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CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK

OA No. 936 of 2005

Cuttack, this the 12<sup>th</sup> day of June,, 2008

Thakur Arun Kumar Sinha ..... Applicant  
Versus  
Union of India & Others ..... Respondents

FOR INSTRUCTIONS

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

*[Signature]*  
(C.R. MOHAPATRA)  
MEMBER (ADMN.)

*[Signature]*  
(M.R. MOHANTY)  
VICE-CHAIRMAN

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CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK

OA No. 936 of 2005

Cuttack, this the ~~12<sup>th</sup>~~ day of June , 2008

CORAM:

THE HON'BLE MR. M.R.MOHANTY, VICE-CHAIRMAN  
AND  
THE HON'BLE MR. C.R.MOHAPATRA, MEMBER (ADMN.)

Thakur Arun Kumar Sinha, Aged about 48 years, S/o. Sri Thakur Kameshwar Prasad Sinha, resident of Village & Post: Gohuan, PS: Chand, Dist. Bhabua, Bihar, at present Divisional Forest Officer, Keonjhar Wildlife Division, Anandapur Dist. Keonjhar 758020, Orissa.

....Applicant

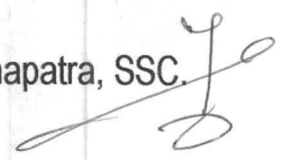
By the Advocate : M/s. K.C.Kanungo, Smt. S.Adhikary, R.Mohanty,  
S.Beuria, C. Padhi, Advocate

-VERSUS-

1. Union of India represented through the Secretary, Ministry of Personnel, Public Grievance and Pension, Department of Personnel and Training, Government of India, North Block, New Delhi-1.
2. State of Orissa represented through the Chief Secretary, Government of Orissa (under whose control the Department of General Administration functions) Orissa Secretariat, Bhubaneswar, Dist. Khurda.
3. Secretary to Government, Department of Forests and Environment (F&E), Orissa Secretariat, Bhubaneswar, Dist. Khurda.
4. Principal Chief Conservator of Forests, Orissa, Aranya Bhavan, Nalco Chhack, Bhubaneswar, Dist. Khurda.

.....Respondents

By Advocate: Mr. A.K.Bose, GA, State & Mr. U.B.Mohapatra, SSC.



O R D E R

MR.M.R.MOHANTY, VICE-CHAIRMAN(J):

Applicant, an IFS Officer of RR-86 belonging to Orissa Cadre, filed this Original Application U/s.19 of the Administrative Tribunals Act, 1985 challenging adverse remarks recorded in his CCR for the period 2002-2003 (01.04.2002 to 31.03.2003) and communicated under Annexure-A/5 dated 01.06.2004 and Annexure-A/9 dated 02.05.2005 rejecting his grievance for expunction of the remarks communicated to him under Annexure-A/5, on the grounds that the adverse entries made in his CCR are vague, unspecific and bias. According to him, the communication of adverse entry in the CCR at Annexure-A/5 and the order/letter of rejection under Annexure-A/9 violate Rule 8 and 10 of All India Services (Confidential) Rules, 1970. His contention is that the order of rejection at Annexure-A/9, being an unreasoned one, causing prejudice to him by way of obstructing his upward career mobility, the same is liable to be quashed especially because, it is settled principle that administrative order must be supported by reasons and recording of reason by an administrative authority serves a salutary purpose, namely it <sup>excludes</sup> ~~includes~~ chances of arbitrariness and ensures a degree of fairness in the process of

decision making. His further case is that, as the communication under Annexure-A/5 was not within time stipulated under the Rules, the same is not sustainable in the touch stone of judicial scrutiny and that the delay in communicating the adverse comments, recorded in the CCR, is liable to be quashed. In order to substantiate his stand, Learned Counsel for the Applicant ~~he~~ has relied on the decisions rendered on various judicial pronouncements rendered in the cases of **State of Harayana vs. P.C.Wadhar**, [reported in (1987) 2 SCC 602/para 14]; **Dr. Arun Basu Sarkar v State of Tamil Nadu**, [reported in 2000 (2) AISLJ, Vol.7,263]; **Himangsu Sekhar Jha v State of West Bengal**, [reported in 1979 (1) SLR 837]; **Sukhdev Vs. The Commissioner of Amaravati Division**, [reported in JT 1996 (5) SC 477/ para 6]; **The Inspector of Post Offices vs. V.Ranganathan Prabhu**, [reported in 1972 (2) SLR 703/ Para 31]; and **S.N.Mukharjee v Union of India**, [reported in AIR 1990 SC page 1984/para 35]. He has, in this Original Application, sought for the following relief:

“To quash the order at Annexure-A/5 & A/9 for the ends of justice;

To direct the Respondents not to act upon in any manner prejudicial to the Applicant's interest pursuant to the remark in the ACR;





To direct the Respondents to allow all the consequential benefits including promotion to the post of Conservator of Forests; “

2. Before dealing with the contentions raised in the counter filed by the Respondents, for the sake of clarity and convenience<sup>ce</sup>, the contents of Annexure-A/5 & Annexure-A/9 are reproduced below:

Contents of Annexure-A/5 :

“DO No. 3299/SE dated 01.06.2004.

