post Office giving his signature on receipt side of Registered abstract dated 8.7.1993 (maintained especially for insured articles) and thereafter handed over the same to the registration Sorting Asstt. Sri Ram Samujh(applicant) for



eight consignment to Sheopuri New Colony Post Office.

(iii) The applicant had to prepare the registration list for Sheopuri New Colony Post Office as per distribution of work. The Applicant invoiced the said IB-6 in registered list of Sheopuri New Colony Post Office alongwith other 33 registered letters and placed the registered challan alongwith entire articles to the registration supervisor Sri Shiv Ji Tiwari for checking/verification.

(iv) The registration Supervisor Sri Shiv ji Tiwari verified the said 1B-6 from the check list of insured articles prepared by Sri Somai, Sorting Asstt. No.1 and got the registered back closed for Sheopuri New Colony, Post Office, in the immediate pressure of the petitioner. The said registered bag was then enclosed in Mail bag for Sheopuri New Colony Post office by opener/closer Sorting Asstt, Sri Bhrigu Ram and who thereafter transferred the said Mail Bag to the Mail Agent, Gorakhpur RMS/2 dated 8.7.1993 for further disposal.

(v) That the Mail Agent, Gorakhpur RMS/3 dated 8.7.1993 transferred the said Mail Bag to Mail Agent, Gorakhpur RMS/1 dated 8.7.1993 as dispatched of Bag to Sheopuri New Colony Post Office was not prescribed through Mail agent, Gorakhpur RMS/2.

(vi) That the said Mail Bag was closed in IB-6, Sheopuri, New Colony, Sub Office with other 5 following bags by the Mail agent Gorakhpur RMS/1 dated 9.7.93.

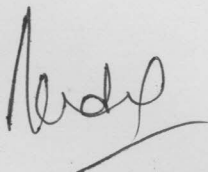
(a) Dwarpor to Sheopuri New Colony	Mail Bag
(b) Gorakhpur HO.	M
(c) Gorakhpur RMS-2	D
(d) Gorakhpur RMS-3	D
(e) Gorakhpur RMS-1	M

(iv) That the said TB was dispatched to Sheopuri New Colony Post Office with entry as below:-

MA/1 to Sheopuri New Colony Post Office	I TB
Gorakhpur HO to ---do---	I RP

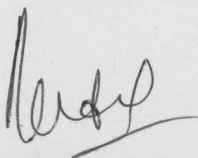
Total	2

- (v) That the sub Post Master Sheopuri New Colony vide his error book dated 9.7.93 reported receipt of the Mail Bag from Gorakhpur RMS/1 in place of Mail Bag from Gorakhpur RMS/2. The Sub-post Master Sheopuri, New Colony, demanded revised mail list of TB from the Head Record Office, Gorakhpur. As the Mail bag from Gorakhpur RMS/2 dated 8.7.93 was correctly dispatched inside the said TB, hence was no question of issuing revised Mail list as desired by the Sub-Post Master Sheopuri, New Colony.
- (vi) That the Head record office, Gorakhpur referred the case to the Senior Supdt., Railway May Service 'C' Division, Gorakhpur for necessary inquiries/investigation in the matter.
- (vii) That during the course of enquiries, the Sub Post Master Sheopuri, New Colony sent a Photostat copy of the Registered list of Gorakhpur RMS-1 dated 9.7.93 bearing entry of 33 registered letters only. This Photostat copy of the registered list contains entries of those articles which were entered in the Registered list issued by Gorakhpur RMS-2 dated 8.7.93 and was enclosed in the registered bag of Gorakhpur RMS-2 for Sheopuri New Colony Post Office and thereafter it was dispatched to Sheopuri New Colony Post Office enclosing in 'D' Bag in T.B-6. It is only at this point of time that the loss of the said TB-6 could be detected.
- (viii) That during the course of enquiry at Sheopuri New Colony Post Office, it was found that all the 6 mail bags were correctly received as per entry in the T.B. mail list of Mail Agent, Gorakhpur RMS/1 dated 9.7.93. However, from one of the mail bags of Gorakhpur RMS-1, the registered list bearing articles of 33 registered letters with total 33 + Nil + Nil = 33 bearing name and date stamp impressions of Gorakhpur RMS-1 dated 9.7.93 was received in loose form (which was not tied or enclosed in the bag).
- (ix) That the sub-Post Master, Sheopuri New Colony recognized the said bag as Mail Bag from Gorakhpur RMS/1 dated 8.7.93 whereas the High value money order list and high value money orders were those

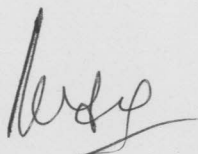


which were dispatched in the said Mail bag from Gorakhpur RMS/2 dated 8.7.93. It is obvious that Sub-Post Master Sheopuri New Colony did not verify the label card and seal of the bag for identification.

