CAT/J/13

CENTRAL ADMINISTRATIVE TRIBUNAL

AHMEDABAD BENCH

O.A. NO. 294 OF 1989

~~T.A. NO.~~

DATE OF DECISION 24.7.1995

Shri M.K. Gautam, Petitioner

Mr. K.K. Shah, Advocate for the Petitioner (s)

Versus

Union of India & Ors. Respondent s

Mr. Akil Kureshi, Advocate for the Respondent (s)

CORAM

The Hon'ble Mr. V. Radhakrishnan, Member (A)

The Hon'ble Mr. Dr. R.K. Saxena, Member (J)

JUDGMENT

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

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CENTRAL ADMINISTRATIVE TRIBUNAL,

AHMEDABAD BENCH,

AHMEDABAD.

Original Application No.294 of 1989.

Today, the _____ day of _____ 1995.

HON'BLE MR. V. RADHAKRISHNAN, MEMBER (ADM.)
HON'BLE DR. R.K. SAXENA, MEMBER (JUDL.)

Shri M.K. Gautam,
Field Publicity Assistant,
Field Publicity Office,
Shanti Bhawan,
Pathar Sadak,
PALANPUR,
Dist. Banaskantha. :::::: Applicant.

BY ADVOCATE SRI K.K. SHAH.

VERSUS

11. Union of India,
through Respondent No.2.

2. Director,
Directorate of Field
Publicity, Ministry of
Information & Broadcasting,
Government of India,
East Block IV,
Level III, R.K.Puram,
NEW DELHI-110 066.

3. Regional Officer,
Directorate of
Field Publicity,
Government of India,
4-Mill Officers Colony,
Navrangpura,
Ashram Road,
AHMEDABAD-380 009. :::::: Respondents.

BY ADVOCATE SRI A. QURESHI.

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J U D G M E N T (Reserved).

Dr. R.K. SAXENA, MEMBER (JUDL.).

The applicant has approached the Tribunal challenging the order of punishment (Annexure A-1) passed by respondent No.2 whereby the applicant was reduced by two stages i.e. from Rs.1760/- to Rs.1680/- in the time scale of Rs.1350-2200 for a period of 2 years w.e.f. 1-6-1987 without any future effect.

2. The brief facts of the case are that the applicant was appointed on 17/11/64 as a Project Operator in the Five Year Plan Publicity Mobile Unit under the Ministry of Information and Broadcasting, Government of India, vide Annexure A-2. The designation of the applicant was subsequently changed w.e.f.1-8-1969 from Project Operator to Field Puvblicity Assistant. In the year 1980, he was working as Field Publicity Assistant in Ahwa Unit, District Dangs, but in July 1980 he was transferred to Palanpur. During the tenure of his service at Ahwa, disciplinary proceedings were started against him by the Regional Officer, Gujarat Directorate. He was served with a memorandum on 21-5-1987 levelling charges (Annexure A-4). The Articles of charges were four in number. According to Article No.1, the applicant, while functioning as Field Publicity Assistant at Ahwa, misused the Government vehicle by taking the Ahwa Unit Vehicle from Vapi to and back for non-official purpose between the period 29-2-80 to 1-3-80. The second Article of charge was to the effect that during the said period, while functioing in the aforesaid office, the applicant remained absent from duties from 9/2/90 to 22-2-80 and at the same time the applicant claimed false TA/DA on tours to

Tithal Road on 17/2/80, Sigri on 18/2/80, Lilapur on 19/2/80, ~~on 19-2-80~~, Rabra on 20/2/80, and Navera on 21-2-80. Article 3 discloses that during the said period, while functioning in the aforesaid office, the applicant remained absent from duties on 6/3/80 to 21-3-80 and at the same time claimed false TA/DA for visits to Village Teti on 7/3/80, Tesra on 8/3/80, Kacholi, on 9/3/80 and Milimora on 21-3-80 and Gandevi Road on 22/3/80. Article 4 of the charges related to his absence from duties from 3/4/80 to 7-4-80 and at the same time of having claimed false TA/DA for halt at Bilimora on 3/4/80 , Gandevi on 4/4/80, Ajarai on 5/4/80 and Anahal on 7/4/80. The list of the documents relied upon and the list of witnesses by whom the Articles of charges were proposed to be established, was also annexed thereto. The applicant was required to submit written statement of his defence within 10 days. Thus the charge sheet was prepared and signed by the Regional Officer.

