

Reserved

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD  
BENCH, ALLAHABAD

(This the 10<sup>th</sup> Day of May 2014)

Hon'ble Mr. Justice S.S. Tiwari, Member (J)

Hon'ble Ms. B. Bhamathi, Member (A)

Original Application No. 625 of 2006

Ramesh Singh aged about 38 years s/o Shri Samarjeet Singh resident of Vill. & P.O. Deoria Baboo, (Laxmiganj), Distt. Kushinagar in the Distt. Kushinagar.

..... Applicant

By Advocate: Shri Avnish Tripathi

Versus

1. Union of India through the Secretary Ministry of Communication and I.T., Department of Posts, Dak Bahwan, New Delhi-110 001.
2. Post Master General, Gorakhpur Region Gorkhpur-273008.
3. Sr. Supdt. Post Offices, Deoria Division Deoria-274001.
4. Smt. Sarita Singh D/o Shri Shri Surya Nath Singh, R/o Vill. & P.O. Deoria Baboo (Laxmiganj), Distt. Kushinagar.

..... Respondents

By Advocate: Shri R.P. Singh  
Shri A.K. Singh

O R D E R  
(Reserved on 29.04.2014)

Delivered by Hon'ble Ms. B. Bhamathi, Member (A)

This O.A. has been instituted for the following relief/s:-


- (i) "To issue order, writ in the nature of certiorari quashing the impugned order of appointment of St. Sarita Singh, the Respondent No.4 vide Annexure No.A-2, the Memo No.A-938/ED/Ch.II dated 29.06.2005 by the Respd. No.3.





- (ii) *To issue writ in the nature of mandamus ordering the Respondent, as consequence of the 1<sup>st</sup> relief to appoint the applicant as G.D.S. B.P.M. Deoria Baboo, being the first in the merit amongst the candidates.*
- (iii) *To direct the Respondents to count the service of the applicant as duty since the date of illegally depriving of it by appointing Respd. No.4*
- (iv) *To grant such other reliefs for which the applicant might be found eligible and entitled to.*
- (v) *To award cost of litigation against the Respdts. and in favour of the applicant."*

2. The case of the applicant is that vacancy of GDS, BPM Deoria Baboo fell vacant on 3.5.1998. Procedures were initiated by respondents to fill up the post. 19 candidates applied, including that of applicant. Shri Madan Pandey who was top on the merit list was selected and appointed on 23.10.2000. However, respondent no 4, who was also one of the 19 candidates, alleged that Shri Pandey had appeared as regular candidate in the High School examination for the 3rd time, while rules of the UP Board required that regular candidates can take examination in two chances only. When this was established the respondents cancelled the appointment of Shri Pandey, who filed OA 1323 of 2002 before this Tribunal. Respondent No 4 also filed OA 574 of 2003 seeking direction to department to appoint her in place of Shri Pandey. The decision of this Tribunal was conveyed by a common order dated 9.1.2004 dismissing the case of Shri Pandey, while giving him the liberty to seek alternative employment from the department under Rule 13 (2) of the Rules. The representation of Shri Pandey was






rejected by the competent authority on 2.2.2005. The OA 574 of 2003 filed by Respondent no 4 was also dismissed as she was not high enough on the merit list and did not qualify for appointment. As the cases were dismissed, the department resumed the selection process from among the remaining candidates in the merit list, wherein applicant (after cancellation of Shri Pandey's appointment) figured at no.2 position after Shri R. M Tripathi Respondent no 4 stood at position no.4 after Shri Jata Shankar Prasad at no. 3 position. However, the department appointed respondent no. 4 to the post, stating that applicant, among others, did not appear for the alleged interview, even though RRs has no such provision. Further, no time or date of interview was communicated by post or by hand. It transpired that Shri Tripathi had got a job elsewhere and had given his unwillingness for the job. As regards, applicant, it has been claimed that some mail O/S was sent by respondent no 2 and 3 and that the brother of applicant was met with. Based on the aforesaid meeting with the brother and an alleged written statement provided by his brother, a report was given saying that applicant was employed elsewhere and was not willing to work as GDS BPM. No notice was left and the department did not wait for return of the applicant. Hence, the document obtained through Mail/OS as conveyed in Annexure A-1 is incorrect and has no bearing upon the applicant and his candidature. When the applicant came to know that respondent No.4 has been appointed, he contacted the SSPO, Deoria (Respondent No.3) who informed that PMG, Gorakhpur (Respondent No.2) had given instructions regarding the appointment of





respondent No.4. The applicant was also told by the respondent No.3 that some document purportedly received from him and bearing his photo informing about the withdrawal of his candidature was received. The applicant's case is that on the one side respondents have stated that applicant was not available and on the other side they have taken advantage of a document allegedly given by him bearing his photograph, which again could have been obtained from the negative available in the Single Photo Studio at Laxmiganj, where every one obtained photographs. After respondent No.3 did not intervene, the applicant represented his case to respondent No.2 on 12.08.2005 and again reminded him on 2.5.2006. The order rejecting his case was passed on 8.5.2006. Hence, this O.A.

