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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

O.A.No. 857 of 2004.

Cuttack, this the 21st day of March, 2006.


GIRISH CHANDRA BEHERA APPLICANT.

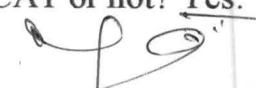
VERSUS

UNION OF INDIA & ORS RESPONDENTS.

FOR INSTRUCTIONS.

1. Whether it be referred to the reporters or not? Yes.
2. Whether it be circulated to all the Benches of CAT or not? Yes.


(B.N.SOM)
VICE-CHAIRMAN


(M.R. MOHANTY)
MEMBER (JUDICIAL)

21/03/06

**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH CUTTACK.**

O.A.No. 857 of 2004.

Cuttack, this the 21st day of March, 2006.

C O R A M:-

**THE HON'BLE MR. B.N.SOM, VICE-CHAIRMAN
AND**

THE HON'BLE MR.M.R.MOHANTY, MEMBER(JUDICIAL)

GIRISH CHANDRA BEHERA, Aged about 44 years,
S/o.Late Indramani Behera,
At/Po: Jagannathpur,
PS: Talcher, Dist. Angul.

..... APPLICANT.

By legal practitioner:- M/s.K.C.Kanungo, S.Behera,
C.Padhi, Advocate,

-VERSUS-

1. Union of India, represented through its Secretary, Communication cum Director General, Posts, Dak Bhawan, New Delhi.
2. The Chief Postmaster General, Orissa Circle, Bhubaneswar-751 001, Dist. Khurda.
3. The Director of Postal Services, Sambalpur Region, Sambalpur, Dist. Sambalpur.
4. The Superintendent of Post Offices, Dhenkanal Division, Dhenkanal, Dist. Dhenkanal.

..... RESPONDENTS.

By legal practitioner:- Mr.U.B.Mohapatra, SSC.



ORDER

MR.M.R.MOHANTY, MEMBER(JUDICIAL):-

In a disciplinary proceedings initiated under Annexure-A/5 dated 23-01-2002, Applicant Shri Girish Chandra Behera (GDS SPM of Jagannathpur Extra Departmental Sub Post Office) was visited with the punishment of **removal from service** under Annexure-A/17 dated 22-12-2002/20-01-2003. His appeal (filed under Annexure-A/17 dated 12-01-2004) having been rejected under Annexure-A/19 dated 27.08.2004, the Applicant has approached this Tribunal in the present Original Application filed under section 19 of the Administrative Tribunals Act, 1985 with prayers (i) to quash (a) the charge sheet drawn against him under Annexure-A/15, (b) order of punishment under Annexure/A-17 and (c) order of the Appellate Authority under Annexure-A/19 and (ii) to direct the Respondents to reinstate him (the Applicant) with all consequential benefits, by treating the period of put off till reinstatement, as duty, for all purposes.

2. Respondents have filed their counter stating therein that the charges leveled against the Applicant being serious in nature and there being no infraction/violation of any of the Rules/natural justice in the matter of the disciplinary proceedings, with the limited powers of the judicial scrutiny of an order imposing punishment on the delinquent based on

evidence, the interference by this Tribunal, in the present case, is uncalled for. In the light of the above, the Respondents have opposed the prayers of the Applicant made in this Original Application and have prayed for dismissal of this Original Application being devoid of any merit.

3. For the sake of clarity, the charges leveled against the Applicant under Annexure-A/5 are reproduced below:-

"ARTICLE-I.

Shri Girish Chandra Behera while working as GDSSPM, Jagannathpur EDSO in account with Angul H.O. for the period from 9-1-1979 to 30-03-2001 has shown the opening balance of Jagannathpur EDSO as Rs. 1887.95ps on date 23-3-2001. Thereafter Shri Behera has already accepted a sum of Rs. 1651/- and Rs. 400/- towards SB deposit and RD deposit respectively on 23-03-2001 before arrival of the IPO(PG) Dhenkanal Division for second inspection of Jagannathpur EDSO. When the IPO (PG) verified the cash/stamp balance of Jagannathpur EDSO on 23-3-2001, Shri Behera produced the cash/stamp balance to the tune Rs. 1842.90 instead of correct amount of Rs. 3938.95. Therefore, Shri Behera has kept shortage of Rs. 2096.05 ps from the Government cash and thereby he violated the provisions contained in Rule-84 of Postal Manual, VII.VI Part, III 6th edition.