3. The Regional Officer had also appointed Shri R.B. Srinivasan, Chief Accounts Officer of the Office of Collector of Central Excise, Ahmedabad as Inquiry Officer to inquire into the said charges. The preliminary hearing was held on 27/4/83 when the applicant denied the charges framed against him and desired to inspect the documents and other relevant papers connected with the case. When the supply of the copies of certain documents was under consideration and in progress, the Inquiry Officer Shri R.B. Srinivasan, retired on superannuation and, therefore, Shri H.D. Desai, Assistant Collector, Central Excise, Ahmedabad, was appointed as Inquiry Officer. He, therefore, proceeded with the inquiry. The department had examined S/Shri R.K. Chauhan, Ibrahim Umer Valera, Ganpath Somabhai Gaekward, Sivram L. Thakaria and V. V.

Paulin. Besides, documents were also produced in support of the case. Shri H.D. Desai, Inquiry Officer, prepared analylitical report and had concluded that the charges fromed against the applicant were not proved. The report was sent to the respondents. It appears that the respondent No.2 considered the report and agreed with the Inquiry Officer so far as the Articles 3 & 4 of the charges were concerned, but he disagreed with the finding of the Inquiry Officer in regard to Articles No.1 & 2 of the charges framed against the applicant. Thereafter he passed the impugned order (Annexure A-I) whereby major penalty of reduction by 2 stages i.e. from Rs.1760/- to Rs.1680/- in the time scale of Rs.1350-2200 for a period of 2 years w.e.f. 1-6-87 with the stipulation that he would not earn increment of pay during the period of reduction and on the expiry of the said period, the reduction would not have the effect of postponing his future increment was passed. The applicant had challenged the order of punishment by filing an appeal to the Secretary, Ministry of Information and Broadcasting on 30-7-87. It appears that no action was taken in the appeal and, therefore, the applicant preferred O.A. No.86/89 which was decided by the Tribunal on 2/2/89 directing the respondents that the appeal pending with the Ministry of Information and Broadcasting, be disposed of within 4 months from the date of the order. The applicant was also given liberty to file fresh applicant if it was necessary. The appeal was considered by the Secretary, Government of India, on 12/4/89 whereby it was rejected and the punishment awarded by the disciplinary authority, was upheld.

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4. Feeling aggrieved by the said order this O.A. has been filed challenging not only the order of the punishing authority but also the order of the appellate authority. The grounds of challenge are, that the disciplinary proceedings were instituted by the Regional Officer, without any legal authority, that the procedure laid down under the CCA(CCS) Rules, 1965 has not been observed and followed, that the findings of the disciplinary authority ~~and~~ which were confirmed in appeal, are not warranted by the evidence on record, that the respondent No.2 did not give any opportunity of hearing to the applicant before imposing the major penalty, that on disagreement with the Inquiry Officer, the proper procedure was not followed, that there is not even an iota of evidence to support the charges; and that the orders of punishment passed by the disciplinary authority and confirmed in appeal, are illegal and liable to be quashed.

5. The respondents contested the case by filing reply of Shri Juel Bara, Regional Officer. It has been averred that the applicant has got no locus-standi to bring this O.A. and that too after the expiry of the limitation and that the Tribunal has got no jurisdiction to adjudicate upon the matter. It is also contested that the institution of disciplinary proceedings by the Regional Officer had been in accordance with the CCA(CCS) Rules and the Regional Officer had been made appointing authority and disciplinary authority in the case of Group 'C' employees and thus he(Regional Officer) was empowered to initiate disciplinary proceedings against the applicant. The letter, Annexure R-I, bywhich the Regional officer was

made appointing authority, has also been filed. It is also canvassed that the memorandum(Annexure A-4) was prepared in accordance with the practice and procedure of the department and thus the charge sheet issued by the Regional Officer was legal and valid. It is denied that no opportunity of hearing was given to the applicant either during the inquiry, including the stage of passing the order of punishment or while deciding the appeal by the appellate authority. As regards disagreement with the enquiry officer, it is contended that the disciplinary authority has passed a reasoned order after considering all the matterials on record. It is further argued that the reasons for disagreement with the finding of the Inquiry Officer was recorded by the disciplinary authority. The contention of the respondents is also to the effect that there was sufficient evidence on record to substantiate the charges No.1 & 2 and, therefore, the disciplinary authority disagreed with the report of the Inquiry Officer for valid reasons and subsequently passed the order of punishment. The case of the respondents is also that proper appreciation of the evidence on record was not made by the Inquiry Officer. It is, therefore, urged that the orders of punishment by the disciplinary and appellate authority confirming the same, are quite legal and valid and there is no merit in the case of the applicant which is liable to be rejected. Supplementary reply was also filed by the respondents justifying the stagnation of the applicant by not allowing two increments to him.