- (x) That since the exhibits relating to the said mail bags were not presented by the Sub Post Master, Sheopuri, New Colony, the enquiries/ investigation did not bring out any tangible result. Even though several lapses on the part of the Sub-Post Master, Sheopuri, New Colony could be identified, the investigation concluded with the findings that the main offence was committed in Gorakhpur itself.
- (xi) That Shri Sheo Ji Tiwari, Registration Supervisor, Gorakhpur RMS/2 dated 8.7.93 stated that he worked as Registration Supervisor on 8.7.93 in Gorakhpur RMS and as per records the Registered bag for Sheopuri New Colony Post Office was prepared by the applicant Registration Sorting Asstt. no.4 which bears the entries of 33 RL + ORB + 0 Ins + 1 IB = 34. The IB-6 was physically received by him and after verification it was enclosed in the registered bag of Sheopuri, New Colony Post Office alongwith other contents before him.
- (xii) Sri Somai Registration Asstt. No.1 (In-charge Registration Branch) also stated that IB-6 was received from Gita Press Post Office and was dispatched to Sheopuri New Colony Post Office. He further stated that "he made entry of the said IB-6 in receipt and dispatch columns on the abstract maintained by him and handed over the said IB-6 to the applicant for dispatch to Sheopuri New Colony Post Office."
- (xiii) In para 9 of their Counter Affidavit, respondents further submit that "as per record of Gorakhpur RMS/2 dated 8.7.93 the said IB was correctly consigned to Sheopuri New Colony Post Office duly invoiced by the applicant and verified by the Registration Supervisor Sri Sheo Ji Tiwari. The total of insured letters/ insured bundles on both the sides on Insured abstract was tallied on that day.



- (xiv) As the applicant in his statement dated 23.11.1993 also testified that "Registration list of Gorakhpur RMS/1 with total of $33+0+0+0=33$ was also prepared by him because the applicant had worked in both the sets in Gorakhpur RMS/1 and Gorakhpur RMS/2 on 8.7.93", leads to the only inevitable conclusion that he had prepared both Registration lists i.e. Gorakhpur RMS/2 dated 8.7.93 and fake registered list of Gorakhpur RMS/1 dated 9.7.93.
- (xv) Sri Gulli Charan, who closed and sealed the registered bag on 8.7.93 confirmed the presence of the consignment of IB-6 Gita Press in the Registered bag of Sheopuri New Colony Post Office. The applicant was proceeded against under Rule 14 of CCS (CCA) Rules, 1965 as per office memorandum dated 26.4.1994 and a regular inquiry by Additional Director, Postal Services, who was appointed as Enquiry Officer was conducted. On completion of inquiry, the Enquiry Officer submitted a report on 17.9.1997 in which he held all charges levelled against the applicant as proved.
- (xvi) As the applicant belonged to B.C.R cadre, the Director, Postal Services Gorakhpur was the Disciplinary Authority in his case and hence the case papers alongwith the Enquiry Officer's report were sent to him for taking necessary decision in the matter. On receipt of the case papers, alongwith the Enquiry Officer's report and on independent appraisail of all evidences on record as well as on perusal of the Enquiry Officer's report, the Disciplinary Authority imposed the penalty of reduction in pay from the stage of Rs. 6650/- in the scale of Rs. 5000-8000/- to the minimum of the lower grade of Pay scale of Rs. 4500-7000/- for two years with further direction that he will not earn any increment during the currency of punishment. He also imposed penalty of recovery of Rs. 9800/- being loss sustained by the department in equal installments @ Rs. 980/- per month.
- (xvii) The applicant filed an appeal to the Post Master General, Gorakhpur on 23.1.98. The respondent no.2 i.e. the appellate authority vide his memo dated 24.5.99 rejected the appeal with



modification in the order of punishment of respondent no.3 dated 31.8.1998, as under:

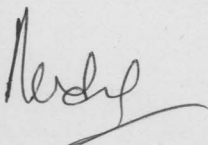
"..... That the charge against the applicant has been forced fully proved and, therefore, I find no justification for interference of punishment imposed by the Disciplinary authority with the modification in wording that the punishment of reduction awarded by the Disciplinary Authority to the lower grade will be with immediate effect and until he is found fit after a period of two years from the date of the order to be restored to the post of BCR."