ARTICLE-II

That the said Sri Behera while working in the aforesaid capacity during the aforesaid period has allowed the withdrawals exceeding Rs.600/- against Jagannathpur EDSO SB account No.1400604 and 1400720 on 10.11.2000 and 7.11.2000 respectively without obtaining sanction orders from the Postmaster, Angul H.O. By the above action Sri Behera violated the provisions contained in Rule 70(3) of Post Office Savings Bank Manual Volume-I and exhibited his whimsical attitude during SB transactions.

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It is therefore imputed that Sri Girish Chandra Behera in his aforesaid capacity of GDSSPM, Jagannathpur EDSO failed to maintain absolute integrity and devotion to duty as enjoined in Rule 021 of G.D.S. (Conduct and Employment) Rules, 2001".

4. We may profitably quote hereunder the report of the I.O. on the two charges leveled against the applicant.

"Report on ARTICLE-I

"The GDS SPM has kept shortage of cash of Rs.2096.05 in his office cash on 23.3.01 while Sri Antaryami Behera, SW-3 visited the office on the aforesaid date for carrying out second inspection. This inventory of cash and stamp was taken into account and also the transactions made by Sri G. Behera was also calculated by him before arriving at the shortage of actual cash with him. In course of inquiry it has been seen that Sri A. Behera SW-3 has obtained the signature of Sri Kailash Chandra Behera, EDDA/Packer, SW-1 as witness in the written statement in the exhibit S-1 relating to shortage of cash of Rs.2096.05 on 23.3.2001 and also Sri Kumar Behera, substitute EDDA of Sri Kailash Chandra Behera, who was working in place of Sri Kailash Chandra Behera has also signed in the exhibit S-2 i.e., the inventory of cash and stamp in hand with Sri G.C.Behera on 23.3.02, when the IPO (PG) verified the cash and stamp balance of the office. It is quite evident that Sri G.C.Behera charged official has accepted the transactions before arrival of the IPO (PG). The transactions were not made in the office as because Sri Girish Chandra Behera was absent when Sri A. Behera SW-3 arrived for inspection and Sri Girish Chandra Behera was informed to come to the office for inspection. Sri Girish Chandra Behera, charged official attended the office with records from his residence which is only half kilometre away from the Panchayat Office, where the Post Office is functioning. Therefore, it is a established



fact that he came with the cash and stamp balance with him to the Post Office from his residence for purpose of inspection. It cannot be ruled out that the SW-1 and SW-2 were not present at the time of preparation of inventory even though they have signed on it and have admitted their signature on the exhibit S-1. The pleas of the charged official that the withdrawal of Rs.1000.00 was paid to Sri Jayaram Patra, DW-1 from his S.B. Account No.1400198 on 23.23.2001 at 1030 hours which was also admitted by the depositor in course of inquiry. This withdrawal of Rs.1000/- was entered at Sl. 5 of the exhibit, S-4 dated 23.3.01. This withdrawal amount was not transacted before arrival of Sri A Behera. This seems to be correct. The GDSBPM Sri Behera has entered transactions from Sl. 1 to 4 on 23.3.01 and relating to withdrawal of Rs.1000/- from S.B. Account no.1400198 could not be shown to the IPO (PG) at the time of verification of his balance therefrom the amount of withdrawal was paid to the depositor only after crediting the shortage of cash under UCR by Sri Girish Chandra Behera, charged official. If this amount of Rs.1000/- was paid to the depositor before checking of cash balance by IPO (PG) on 23.3.01 to Sri Jayaram Patra, DW-1, the SB-7(S.B.Voucher) of Rs.1000/- could have been shown to the IPO (PG) and inventory of shortage could have been prepared accordingly. Further SW-1 and SW-2 who have given their signature as witnesses are quite educated and should not have signed in the inventory exhibit S-2 under pressure or otherwise by the IPO (PG).

The working hours of Jagannathpur EDSO is 0900 hours to 1400 hours and the IPO (PG) Sri Behera, SW-3 arrived at the office at 0930 hours when the charged official was absent on the office and the office was closed. He came from his residence after getting message of arrival of IPO (PG) in his office with records and cash and stamp with him in bag within half an hour.