Review of the confidential report on your work for the year 2002-2003 (from 01.04.2002 to 31.03.2003) reveals that your self assessment report as filled out in part 1 B was not agreed upon in view of the fact that the draft chapters of the proposed revised working plan of Sundergarh Forest Division were not up to the mark as far as quality was concerned. You did not provide a lot of vital information. Result of field exercises had not been analyzed and interpreted in chapters of Part-I. The draft chapters (Part-I) were returned to you with the observation of the RO for redrafting and resubmission within 31<sup>st</sup> May, 2003 which you had not done so far. You did not discharge your duties and responsibilities effectively.

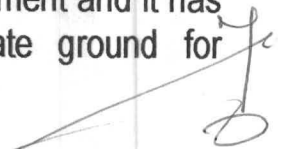
Government hope you will try to improve.

If you wish to make any representation against above adverse remarks, you may do so (in quadruplicate) within 45 days of receipt of this letter. “

Contents of Annexure-A/9:

“DO No. 1537/SE dated 02.05.2005 – Please refer to your representation dated 14.06.2004 on the subject mentioned above.

I am desired to say that your representation has been carefully considered by the Government and it has been found that there is no adequate ground for



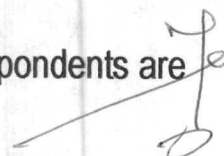
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expunction or modification of the adverse remarks recorded in your CCR for the year 2002-2003 (1.4.2002 to 31.3.2003) and communicated to you vide this Department DO Letter No. 3299 dated 01.06.2004.

Hence the representation has been rejected.

If you so wish, you may submit a memorial against the rejection order within a period of six months of this communication."

3. To substantiate the contents and reasons of (a) the adverse comments in the CCR of the Applicant for the year 2002-2003 and (b) the order of rejection under Annexure-A/5 & A/9, the Respondents 2&3 (in their counter filed on 25<sup>th</sup> August, 2006) maintained that absolutely there has been no wrong in reporting the adverse remarks in the CCR of the applicant for the period 2002-2003 and the same was based on the records and that, after due application of mind, the competent authority did not find any reason to expunge the remarks made in the CCR of the Applicant and accordingly, rejected the representation of applicant and that Annexure-A/9 is only the reiteration and intimation of the communication made in DO letter dated 01.06.2004. Their contention is that there was absolutely no arbitrariness and misconception in the recording of the impugned CCR. The reasons, of recording such remarks in the CCR of the Applicant by the reporting Officer, as adduced in the counter by the Respondents are



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that the Applicant did not submit all the vital information in Para-I, while preparing the Working Plan of Sundergarh Forest Division and, on scrutiny of the draft chapters submitted by the applicant, it was found that those draft chapters did not contain results of a number of important field exercises shown under Annexure-R/1 to the counter. They have denied the allegation of the Applicant that the Reporting Authority on receipt of the draft working plan of Sundergarh Forest Division simply returned the same to the Applicant without giving any meaningful suggestions on the chapters. To prove false such allegation of applicant and to substantiate their stand (that the draft working plan of sundergarh forest division was returned to the applicant with chapter wise guidelines for rectification), the Respondents placed into service the DO letter No. 195 dated 19.02.2003 of the Conservator of Forests, Working Plan Circle, Cuttack under Annexure-R/2. They have also denied the allegation of the applicant that the Reporting Authority had never visited Sundergarh Forest Division during four years (of incumbency of the applicant) to make any spot verification or discussion about finalization of the draft chapters and have stated that the Conservator of Forest, Working Plan Circle, Cuttack visited Sundergarh



Forest Division, verified the Division work undertaken by the Applicant and guided him very often. While denying the allegation of the Applicant that the Reporting Authority had delayed passing of the working Plan of Sundergarh Forest Division, intentionally, for four years and despite compliance of his queries, it has been stated by the Respondents that the Applicant submitted the working Plan of Sundergarh Forest Division at the fag end of the calendar year 2002 and, as some vital information were found wanting in the draft chapter, the same was returned to him on 19.02.2003 with suggestion to resubmit the same within fifty days from the date of receipt; but the Applicant did not submit it within the time frame and in fact he had submitted the draft chapters in August, 2003 i.e. before closure of the Working Plan Circle Office at Cuttack in the wake of reorganization of the Orissa Forest Department, that, after reorganization of the Orissa Forest Divisions the Conservator of Forest of Working Plan Circle at Cuttack was attached to the office of the PCCF, Orissa and Working Plan Organization at Sundergarh was kept under the full control of the Conservator of Forests of Sambalpur Circle; that, in the said premises, the draft chapters were returned to the Applicant, on 29.08.2003, with a direction to resubmit it to the