3. The case of the respondents is that it was a fact that Shri Pandey's appointment was cancelled. The merit list shown by the applicant has also been admitted but the ground on which the respondent No.4 was appointed was because Shri R.M. Tripathi had not provided his educational certificates nor verification certificate from competent authority regarding land in his own name and income therefrom. He has not been able to provide a house in the village and further information has been received from Shri Tripathi's father that he has taken a private job in another city. Further, Shri Tripathi did not himself appear before the inspector (post) at the time of verification/counseling. In respect of applicant, it has been stated that his police verification has been received. However, verification of DM






regarding land in his own name and income therefrom has not been received. Respondents also stated that they received information from his brother Shri Naval Kishore Singh in writing that the applicant is in a private job in another city. The applicant did not appear before the Inspector (post) at the time verification/counseling.

As regards Shri Jata Shankar Prasad, it has been stated that he has no land in his own name and no source of income in his name. In view of the above, cases of Shri Tripathi, Shri Jata Shankar Prasad and Shri Ramesh Singh were not considered eligible and respondent No.4 who stood next in the merit list fulfilled all the criteria, such as, verified educational certificate, verification from DM regarding land in her own name and income therefrom as well as Police verification. She also had a house to run the Branch Post Office. Hence, respondent No.4 was found eligible and was appointed on 29.6.2005. The representation dated 12.8.2005 and 24.8.2005 received from the applicant were also responded to vide order dated 8.5.2006 stating the reasons the basis on which he was not considered for appointment.

4. The case of the private respondent No.4 is that she followed up the case of cancellation of Shri Pandey's appointment since he had managed to obtain his High School Certificate of the U.P. Board fraudulently. When she contacted Shri Tripathi, the applicant and Shri Jata Shankar Prasad, who were at the merit list at 2, 3 and 4 respectively, they informed respondent No.4 that they were not interested in their appointment in place of Shri Pandey and also





declined to take action against him. They, however, agreed to write to the Department that they were not interested in the appointment and were withdrawing their candidature. On 12.11.2000, Shri Tripathi and the applicant wrote to the SSPO, respondent No.3 which was received on 12.11.2000 withdrawing their candidature. In this regard, the respondent No.4 has annexed CA-1 and CA-2 received from Shri Tripathi and applicant, respectively. Similarly, Shri Jata Shankar Prasad made an application on 30.1.2002 withdrawing his candidature, which was received in February 2002 and which has been annexed as CA-3. Since the candidature of all the three persons were voluntarily withdrawn respondent No.4 alone was left in the zone of consideration. She took up the case of cancellation of appointment of Shri Pandey and when no action was taken by the U.P. Board initially she filed Writ Petition No.24521 of 2001 before the Hon'ble High Court. Based on the direction of the Hon'ble High Court on 17.7.2001, the Board was forced to decide the matter and then cancelled the High School Certificate of Shri Pandey. In this way, it is clear that neither applicant nor any other candidate took any efforts for their appointment even after appointment of Shri Pandey was cancelled or when the O.A. filed by him in Tribunal was dismissed. When they were called to appear before the Department they did not appear. It is only when she was appointed on 29.06.2005 that the applicant represented his case almost one year after her appointment. Moreover in this case, since Shri Tripathi was above the applicant in the merit list, although he had withdrawn his candidature, impleadment of Shri Tripathi as a party was necessary and hence the





O.A. suffers from non impleadment of necessary party. The applicant is also not qualified for the post as he did not have land in his name which is an essential requirement. He had produced fake document showing land in his name along with his application. The applicant has raised the issue of alleged interview whereas nobody was called for interview by the Department. The appointment was made on the basis of merit list which is how the respondent No.4 got appointment after 03 candidates above her withdrew their candidature. Further, the applicant was also working elsewhere as per information provided by his brother. He never appeared before the Department, although he was called by the Department to appear but staked his claim only when respondent No.4 got appointment. The certificate given by the applicant's brother is also a genuine document.