6. We have heard Shri K.K. Shah, learned counsel for

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the applicant and Shri A. Qureshi, learned counsel for the respondents. The material on record including the inquiry report filed, has also been perused.

7. Before we deal with the main points in the matter, we would like to discuss the preliminary objections which have been raised on behalf of the respondents in their reply. It is contended that the O.A. was filed beyond the period of limitation under section 21 of the Administrative Tribunals Act, 1985. The facts which were set out earlier are pointer to this issue. It is clear that the applicant had preferred appeal against the order of punishment and since the same was not disposed of, the applicant had filed O.A.No.86/88 which was decided by the Tribunal on 2/2/1989. In this decision, the Tribunal had directed the respondents to dispose of the pending appeal of the applicant within 4 months from the date of the said order. The appeal was disposed of by order dated 12-4-89 (Annexure A-9). In this way, the period of limitation shall be calculated from this order(Annexure A-9). There is no dispute that this O.A. was filed on 26/5/89 and the matter was placed before the Bench on 14/9/89. Thus the O.A. was preferred within a period of one month from the date of the order passed in appeal and the Bench took cognisance of this O.A. on 14-9-89. In this way, the O.A. was preferred well within the period of limitation. The objection raised by the respondents is, therefore, not valid.

8. The second objection is that the applicant has got no locus-standi or valuable right to file this application. No doubt, this objection has been taken in

the reply but no arguments were advanced on the point. It appears that the respondents did not attach significance to this objection. Anyway, we are rather surprised as to how a person who has been punished in displinary proceedings and whose appeal has been rejected, can be said to have no locus-standy. In our opinion, this objection has also got no merit. It is also contended that the Tribunal has got no jurisdiction to adjudicate upon the matter. Again we would like to mention that no such argument was advanced when the matter was argued on merits on behalf of the parties. Besides, no ground has been shown in the reply itself or thereafter as to how this Tribunal lacks jurisdiction. At the cost of repetition, it would be required to mention that it is a case in which the order of punishment which was maintained in appeal, has been challenged. In our opinion, the Tribunal has got jurisdiction to adjudicate upon such matters. Thus, this point has got no merit, and stand rejected. In this way, all the 3 points, which were of technical nature and were raised in the reply, stand disposed of against the respondents.

9. Now, going through the merits of the case, we would like to discuss the points which have been raised on behalf of the applicant. It is not in dispute that the charges were framed against the applicant by the Regional Officer. The point raised by the learned counsel to the applicant is that the applicant was appointed by the Director Sri R.K. Chatterji on 7-10-1964 vide Annexure A-2. On the basis of this appointment letter, it is emphasised that the Director of ~~all~~ the Directorate of Field Publicity, Ministry of

Information and Broad-casting, is the only competent authority to frame charges against the applicant and to pass an order of punishment. So far as the punishment is concerned, it is the Director Shri C. Lal Sangliana, who had passed the order imposing penalty on 21-5-87. Thus, the only question which remains for consideration is whether the charges can be framed by any other officer than the Director or below the Director. In this connection, the learned counsel for the applicant states that the charges can also be framed only by the authority who can impose punishment. On the other hand, the learned counsel to the respondents submitted two-fold arguments. He drew our attention to Annexure -R-I, which is a photostat copy of a letter dated 9-11-1982 addresed to Shri B.C. Kothari, Regional Officer, by Shri G.D. Gulati, Dy. Director (A), Delhi. The first paragraph of this letter deals with the D.O. which appears to have been sent by Shri B.C. Kothari, Regional Officer, on 19/10/82 regarding disciplinary proceedings against Shri M.K. Gautam, Field Publicity Assistant, the applicant. The second paragraph of the said letter deals with a decision that Regional Officers, who are the appointing authority, in respect of Group 'C' and Group 'D' staff, will function as disciplinary authority in respect of all such posts. It was, therefore, directed that Shri B.C. Kothari, Regional Officer, should initiate disciplinary proceedings against Shri Gautam, Group 'C' employee. Paragraph 3 of the letter deals with the appointment of Inquiry Officer and Presenting Officer and it should be

decided by the Regional Officer himself. Any way, the the reading of this letter does not suggest and establish that the powers of disciplinary authority which were exercisable by the Director, were validly exercisable by the Regional Officer. Thus, this letter can suggest only a practice which was obtainable in the department.