(xviii) The applicant has challenged both the Disciplinary as well as the appellate orders passed against him, in the present O.A., in question. The respondents submit that the punishment imposed on the delinquent employee on the basis of regular enquiry conducted in which principals of natural justice were fully observed and complied with and the applicant was given full opportunity to defend his case, the O.A., in question, merits dismissal and accordingly pray for dismissal of the same.

3. Opportunities for personal hearing were extended to both the parties on 7.8.2006 and the arguments heard on both sides. Sri R.C. Shukla counsel holding brief for Sri Saumitra Singh appeared on behalf of the respondents and Sri S.K. Pandey appeared for the applicant.

4. Sri Pandey during the course of his oral submissions made two important submissions.

(i) In the first place, the scope of order of punishment passed by the Disciplinary Authority was enhanced without issue of a regular show cause notice.

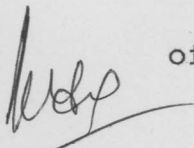


- (ii) In the second place, his client i.e. the applicant was honorably exonerated on the identical set of evidence in the Criminal proceedings and hence the findings of the disciplinary/ appellate authorities being contrary to the findings of the court on the same set of evidence cannot be sustained and should be quashed and set aside. He also cited the Apex Court judgment in the case of **Capt. M. Pal Anthoney Vs. Bharat Gold Mines Ltd. & Another (1999 (2) ESC 1009 (SC))**.

5. We have given our anxious considerations to the submissions made across the bar, on behalf of the applicant as well as respondents and have also perused the records.

6. We find that as per principles enunciated by the Apex Court in the case of **Sri Parma Nanda Vs. State of Haryana & Others (1989 (2) SCC 177)** the scope of interference of Tribunal with disciplinary matters is rather limited.

7. According to the Apex Court the jurisdiction of the Tribunal to interfere with the disciplinary matters or punishment cannot be equated to an appellate jurisdiction. The Tribunal could exercise only such powers which the Civil Courts or the High Courts could have exercised by way of judicial review. "Tribunal cannot interfere with the findings of the Enquiry Officer or competent authority where

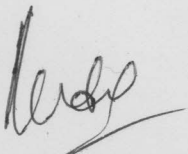


they are not arbitrary or perverse. The power to impose the penalty on a delinquent officer is conferred on the competent authority either by an Act of Legislature or rules made under the proviso to Article 309 of the Constitution. If there has been an enquiry consistent with the rules and in accordance with the principles of natural justice, what punishment would meet the ends of justice is a matter lies exclusively within the jurisdiction of the competent authority....." Tribunal has no powers to substitute its own discretion for that of the authority.

8. In the case of **State Bank of India Vs. Samarendra Kishore Endow (1994(1) SLR 516)** the Apex Court reiterated their earlier ruling that a High Court or Tribunal has no power to substitute its discretion for that of the authority.

9. In this background we find from record that the disciplinary proceedings were conducted against the applicant after issue of a regular charge-memo to him under Rule 14 of CCS (CCA) Rules, 1965.

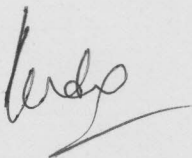
10. The applicant was given full liberty to defend his case during the inquiry proceedings. On conclusion of the Inquiry proceedings, the Enquiry Officer submitted an inquiry report to the Disciplinary authority, a copy of which was also provided to the delinquent employee for his



comments. The Disciplinary authority decided the punishment on the delinquent official on the basis of the Enquiry Officer's report as well as on independent appraisal of facts and evidences on record. Accordingly, the Disciplinary authority vide his memo dated 31.8.99 imposed the penalty of reduction in pay scale from the stage of Rs. 6500/- in the scale of Rs. 5000-8000/- to the minimum of the lower scale of pay of Rs. 4500-7000/- for two years with further direction that the applicant will not earn any increment during the currency of the punishment. He also imposed penalty of recovery of Rs. 9800/- being loss sustained by the Department in 10 installments @ Rs. 980/- per month.