5. In the Rejoinder Affidavit to the CA, the applicant has annexed affidavit of Shri Naval Kishore Singh in which he has, inter alia, stated that the SDI, PO, Kasia Sub Division did not meet Shri Singh on 19.5.2005 and no statement or document was provided by him. The Inspector of Postal Department had never contacted him in May, 2005 on a particular date a mail overseer came to see the applicant when applicant was not present at home. No written or oral information was received by him or any other member of the family that required applicant to appear before the SDI, (PO) Kasia Sub Division. He had denied that he was competent to give the letter for withdrawing the candidature of his brother viz the applicant and that






he never wrote any such letter. It is a fact that the applicant owned agricultural land and had derived income from it but to supplement his earning he worked private job as and when the work was available and that he would not have withdrawn his candidature if a regular employment under government was at hand.

6. In the Supplementary Rejoinder Affidavit to the CA filed by official respondents, it has been stated by the applicant that the case of the respondents is full of contradictions. In the CA it has been stated that the applicant was required to appear but was not available. If he was not to be considered for appointment on 2.2.2005 then there is no reason why he should have been called for.

7. In the Rejoinder Affidavit filed by the applicant in reply to counter affidavit filed by the respondent No.4, the applicant has denied that respondent No.4 had not contacted him when he is alleged to have told that he was not interested in the appointment as GDS BPM. He denied that he told the respondent No.4 that he would inform the department in writing and that he was not interested in the appointment. He never gave any application to withdraw his candidature and Annexure CA-2 to the CA of the respondent No.4 is a fake document. If at all it is accepted that Shri Tripathi has withdrawn his candidature then the next person in the merit list was the applicant, who should have been given preference over respondent No.4 for the purpose of appointment. A perusal of Annexure CA-1, CA-2 & CA-3 of respondent No.4 will reveal that the writing in the body of the

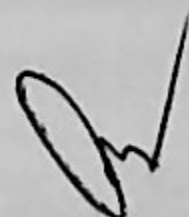




applications and the signature below that of the alleged letters are quite different from the endorsement of the copies to the Ministry of Communication and CPMG, Lucknow. This proves that these documents are false. It has also been stated that Shri Tripathi is not a necessary party as the applicant has no claim against Shri Tripathi, who himself had no adverse claims against the applicant. Hence, OA does not suffer from the vice of non joinder of necessary party. The applicant has also denied that there is no rule that the candidate must have landed property in his own name in the post office. As per circular dated 17.9.2003 landed property in the name of candidate is not any more a criteria to participate in the selection process.

8. In the Supplementary Counter Affidavit filed by the Department on behalf of the Respondents No.1, 2 and 3, it is stated that on 5.10.1998 the notification for selection on the post of GDS BPM was issued the provision of having landed property was in force and hence, the applicant was found ineligible on this ground, while respondent No.4 considered eligible on this ground, also.

9. We have gone through the O.A., Rejoinder Affidavit of the applicant, Supplementary Rejoinder Affidavit and also Annexures A-1 to A-11 accompanying the O.A, Annexure RA-1 and RA-2 accompanying the RA,





10. We have also gone through the Counter Affidavit, Supplementary Counter Affidavit filed by the respondents and Annexure CA-1 accompanying the O.A..

11. We have also gone through the Counter Affidavit filed on behalf of respondent No.4 along with Annexure CA-1 to CA-4 and Rejoinder Affidavit in reply to Counter Affidavit filed by respondent No.4.

12. We have heard the learned counsels on behalf of the applicant and respondents and perused the facts and circumstances of the case.

13. On the issue of rejection of applicant's case for appointment on merit and as per his turn, the official respondents have stated in their order dated 8.5.2006 as follows:-

“उपरोक्त विषयगत मामले में आपको सूचित किया जाता है कि निरीक्षक डाक कसया उप मण्डल के साक्षात्कार के समय आप उनके समक्ष उपस्थित नहीं हुए। साक्षात्कार के समय आपके भाई श्री नवल किशोर सिंह ने लिपिक बयान दिया कि ‘मेरे भाई श्री रमेश सिंह बाहर नौकरी करते हैं। साक्षात्कार के समय उपस्थित न होने व अन्य नौकरी करने के कारण आपका प्रतिवेदन क्षेत्राधिकार द्वारा स्वीकार नहीं किया गया तथा इन्हीं कारणों से आपकी नियुक्ति जी.डी.एस. शा.पो.मा.देवरिया बाबू (लक्ष्मीगंज) कुशीनगर के पद पर नहीं की गयी।