10. The second fold of argument, on behalf of the respoindents, is that the charges can be framed or departmental proceedings may be initiated by any officers subordinate to the disciplinary authority. Our attention has been drawn to the case of Transport Commissioner, Madras Vs. A. Radhakrishna Moorthy (1995) 1 S.C.C. 322. In this case, Shri Radhakrishna Moorthy, who was working as Additional Regional Transport Officer, Madras, and was promoted as Deputy Transport Commissioner, was charged for mis-appropriation of some amounts during the years 1983-84 and 1984-85. The charges were framed by subordinate officer than the appointing authority. The matter came up for consideration before Their Lordships and in paragraph 8 of the judgment the following observation was made :-

> " In so far as the initiation of inquiry by an officer subordinate to the appointing authority is concerned, it is well settled now that it is unobjectionable. The initiation can be by an Officer subordinate to the appointing authority. Only the dismissal/removal

> shall not be by an authority subordinate to the appointing authority. Accordingly it is held that this was not permissible ground for quashing charges by the Tribunal."

11. The above observation of Their Lordships sets at rest the controversy which has been raised before us. It means that the initiation of proceedings including framing of charges, can be done by an authority which is subordinate to the appointing authority. It is true that the said authority which initiated the proceedings should not be below the delinquent officer. In this case, the Regional Officer is definitely and admittedly superior to the applicant. He is also subordinate to the Director. The charges were framed by the Regional Officer and the enquiry was started against the applicant on his orders. The charges were framed on 2/2/83. If the Memorandum and the Articles of Charges are read together in the light of the letter (Annexure R-I) which has been discussed above, it suggests that the initiation of proceedings, including framing of charges, was with the tacit consent of the Director. Even if it is not so, in the light of the law laid down in Transport Commissioner Vs. A. Radhakrishna Moorthy (Supra), the steps taken by Regional Officer in framing charges and in initiating the inquiry cannot be questioned. The only thing which is required to be looked into is whether the punishment has been awarded by the disciplinary authority/appointing authority or not.

Article 311 deals with 2 conditions. One is that, a Member of Civil Service of the Union or of a State, shall not be dismissed or removed by an authority subordinate to that, to which he was appointed. The second condition is that the dismissal or removal or reduction in rank shall not take effect unless an inquiry, in which he should be informed about the charges against him and is given reasonable opportunity of being heard, is held. It is nowhere a mandate that the charges should be framed by the appointing authority itself. For these reasons, we hold that the illegality which was tried to be found out in the initiation of disciplinary proceedings and framing of the charges by the Regional Officer, is not tenable. The order of punishment which was confirmed in appeal cannot be quashed on this count alone.

12. The second point urged by the learned counsel for the applicant is that illegality was committed by not giving an opportunity of being heard to the applicant when disciplinary authority disagreed with the Inquiry Officer. In this connection, reliance has been placed on the judgment in Ananda Prakash Singhal Vs. U.O.I. 1991 (1) (CAT), All India service Journal, page 137. In this case what has been held by the Tribunal is that it could consider the finding of the disciplinary authority if they were based on no evidence or on irrelevant evidence. Whether the disciplinary authority is required to give an

opportunity to the applicant before the order of disagreement is written, was considered by Their Lordships of Supreme Court in the State Bank of India, Bhopal Vs. S.S. Kaushal 1994 S.C.C. (L & S) ~~(1)~~, 1019 in which it was held that no such opportunity was required. ~~In~~ Paragraph 6, which deals with the question about the failure to give a fresh notice, when the appellate authority disagreed with the finding of the Inquiry Officer on some charges, reads:-