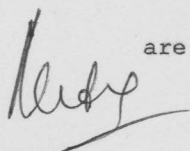
11. The applicant filed an appeal against this decision/ order before PMG, Gorakhpur on 23.1.98 which was rejected by the appellate authority with a modification in the order of punishment passed by the Disciplinary authority, namely respondent no.3 in the O.A. The modified order of punishment in appeal, reads as under.

"I find that the charges against the appellant has been forced fully proved and, therefore, I find no justification for interference of punishment imposed by the Disciplinary authority with the modification in wording that the punishment of reduction awarded by the Disciplinary Authority to the lower grade will be with immediate effect and until he is found fit after a period of two years from the date of the order to be restored to the post of BCR."



12. The applicant has raised a valid objection against the impugned order in appeal as the scope of punishment decided by the Disciplinary authority, as above, has been enhanced by the Appellate authority unilaterally and that too without issue of a formal show cause notice to him before taking the aforesaid decision. Consequently there is a gross denial of the principles of natural justice to the applicant in passing the impugned order. Hence it is our considered view that since the impugned order of the appellate authority has been passed in violation of the principles of justice, the same is not sustainable in law and deserves to be quashed and set aside. We order accordingly.

13. The most important objection raised by the applicant also relates to two distinct findings arrived at by two different authorities namely the Judicial and administrative on the basis of the same set of evidence. Trial Court of ACJM, Gorakhpur in Criminal case no. 3594 of 1994 completely exonerated the applicant of all the charges while the disciplinary authority in the departmental proceedings on the basis of the same set of evidences has held him guilty in the departmental proceedings. The Trial Court maintains that the prosecution has been wholly unsuccessful in proving the guilt of the accused official during the criminal proceedings. On the contrary, the disciplinary authority has held the charges levelled in the charge memo as fully proved on the basis of the same set of evidences which are also available on record. These set of evidences as discussed in



judgment of the Trial Court and also in para nos. 7 to 11 of the Counter Affidavit of the respondents dated 2.7.2000 are being reproduced here below:-

"7. That during the course of enquiry at Sheopur New Colony Post Office, it was noticed that all 6 Mail Bags (noted above) were correctly received as per entry in the TB Mail list of Mail Agent, Gorakhpur RMS/1 dated 9.7.93. From one of the Mail bag of Gorakhpur RMS/1 the Regd. List bearing entries of 33 registered letters with total 33+Nil+Nil+Nil=33 bearing name and date stamp impression of Gorakhpur RMS/1 dated 8.7.93 was received loose (not tied/enclosed in bag). The Sub-Post Master, Sheopuri New Colony recognized the said bag as Mail Bag from Gorakhpur RMS/1 dated 8.7.93 whereas the High value Money order list and High Value Money orders were those which were dispatched in the said Mail Bag from Gorakhpur RMS/2 dated 8.7.93. It appears that the sub Post Master, Sheopuri New Colony did not verify the label cord and seal of the bag to identify the bag. Since exhibits relating to the said Mail bag were not preserved by the Sub-Post Master, Sheopuri New Colony, therefore, the enquiry was frustrated. The original Registered bag of Gorakhpur RMS/2 dated 8.7.93 was closed in a Canvas bag. As such it was concluded that though there were several lapses on the part of the Sub Post Master, Sheopuri, New Colony, but the Main offence was committed in Gorakhpur RMS itself.

8. That Sri Sheo Jai Tiwari, Registration Supervisor, Gorakhpur RMS/2 dated 8.7.93 stated he worked as Registration Supervisor on 8.7.93 in Gorakhpur RMS/2 and as per records the Registered Bag for Sheopuri New Colony Post Office was prepared by Sri Ram Samugh, Registration Sorting Asstt. No.4 (petitioner) which bears entries of 33 RL+ORB+0Ins+1 IB=34. The IB-6 was physically received by him and after verification it was enclosed in the Registered bag of Sheopuri New Colony Post Office alongwith other contents before him.