ह0अस्पष्ट


प्रवर अधीक्षक डाकघर,  
देवरिया मण्डल,  
देवरिया-274001 ”

Again on this issue, in the CA, it has been stated at

Para F(2) regarding applicant, as under:-

“2. Sri Ramesh Singh

Police verification received. No verification whatsoever, has been received from D.M., Kushinagar regarding land in his own name and





*income there from. Report regarding Educational certificate has been received from the concerned school. An information has also been received from his brother Sri Naval Kishore Singh in writing that said Sri Ramesh is in private job in other city and he has also not appeared before the Inspector (Posts) at the time of verification/counseling. Therefore, his application was not considered. For convenience of the Hon'ble Court, a photocopy of Written Statement dated 19.5.2005, given by Sri Naval Kishore Singh is enclosed herewith and marked as Annexure-1."*

Later, again at Para-8 of the CA reads as under:-

*"8. .... the applicant/Ramesh Singh vide his letter dated 12.11.2000 requested for withdrawal of his candidature for the post of Branch Post Master, Deoria Baboo and also he never appeared physically at the time of verification of documents/counseling inspite of repeated opportunities given during the year 2000 to 2005 because of his engagement in private job, as would be evident from the circumstances as well as the written statement dated 19.05.2005 given by his brother. In view of the averments made above, the applicant is not at all entitled for any relief and as such the O.A. deserves to be dismissed with costs."*


14. Reading the above averments together, we observe that there has been no clear and unambiguous stand of the official respondents regarding grounds for considering the applicant ineligible. It has only been shifting stands attributed at different points in time in the selection process. The use of the word 'interview' in the order dated 8.5.2006 had no basis because there was no provision for interview. The applicant has rightly stated at Para 12 of the O.A. that there was no provision of interview. No supporting document has also been made available about holding an interview. At Para F(2) of the CA filed by the official respondents, it has been stated about the






requirement of the physical appearance of applicant before the Inspector (Post) at the time of 'verification/counseling'. No document to support this averments has been given, while applicant has denied that there was any such requirement. Para 8 of CA says that applicant never appeared physically for verification of document/counseling despite repeated opportunities given between 2000 and 2005. No documentary support about the notices issued to the applicant and their alleged non receipt has been made available.

15. Further, if applicant has allegedly withdrawn his candidature on 12.11.2000 along with two others candidates then why was a notice to verify his documents considered necessary from 2000, when the appointment of Shri Pandey had already been done on 23.10.2000. Further, the order rejecting Shri Pandey's appointment was done in compliance of order dated 2.2.2005 in O.A. No.1323 of 2002 and the issue of appointment in place of Shri Pandey opened up only after 2.2.2005, in as much as the respondents could not have presupposed the order of the Tribunal. Hence the claim of following up with applicant from 2000-2005 asking him to turn up is a hollow and cooked up claim. Therefore, it does not stand to reason that he was being given notice for appearing in interview or for verification of documents or for counseling while there was no provision for interview or counseling. The need for verification of documents normally arises only prior to appointment, when provisional appointment is an issue.






16. In view of the above, the alleged withdrawal of candidature by applicant and by Shri Tripathi on 12.11.2000 and by Shri Jata Shankar Prasad on 30.1.2002, as claimed by the respondent no.4 in her CA, has been rendered irrelevant/invalid in view of Shri Pandey's appointment prior to the alleged withdrawal. Further, the letters of withdrawal of candidatures are official documents, but they been relied upon and annexed by respondent No.4 when she filed her CA on 23.4.2010, whereas the official respondents have not relied or annexed this document in their CA dated 23.3.2008. There is only a passing reference at Para-8 regarding withdrawal of applicant's candidature vide the alleged letter dated 12.11.2000. Before accepting any withdrawal letter in a merit-based selection process, it was the duty of the respondents in due course of action to confront the applicant as also the other two candidates whether they wrote the letters of withdrawal and ascertain the facts and circumstances of the alleged withdrawal and come out with their denial or affirmation of the alleged letters of withdrawal. Hence, these 3 withdrawal letters had no value and cannot be relied upon in a merit-based selection process, in as much as they were irrelevant at the time of the appointment process when Shri Pandey had already appointed on 23.10.2000 i.e. before the withdrawal letters were issued. They were further irrelevant to the *de novo* selection process in 2005, in which the appointment of respondent no 4 was made by the respondents, inter alia, referring to the above withdrawal letter of the applicant as stated by respondent No.4.