> " So far as the second ground is concerned, we are unable to see any substance in it. No such fresh opportunity is contemplated by the regulation nor can such a ~~regulation~~ requirement be deduced from the principles of natural justice. It may be remembered that the Inquiry Officer's report is not binding upon the disciplinary authority and that it is open to the disciplinary authority to come to its own conclusion on the charges. It is not in the nature of an ~~compulsion~~ appeal from the Inquiry Officer to the disciplinary authority. It is one and the same proceedings. It is open to a disciplinary authority to hold inquiry himself. It is equally open to him to appoint an Inquiry Officer to conduct the inquiry and

place the entire records before him with or without his findings. But in either case, the final decision is to be taken by him on the basis of the material adduced. This also appears to be the view taken by one of us (B.P. Jeevan Reddy J.) as a Judge of the Andhra Pradesh High Court in Mahendra Kumar Vs. Union of India. The second contention accordingly stands rejected."

The law laid down in the above noted case, therefore, is that when the Disciplinary Authority disagrees with the conclusions of the Inquiry Officer, no opportunity is required to be given to the delinquent employee. This ground taken by the learned counsel for the applicant in this regard, does not hold good.

13. It is also the case of the applicant which has been forcefully argued before us that the Inquiry Officer analytically examined the evidence which was adduced before him and he came to the final conclusion that the charges were not established. When the matter went to the disciplinary authority, he partly agreed with the Inquiry Officer, but partly disagreed. The agreement was about the non-establishment of the charges No.3 & 4. But according to the Disciplinary Authority, the charges No.1 & 2 stand established. It is true that the reasons advanced in support of his conclusion were not mentioned in the order of punishment dated May

21, 1987, but those reasons were given on page 45 of the file of disciplinary proceedings. It is quoted below :-

" I have carefully gone into this case including the deposition of the witnesses, the defence plea and the report of the Inquiry Officer as well as the facts brought on record. The main thrust of the defence plea is the unreliability of the prosecution witnesses and consequent loss of their credibility mainly on the ground that while according to the prosecution witness, Shri Gautam on his tour to Ahwa in February 1980, was accompanied by and seen with 3 children. The defence plea is that this statement was wrong as he had only two children and in support of this he had also produced documentary evidence. He (Shri Gautam) has also pointed out discrepancies in their ages and mentioned by witnesses viz-a-viz official records. The Inquiry Officer has also obviously accepted this line of arguments. Surprisingly, the statement of prosecution witnesses was not challenged nor contested by the defence during the deposition or by producing any separate proof at that stage and this was sought to be contested only later when the SPS given his final reply which could not be contested by the prosecution side. It is not required that in February, 1980 when the family of SPS came to Ahwa, 3 children were included in the claim submitted by him including the son of his deceased cousin-brother, apart from his own two children. That means he was accompanied by 3 children; obviously the witnesses had seen 3 children and

deposed accordingly and they would not have known whether or not all of them were his (Shri Gautam's) children unless so told. As regards difference in ages of the children as stated by witnesses, nothing much should be ~~wrong~~ as witnesses were asked to recall their ages after 5 years while they had met only once, as per the facts. Moreover, Shri Gautam and his family themselves had mentioned different ages on different occasions. This is a very vital piece of evidence obviously concealed during the course of inquiry and which has come to light incidentally during the further probe. Therefore, the defence plea about the unreliability of the prosecution witnesses falls flat. Once this is accepted, there is no reason not to accept the statements of the prosecution witnesses given either through written statements or in deposition during the inquiry, which were not fully challenged or contested during the course of the inquiry.

(2) Another vital piece of information given by one of the prosecution witnesses was about the stay of Shri Gautam's family at Daman during February, 1980 and which was not challenged/contested during ~~the~~ enquiry. However, the defence's final reply says that since no accommodation was available at Daman he had to stay in Villages where programmes were arranged. However, it is on record that one room in P.W.D. Rest House was occupied, ~~was~~ in the name of Shri M.K. Gautam on duty with two persons. This provides again a vital missing link in the case.

(3) Keeping in view the other relevant documents etc., the first two charges definitely stand proved. As for the remaining two charges, despite prosecution case I am ~~unable~~ inclined, to give the benefit of doubt to the SPS in view of the arguments adduced in the report.

(4) I feel the ends of justice will be met by reducing, two stages ~~of~~ the pay of the official in the present time scale for a period of two years with the stipulation that he will not earn increments of pay during the period of reduction and on the expiry of this period the reduction would not have the effect of postponing his future increments. Orders may be issued accordingly."