9. That Sri Somai Registration Asstt. No.1 (In-charge Registration Branch) has stated that IB-6 was received from Gita Press Post Office and was dispatched to Sheopuri New Colony Post Office. He made entry of the said IB-6 in receipt and dispatch columns on the abstract maintained by him and handed over the said IB-6 to the petitioner for dispatch to Sheopuri New Colony Post Office. As per record of Gorakhpur RMS/2 dated 8.7.93 the said IB-6 was correctly

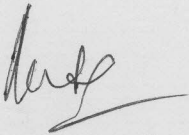
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consigned to Sheopuri New Colony Post Office duly invoiced by Sri Ram Samujh and verified by the Registration Supervisor Shri Sheoji Tiwari. The total of insured letters/insured bundles on both the sides on insured Abstract was tallied on the day.

10. That the petitioner has stated that he worked in Gorakhpur RMS/2 dated 8.7.93 as Registration Asstt. No.4. He prepared the Registered list for Sheopuri New Colony and entered IB-6 Gita Press at Serial list and 33 Registered letters afterwards and gave total as $33 + \text{Nil} + \text{Nil} + \text{one} = 34$. The IB was verified by Registration Supervisor Sri Sheoji Tiwari whose signature was available on the Registration list. The Regd. Bag was closed before him and was transferred to the Mail opener/closer. The petitioner has admitted in his statement dated 23.11.1993 that Registration List of Gorakhpur RMS/1 with total $33 + 0 + 0 + 0 = 33$ was also prepared by him because the petitioner had worked in both the sets in Gorakhpur RMS/1 and Gorakhpur RMS/2 on 8.7.93, that is why he had prepared both Registration lists i.e. Gorakhpur RMS/2 dated 8.7.93 and fake registered list of Gorakhpur RMS/1 dated 9.7.93.

11. That Shri Gulli Charan Mail Man who closed and sealed the Registered bag on 8.7.93 has stated on the basis of records. He confirmed the consignment of IB-6 Gita Press in the Regd. Bag of Sheopuri New Colony, Post Office."

14. These set of evidences have been relied upon both by the Disciplinary authority as well as the Trial Court. While the Trial Court on that basis has come to the conclusion that the prosecution has been wholly unsuccessful in establishing the guilt of the applicant, the Disciplinary/Appellate authorities have come to a different conclusion altogether i.e. that the charge of misconduct on the part of the applicant as levelled in the Chargesheet is fully proved.

 15. The Apex Court was faced with a similar situation in the case of Capt M.- Paul Anthony Vs.

Bharat Gold Mines Ltd. (1999) 3 SCC 679) in which the Apex Court, held as under:-

"There is yet another reason for discarding the whole of the case of the respondents. As pointed out earlier, the Criminal case as also the departmental proceedings were based on identical set of facts namely the raid conducted on the appellant's residence and recovery of incriminating articles there from."

The findings recorded by the Enquiry Officer, a copy of which has been placed before us, indicate that the charges framed against the applicant were sought to be proved by police officers and Panch witnesses who had raided the house of the appellant and had effected recovery. They were the only witnesses examined by the Enquiry Officer and the Enquiry Officer relying upon their statements came with conclusion that the charges were established against the appellant.

The same witnesses were examined in the Criminal case but the court on a consideration of the entire evidences come to the conclusion that no search was conducted nor was any recovery made from the residence of the appellant. The whole case of the prosecution was thrown out and the appellant was acquitted....."

34.Since the facts and evidence in both the proceedings namely the departmental proceedings and the criminal case were the same, without there being any iota of difference, the distinction, which is normally drawn between the departmental proceedings and the criminal case on the basis of approach and the burden of proof would not be applicable to the instant case.

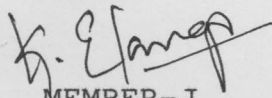
For the reasons stated above, the appeal is allowed."

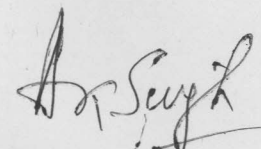
16. Since the principles enunciated in the above judgment, squarely apply to the facts of this case as well, we are of the considered view, that both the orders of punishment passed by the Disciplinary as well as Appellate authorities namely order dated 31.8.1998 passed by the Disciplinary authority i.e.

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respondent no.3, and order in appeal dated 24.5.1999 passed by the respondent no.2 are not sustainable in law and are accordingly quashed and set-aside.

17. O.A. no. 1596 of 1999 is accordingly allowed with all consequential benefits in favour of the applicant. No costs.


MEMBER-J


MEMBER-A

GIRISH/-