Therefore the plea of keeping exact shortage of cash of Rs.2096.05 seems to be improper and based on falsehood. As it is a fact that there was shortage of cash in the office while exercising checking of cash and stamp

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balance on 23.3.01 by IPO (PG) when some transactions have been made by the GDSSPM. Though it is rather difficult to arrive at a conclusion of the exact amount of shortage when the check is exercised during the working hour this could be done by the IPO (PG) as the office was closed and opened after his arrival and transactions were made by the GDSSPM earlier. Thus the charge of keeping shortage of cash at the time of checking by the SW-3 is fully correct and proved.

Report on ARTICLE-II

As regards charges in Article-II giving withdrawals exceeding Rs.500/- from S.B Pass books account no.1400604 on 10.11.2000 and account no.1400720 on 07.11.00 it can be said that these withdrawals have been allowed by the GDSSPM duly entered in exhibit S-4 and also taking into account in daily accounts exhibits as S-16 and S-19 respectively. Also he has entered exhibit S-4 against the dates noted against each. This is an irregularity and done deliberately without going into the rules of the department. The plea of the charged official is that he has been instructed by the O/S mails and Inspectors to allow withdrawals of Rs.1000/- without sanction of the Account office is not at all a reality but a plea to escape from the charges. The charged official failed to name on to show any written instruction from any quarter in this respect. The failure to raise objections for this type of irregular work by the Account office did not definitely presume that the limit of withdrawals allowed up to Rs.1000/- was enhanced from Rs.500/-. Therefore the irregularity committed by the charged official is proved.

Therefore in view of the above discussions the charges leveled against Sri Girish Chandra Behera GDS SPM (under off duty) of Jagannathpur EDSO are proved".

5. On being asked, the Applicant submitted his representation to the report of the Inquiring Officer under Anneure-A/16 dated 04-12-2002.

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Thereafter, the Disciplinary Authority passed orders (under Annexure-A/17 dated 22.12.2002/20.01.2003) removing the Applicant from service.

Relevant portion of the said order are quoted herein below:-

“From the Ext. S5(a) it is clear that a sum of Rs. 400/- was deposited in two RD accounts at Jagannathpur SO on 23.3.2002 and the fact was corroborated by the SW-3 also . However from Ext. S4 it is seen that there were 5 transactions at Jagannathpur SO on 23.3.2001 out of which 4 transactions were deposited and the 5th transaction was an withdrawal of Rs.1000/- from SB account no. 1400198 standing in the name of DW-1. According to SW 3 first 4 transactions amounting deposit of Rs. 1651/- took place at the S.O. before his arrival at the SO on 23.3.2001 for which he has taken into account an amount of Rs. 1651/- towards SB deposit on 23.3.2001 by the SPM Jagannathpur EDSO with a view to compute the balance of the EDSO at the time of his arrival on 23.3.2001. The aforesaid portion of the oral evidence of SW-3 was contradicted by the CO through DW-1. According to DW-1 he took withdrawal from Jagannathpur EDSO between 1000 AM to 1030 AM on 23.3.2001. But during cross examination he could not say whether the Postal Inspector was present at the Post Office at the time of taking payment of the withdrawal. Further it is seen from the Ext.S1 which was prepared by the CO in his own handwriting that the CO has admitted the amount of SB and RD deposits at his office at the time of arrival of the SW-3 as Rs. 1651/- and Rs. 400/- respectively and has also admitted the balance of his EDSO as Rs. 3938.95 as correct when the SW-3 arrived at the SO for his inspection work. The time of taking payment of withdrawal by the DW-1 from SB account no. 1400198 can not be acceptable as there is no corroboratory evidence to support the version of the DW-1. Moreover the CO was given enough opportunity to cross examine the SW-3 during the oral inquiry on the aspect of withdrawal from SB account No. 1400198 that

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took place on **23.3.2001** but SW-3 has never been cross examined on this aspect. As such it is evident that the CO has accepted a sum of Rs. 1651/- and Rs.400/- from the concerned depositors towards SB and RD deposits on 23.3.2001 before arrival of the SW-3 and no withdrawal was allowed by the CO by the time the SW-3 started inspection of his office.