14. A perusal of this reasoning shows that the Disciplinary Authority had taken into consideration all the facts on record and had applied its mind whether to agree or not to agree with the report of the Inquiry Officer. As is laid down by their Lordships in the case of State Bank of india, Bhopal Vs. S.S. Kaushal (supra), it is clear that the report of the Inquiry Officer is not binding upon the Disciplinary Authority and, therefore, the Disciplinary Authority is at liberty to make its own mind.

15. It has been urged on behalf of the applicant that there is no evidence in support of charges No.1 & 2. It is not that there is no evidence at all but it is the question of appreciation of evidence. The Inquiry Officer appreciated the evidence in a way based on cotradictions and omissions and ultimately

reached the conclusion that the witnesses were not reliable. On the other hand, the Disciplinary Authority concluded that there was sufficient evidence to establish the charges. The question arises whether the Tribunal has got jurisdiction to probe the matter and re-appreciate the evidence if mere legal evidence was brought on record during the inquiry. This point came up for consideration before Their Lordships of the Hon'ble Supreme Court in several cases. In the case of State Bank of India & Others Vs. Surendra Kishore Endow and Another (1994) A.T.C. 149, it was held that:-

> " The High Court/ Administrative Tribunal could not interfere if punishment had been imposed after holding inquiry. The power could be exercised under Article 226 which is of judicial review. It is emphasised that judicial review was not an appeal from a decision but a review of the manner in which the decision was made. The power of judicial review is meant to ensure that the individual receives fair treatment and not to ensure that the authority, after according of fair treatment, reaches on a matter which it is authorised by law to decide itself, a conclusion which is correct in the eyes of the Court."

A similar view was taken in the case of State of Maharashtra & another Vs. Madhulkar Narayan Mardikar 1994 S.C.C. (L & S) 761. It was held

that the High Court erred in embarking upon re-appreciation of evidence as if it were sitting in appeal against the decision of departmental authorities. In the third case, Governmentof T.N. & another Vs. A. Rajapandian (1995) 1 S.C.C. 216 it was held that :-

> "The Administrative Tribunal fell into patent error in reappreciating and going into the sufficiency of evidence . It has been authoritatively settled by string of authorities of the Supreme Court that the Administrative Tribunal cannot sit as a Court of appeal over a decision based on the findings of the Inquiring authority in disciplinary proceedings. Where there is some relevant material which the disciplinary authority has accepted and which material reasonably supports the conclusion reached by the disciplinary authority, it is not the function of the Administrative Tribunal to review the same and reach different finding than that of the disciplinary authority."

In view of this, it is not possible for us to sit as an appellate Court and reappreciate the evidence which was recorded during the enquiry of the matter. We have already pointed out that it is not a case of no evidence but it is a case in which some evidence has been there and the dispute arose about its appreciation. The Inquiry Officer disbelieved the witnesses because there were some contradictions or some omissions. Their unreliability was also attributed to certain facts. In case we re-examine

the entire evidence and make our own appreciation, it would be against the settled law. We are, therefore, of the view that the contention of the learned counsel for the applicant that there was no evidence is not corroborated. Since there is evidence, it has been appreciated by the disciplinary authority and the appellate authority being the judges in their own right, we cannot sit as an appellate court and cannot appreciate the evidence. Thus the plea taken by the applicant does not hold merit.

16. The punishment has been awarded to the applicant on the basis of the appreciation of evidence and it is for reduction of the applicant in salary by two stages i.e. from Rs.1760/- to Rs.1680/- in the time scale of Rs.1350-2200/- for a period of two years w.e.f. 1-6-85 without any future effect. We see no ground to interfere with this punishment.

17. It has been contended on behalf of the applicant that even after completion of two years of punishment, the increment has not been allowed to be added in the pay of the applicant. By filing supplementary reply, the respondents tried to justify it. We are, however, of the view that the stoppage of increment of the applicant after the expiry of the period of punishment, shall be illegal and, therefore, the respondents are directed to add ~~allow~~ the applicant's ~~the~~ increments after the period of punishment was over and make payment of arrears within eight weeks.

18. The O.A. is disposed of accordingly. No order as to costs.

MEMBER(JUD.)

MEMBER(ADM.)

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