17. When the de novo selection process started, in 2005 the respondents have stated in the order dated 08.05.2006 that the other ground given for not considering the applicant eligible is that applicant's brother gave in writing vide his letter dated 19.5.2005 that he has got a job elsewhere. Similarly, It has been stated in respect of Shri Tripathi that his father informed the Inspector (post), that he is in a job elsewhere. The official respondent's haste is matched only with that of respondent no.4, who concluded on that basis their unwillingness to take a government job. Taking a job elsewhere does not preclude them from being considered for a Government job, especially in a merit based selection process. Such alleged statements made on behalf of candidates are extraneous excuses to ignore those holding merit and are not to be relied upon. Instead, the respondents were duty bound to have verified with the applicant personally as also with Shri Tripathi, who was above the applicant in the merit list, to confirm whether they were in a job elsewhere and consequently were not interested in this job. We have already held that no documentary support of any formal notices issued have been made available on record to show that the candidates were personally contacted to obtain their denial or affirmation of the statement made by the brother and father of applicant and Shri Tripathi, respectively, neither of whom had any *locus standi* to decide for the candidates. They were at best information for further diligence to be exercised by the department in the form of inquiries to establish correct facts. If the two had confirmed that they did not write the letters of withdrawal, then the respondents were duty





bound to check with Shri Prasad, who was next below the applicant, about his alleged letter of withdrawal in 2002 and his willingness and interest, before considering the case of Respondent no 4. Hence, the manner in which the selection process was driven by criteria other than merit, guided by an elimination rather than selection process, vitiates the process and makes the selection process suspect.

18. As regards the criteria of possession of land property in the name of the candidate, the respondents have stated that this provision was in force in 1998 when the notification for filling up the post was issued. However, the applicant has provided a copy of the revised circular issued by the Department vide letter dated 17.9.2003. As per the above, the requirement to insist on possession of landed property before appointment has been dispensed with, in view of the fact that the Courts and Tribunals have held this criteria to be contrary to the provisions of law. The letter under reference reads as follows:-

*"2 The preferential condition of income derived from landed property or immovable assets as laid down vide letter, dated 6.12.1993, which was extended to all GDSs vide Department of Posts (Conduct and Employment) Rules, 2001 has come for judicial scrutiny before various benches of the Hon'ble Central Administrative Tribunal and High Courts.*

3. ....

*3.1 The condition of income preferably derived from landed property or immovable assets for recruitment to the posts of Gramin Dak Sevaks (GDS) including GDS BPM/SPM, will be deleted.*

3.4 ....





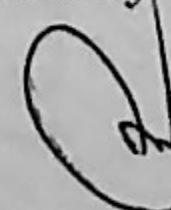
4. *In view of the above decisions of the Postal Services Board, the sole criteria for selection to the posts of all categories of GDSs will henceforth be the merit subject to orders on reservation and fulfilling other eligibility conditions like providing of space for BO, taking up residence in the BO village before appointment, etc.*

5. *Further, as a corollary to the decision at 3.1 above, of the Postal Services Board, necessary amendment deleting the provision contained in Note II (iii) below Rule 3 in the Department of Posts (Conduct and Employment) Rules, 2001, is being issued separately.*

6. *This order will come into force from the date of issue."*

Hence, when the de novo selection process was adopted in 2005, provision for having land had ceased to exist in the rule book and hence, the official respondents should have dispensed with the above mentioned criteria as non possession of land and income therefrom could not be construed as a criteria rendering any candidate, including that of applicant eligible/ineligible. Respondent No.4 has been preferred on this ground while applicant, among others, has been considered ineligible on the very same ground by the official respondents. This is a complete violation of Government orders, even amounts to contempt of Court orders/rulings.

19. In view of the foregoing, it is apparent that the official respondents have given a complete go by to the criteria of selection based solely on merit. Merit being the only criteria when Shri Pandey was appointed, it was the responsibility and duty of the official respondents to have considered Shri Tripathi, next in merit list to Shri Pandey, followed by the applicant and then by Shri Jata Shankar Prasad





and thereafter respondent No.4 for due completion of the selection process. Instead, after Shri Pandey's appointment was cancelled respondent No.4 was appointed, on this or that ground, or conditions extraneous to merit, which is a complete violation of the rights of all those placed above respondent no 4 and below Shri Pandey in the merit list.