As regards the third and fourth aspect of charge no.1 the documentary evidence of Ext.S-1 , Ext. S-2 and the oral evidence of SW-3 are relevant. It has been clearly indicated in the Ext.S.1 and in Ext. S.2 that the CO has produced a sum of **Rs. 1842.90** towards cash and stamp balance of the office on 23.3.2001 before the inspection officer i.e. SW3- although the actual balance of the office at the time of inspection should have been **Rs. 3938.95**. As such, there was obvious shortage of Rs. 2096.05 in the cash and stamp balance of the office. The fact has been corroborated by the documentary evidence of the Ext.S.12 where the CO has categorically mentioned the shortage in red ink on the reverse of the Ext.S.12. In absence of any oral or documentary evidences to nullify the shortage , the mere assertion on the part of the CO in his brief and in the defence representation cannot be accepted. Moreover, during the cross examination of the SW-3 the aspect of shortage in cash balance was confirmed by the witness. As such the shortage of cash amounting to Rs. 2096.05 was proved. **Of course the shortage of cash on the part of CO was credited by him vide ACG-67 receipt no.4 dated 23.03.2001 and the same was charged to SO, account on 23.3.2001 as seen from the Ext.S.3 and Ext.S.12.** The same has also been confirmed by the oral evidence of SW.3. However, being an SPM he did not abide by the instructions contained in Rule 84 of Postal Manual Vol.VI. Part I.

As regards charge no.II, it was confirmed by the documentary evidence of Ext.S.4, Ext.S.14, Ext.S.15, Ext.S.17, Ext.S.18, Ext.S.16 and Ext.S.19 that the **two withdrawals amounting to Rs.1000/- each were allowed by the CO from account no.1400604 and 1400720 on 10-11-00 and 7.11.00 respectively.** The fact

was also been admitted by the CO in his representation dated 4.12.2000 too. As such it is proved that the CO has allowed the two withdrawals in violation of Rule 7 (3) of PO SB Manual Volume No.1.xx xx xx xx."

6. Mr.K.C. Kanungo, Learned Counsel appearing for the Applicant and Mr. U.B. Mohapatra, learned Senior Standing counsel appearing for the Respondents addressed the Bench with regard to the legality or otherwise of the impugned order of punishment and we have given our anxious thought to the various submissions made at the Bar with reference to the materials placed on record.

7. In course of hearing, the learned counsel appearing for the Applicant submitted that confusion crept in to enquiry pertaining to time factor. It has been pointed out by him that no hints in the inspection report (or in the charge-sheet) were given with regard to the time factor. As to when the inspection of the P.O. had commenced on 23.3.2001 and the occasion of payment of withdrawal amount of Rs.1000/- (in favour of DW-1) had not been pointed out and that, as to whether it had taken place before or during inspection (which is one of the basic factor for removing the Applicant from service), having not been disclosed, the inspection/inventory, so carried out by the IPO(PG) was not reliable and that, therefore, the inference drawn by the D.A. (that the time of taking payment of withdrawal by the DW-1 from the SB account No.140198 could not be accepted as there

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was no corroboratory evidence to support the version) does not hold any water.

8. The next point urged by the learned counsel for the Applicant that had the instructions contained in Note-1 and Note-2 below Rule 217 of P & T Manual, Vol.V(Annexure-A-1) been complied with by the SW-3 and had an opportunity been given to the Applicant, hardly there was any scope for the Department to proceed against him. Based on this, it has been submitted by the learned counsel that had the Disciplinary Authority (as also the Appellate Authority) taken note of the aforesaid provisions of the Rules, they could not have imposed the harsh punishment of removal on the Applicant.

9. The learned counsel for the Respondents, in support of his contentions, submitted that in a matter of disciplinary proceedings the scope of the Tribunal being very limited and that the applicant having been given all reasonable opportunity to defend himself, there is hardly any scope for this Tribunal to interfere in the impugned order of punishment.

10. We may note here that there is no dispute with regard to the closing balance of Jagannathpur EDSO as on 22.3.2001. It is also not in dispute with regard to transactions in so far as acceptance of deposits are concerned by the Jagannathpur EDSO. The dispute centers round with

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regard to withdrawal of Rs.1000/- by the DW-1. There is no controversy with regard to acceptance of withdrawal amount of Rs.1000/- by the DW-1. But it is the case of the Respondents that there was no withdrawal before arrival of SW-3; whereas, it is the case of the Applicant that withdrawal was allowed to DW-1 before arrival of SW-3. This being the situation, the D.A. (while issuing the impugned order based on the oral evidence of DW-1) inferred that the time of withdrawal was contradictory, because there was no withdrawal during inspection. In this connection, as indicated earlier, it is to be noted that the time schedule of withdrawal would have been determined very easily had the SW-3, in his inspection note, noted the scheduled time of commencement of inventory/inspection of EDSO/Jagannathpur on 23.3.2001; because the scheduled time of inspection is the focal point around which the entire dispute revolves. Therefore, the time factor (relating to withdrawal of Rs.1000/-) remains un-answered. This being the state of affairs, the inference drawn by the disciplinary authority in this regard is not wholesome.

11. On the question of opportunity not having extended to the Applicant under instructions contained in Note-1 and Note-2 below Rule-217 of Vol. V of P & T Manual, it would be profitable to quote the provisions therein as under:-

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“Note-1 – All extra-departmental sub and branch postmasters, whether their offices are provided with iron safes or not, are required to make their own arrangements for the safe custody of cash valuables on their own responsibility.

Note-2 – In the case of a sub or branch office in charge of an extra-departmental agent when a deficiency in the cash or stamp balance is noticed by a supervising officer, time should be given to the extra-departmental agent to send for the cash, stamps, etc., and no charge of fraud should be made against him, unless he is unable to produce the full balance shown by the accounts within “the time required for going to and coming back from the place where the cash is kept for safe custody.

If any unreasonable delay occurs, the supervising officer should make local enquiries and if he has good reason to suspect dishonesty, he should proceed in accordance with the instructions given in the above rule”.

Admittedly the Applicant was not given the protection under the above instructions in order to produce the full balance and although it was collected through a messenger the IPO (PG) did not allow it to be included in the account (apparently on the ground that the Applicant did not have any authority to allow withdrawal of more than Rs.500/-) but ordered to be shown under the head of UCR on the same day, before the closure of the days account. This submission of the Applicant has not been taken care of by the disciplinary authority as well as by the Appellate Authority.

Viewed from this, it cannot be said to be a case of shortage of Government cash.

12. As regards the allegation of allowing withdrawals exceeding Rs.500/- under charge Article-II, it is the case of the Applicant that he, under the bona fide impression, had allowed the withdrawal and this matter had been brought to the notice of the senior officials; whereas nothing adverse against this was communicated to him and, resultantly, he was confirmed about the enhancement of withdrawal limit. Be that as it may, it is seen that the said mistake was occurred during the year 2000. There is no explanation available in the materials placed on record as to why the Applicant could not be asked not to resort to such type of mistake in future; the SDIP/ASPO posted there was required to make periodical review of the work of the ED BOs.

13. From the above, it is clear that this is not a case either of misappropriation or temporary mis-appropriation. But it is a case of shortage of cash during midst of inspection. In other words, when the necessary formalities, in so far as updating of records, were to be completed before closure of the office hours, the inspection was carried out. Therefore, it can not be said that the allegation leveled against the Applicant warranted punishment of removal like the death sentence depriving him and his family

members of sustaining their livelihood. The punishment imposed was shockingly disproportionate to the gravity of charges. In fact there was no loss sustained by the Department. In the case of **Kailash Nath Gupta vrs. Enquiry Officer (R.K. Rai) Allahabad Bank and Others** reported in AIR 2003 SC 1377 the hon'ble Supreme Court upheld the decision of High court wherein it was held :-

“the fact that a sum of Rs. 46,000/- has already been repaid and no loss was caused to the Bank .Though factual matrix was noticed to be different, yet it was held that the branch manager in a difficult situation had withdrawn the money and repaid with interest. There was no loss caused .Ultimately it was concluded that this was a fit case where the Board should be compassionate and gracious enough to reconsider employee's case to pass any other punishment other than dismissal, removal or termination”.