20. The respondent No.4 has stated that impleadment of Shri Tripathi was necessary in this O.A.. The ground taken by the official respondents for not considering the case of Shri R.M. Tripathi is as follows:-

"Ravindra Mani Tripathi"-

*Verification of the educational certificate has not been received from U.P. Madhyamik Shiksha Parishad. Police verification was received from D.M., Kushinagar, but no verification, whatsoever, has been received from D.M., Kushinagar regarding Land in his own name and income there from. He has not provided House in Vill. Deoria Baboo to run Branch Post Office. An information has also been received from his father Sri Badri Narayan Tiwari that said Sri Ravindra Mani Tripathi is in private job in other city and he has also not appeared before the Inspector (Posts) at the time of verification/counseling. "*


We have already discussed regarding the irrelevance of the alleged letters of withdrawal by applicant and Shri Tripathi on 12.11.2000 after the appointment of Shri Pandey in October, 2000. The official respondents never confirmed with Shri Tripathi, as was not done in the case of applicant, whether he authored that letter and his willingness or otherwise for the applied job. In 2005, when the matter opened up for appointment after cancellation of the appointment of Shri Pandey on 2.2.2005, the same ground taken in respect of applicant was





used, which was that Shri Tripathi's father, who had no *locus standi* just like applicant's brother, had stated that his son has got a job elsewhere. The due course of action for the official respondents in a merit-based selection process would have been to directly confirm with Shri Tripathi if he wrote the letter and not rely on his father's word. In this case, unlike that of applicant's brother's written statement, nothing has been given in writing by Shri Tripathi's father. Hence, there was more reason why inquiry should have been done with Shri Tripathi himself before deciding his case of ineligibility. Hence, averments made by the official respondents as well as that of respondent No.4 or even that of applicant in respect of Shri Tripathi that he is not a necessary party is not legally tenable. If the legitimacy of 12.11.2000 is being questioned by applicant then the same letter of alleged withdrawal by Shri Tripathi on the same date also cannot also be held to have any validity.. Hence, this O.A does suffer from non joinder of Shri Tripathi whom the official respondents have not confronted about his willingness or otherwise to participate in the merit-based selection process. Unless this is done, it would be premature to consider the case of even applicant.

21. In view of the above we hold that the initial appointment of respondent No.4 was bad in law and deserves to be set aside. The official respondents are directed to conduct the entire selection process afresh after due intimation to all candidates (including respondent No.4) below that of Shri Pandey in accordance with merit list and in that order of candidature as initially drawn up by the official respondents. This should be done after giving due notice and obtaining

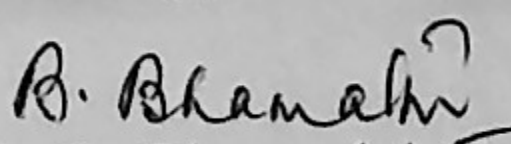




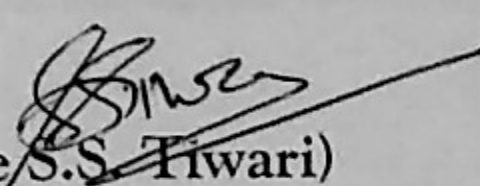
proof of service of the notice. The above process shall be completed within three months from the date of receipt of certified copy of this order. Whoever is selected through the above merit-based selection process, subject to their being eligible otherwise, will be deemed to have been appointed from the date on which respondent No.4 was appointed i.e. 29.6.2005 and will be entitled to all consequential benefits except that of back wages. In such an eventuality, respondent No.4 will get no more than what she has already been given to her by way of salary and other benefits. Nothing shall be recovered from her for the service already rendered. It is open to the respondent, if they consider it desirable, feasible and in accordance with law for adjusting her against any existing vacancy in the department. In case she is considered, then this exercise shall be completed within a period of six months from the date of receipt of certified copy of this order.

22. Hence, the O.A. is partially allowed to the extent that the appointment of respondent No.4 is quashed and set aside. However, it will be premature to consider the prayer of the applicant to appoint him in place of respondent No.4 in view of directions at Para 21 of this order which shall be complied with within the stipulated period mentioned above. No costs.

23. Accordingly, the O.A. is disposed of. No costs.

  
(Ms. B. Bhamathi)  
Member-A

Sushil

  
(Justice S.S. Tiwari)  
Member-J