In the case of **Ranjit Thakur vrs. Union of India** (reported in 1987 (4) SCC 611) the Hon'ble Supreme Court of India interfered with the order of punishment after coming to the conclusion that the punishment was in outrageous defiance of logic and was shocking. punishment as the punishment was shockingly disproportionate. In the case of **B.C.Chaturvedi vrs. Union of India** reported in 1995 (6) SCC 749 their Lordships of the Hon'ble Sureme Court of India have been pleased to hold as under:-

“The High Court/Tribunal, while exercising the power of judicial review cannot normally substitute

its own conclusions on penalty and impose some other penalty. If the punishment imposed by the disciplinary authority or the appellate authority shocks the conscience of the High Court/Tribunal it would appropriately mould the relief, either by directing the disciplinary authority/appellate authority to reconsider the penalty imposed, or to shorten the litigation, it may itself, in exceptional and rare case, impose appropriate punishment with cogent reasons in support thereof."

Similar view was also taken in the case of **Indian Oil Corporation vrs. Ashok Kumar Arora** reported in 1997 (3) SCC 72 that the Court/Tribunal will not intervene unless the punishment is grossly disproportionate.

Proposition of proportionality in administrative law in England and India have been summarized by the Hon'ble Supreme Court of India in the case of **Union of India and another vrs. G.Ganayutham (Dead)** by LRs reported in AIR 1997 SC 3387 and they are as under:-

- (1) To judge the validity of any administrative order or statutory discretion, normally the Wednesbury test is to be applied to find out if the decision was illegal or suffered from procedural improprieties or was one which no sensible decision-maker could, on the material before him and within the framework of the law, have arrived at. The Court would consider whether relevant matters had not been

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taken into account or whether irrelevant matters had been taken into account or whether the action was not bona fide. The Court would also consider whether the decision was absurd or perverse. The Court would not however go into the correctness of the choice made by the administrator amongst the various alternatives open to him. Nor could the Court substitute its decision to that of the administrator. This is the Wednesbury test.

(2) The Court would not interfere with the administrator's decision unless it was illegal or suffered from procedural impropriety or was irrational in the sense that it was in outrageous defiance of logic or moral standards. The possibility of other tests, including proportionality being brought into English Administrative Law in future is not ruled out. These are the CCSU principles.

(3) (a) As per Bugdaycay, Brind and Smith, as long as the Convention is not incorporated into English Law, the English Courts merely exercise a secondary judgment to find out if the decision maker could have, on the material before him, arrived at the primary judgment in the manner he has done;

(b) If the Convention is incorporated in English making available the principle of proportionality, then the English Courts will render primary judgment on the validity of the administrative action and find out if the restriction is

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disproportionate or excessive ;or is not based upon a fair balancing of the fundamental freedom and the need for the restriction thereupon;

(4)

(a) The position in our country, in administrative law, where no fundamental freedoms as aforesaid are involved, is that the Courts/Tribunals will only play a secondary role while the primary judgment as to reasonableness will remain with the executive or administrative authority. The secondary judgment of the Court is to be based on Wednesbury and CCSU principles as stated by Lord Greene and Lord Diplock respectively to find if the executive or administrative authority has reasonably arrived at his decision as the primary authority;

(4)

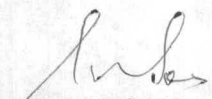
(b) Whether in the case of administrative or executive action affecting fundamental freedoms, the Courts in our country will apply the principle of 'proportionality' and assume a primary role, is left open, to be decided in an appropriate case where such action is alleged to offend fundamental freedoms. It will be then necessary to decide whether the Courts will have a primary role only if the freedoms under Articles 19, 21 etc. are involved and not for Article 14".

14. Another fact of the matter is that when the Applicant was visited with the harsh punishment of removal from service, it was incumbent upon the authorities to allow the opportunity of personal hearing which is

also a part of the principles of natural justice. This view is also fortified by the decision reported in AIR 1971 SC 1409- 1998 SCC (L&S) 1601- Opportunity of hearing was not given before punishment was bad.

15. Having regard to the discussions held in the preceding paragraphs, we hold that the quantum of punishment (imposed under Annexure-A/17 dated 22.12.2002/20.1.2003) in removing the Applicant from service (as confirmed in Appellate order under Annexure-A/19 dated 27.8.2004) is grossly disproportionate and shocking to the judicial conscience. In the circumstance, we have no option but to quash both the orders and leave this matter to the disciplinary authority to pass an order of punishment on the Applicant other than the dismissal/removal

In the result, the O.A. stands disposed of. No costs.


(B.N.SOM)
VICE-CHAIRMAN


(M.R. MOHANTY)
MEMBER(JUDICIAL)