Conservator of Forests of Sambalpur with necessary compliance; but the Applicant resubmitted the same to the Conservator of Forests Working Plan (in the office of the PCCF, Orissa/Reporting Authority) during October, 2003, again, causing delay of two months. Thus, it has been denied the allegation of the Applicant that the Reporting Authority, intentionally, delayed the passing of the draft working plan of Sundergarh Forest Division; and that as the Applicant failed to discharge his duty, the reporting authority has rightly made the entry in his ACR for the year 2002-2003 and the same was communicated to him in letter dated 1.6.2004, suggesting him if he has any grievance he should submit his representation as per Rules. It has been stated in the counter that on receipt of the representation, the matter was considered in consultation with the records and there having found no substantial grounds to expunge the CCR recorded by the Reporting Officer (which was endorsed by Accepting Authority), the Applicant was duly intimated through letter dated 01.06.2004 about rejection of his representation. Memorial submitted by the Applicant to the Government of India was duly forwarded; but, however, the same is still pending for decision. As regards supersession in the matter of promotion to the rank of

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Conservator of Forests in Super Time Scale of IFS, it has been disclosed by the Respondents that the case of the Applicant was considered by the duly constituted committee and that, on perusal of ACRs as a whole, other service records and general assessment of performance, the committee recommended names of six IFS Officers and based on such recommendation, promotions were given to them and that, since the promotion was based on the recommendation of the duly constituted committee, there is no justifiable ground on the part of the Applicant to interlink his case of promotion to that of the case of expunction of adverse remarks. On the above grounds, they have prayed for dismissal of this O.A.

4. By placing into service certain departmental communications, through his rejoinder, the Applicant refuted some of the factual aspects of the matter in regard to submission of Working Plan of Sundergarh Forest Division. By relying/citing some of the judicial pronouncements of the Hon'ble Apex Court, the Respondents through the reply to rejoinder have stated that since the promotion was based on the recommendation of the committee and absolutely there having no wrong on the same, this Tribunal should not interfere in the matter of

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promotion given to others. However, no separate counter has been filed by Respondent No.1.

5. Learned Counsel appearing for the parties have laid emphasis to the averments made in their pleadings and, having heard them, we perused the materials placed on record. We have also gone into the departmental file produced by the Respondents 2&3 as per the direction of this Tribunal.

6. It may be recorded at the outset that it is trite law that the purpose of judicial review is to ensure that the individual receives fair treatment. Judicial review is not directed against the decision but is confined to the examination of the decision making process. It is meant to ensure that the delinquent receives fair treatment and not to ensure that the conclusion, which the authority reaches, is necessarily correct. Rules are framed and laws are made only to be followed to create a society free from misdeeds or misdemeanor and to make the society accountable and orderly. We also note that while statutory rules called AIS (Confidential Roll) Rules, 1970 have been framed in case of officers of All India Service, the Annual Confidential Report in respect of other Central Government Servants are regulated by the Executive

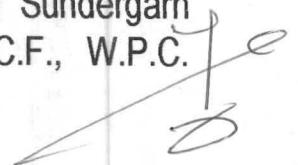


Instructions issued by the Central Government. In view of the above, instead of the factual positions deviation of which led to comments on the performance of the Applicant recorded in his CCR, this Tribunal is required to exercise its power, known to law as the doctrine of proportionality. "Proportionality" is a principle to assess the process, method or manner in which the decision-maker has ordered his priorities, reached a conclusion or arrived at a decision.

7. It is revealed from the materials placed on record that the CCR of the Applicant is written financial year wise i.e. up to March of every year. The period in question, in this case, relates to the period from 1.4.2002 to 31.3.2003. CCR of an employee is being recorded in the codified form every year. Part-I of the said form is meant for the self-appraisal report to be recorded by the officer concerned. While Part II of the form is meant for the Reporting Officer and part III is meant for Reviewing Authority; part IV of the form is meant for Accepting Authority of recording their views. In column Part I-B, meant for Applicant, following recording was made by him:

"I-B Drafting of Chapters

Part I of Revised Working Plan of Sundergarh Division has been submitted to C.F., W.P.C.





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Orissa, Cuttack and the same is being revised after getting his comments."

The Reporting Officer did not agree with the above self appraisal report of Applicant, (as is evident from the CCR folder produced by Respondents) and recorded as under:

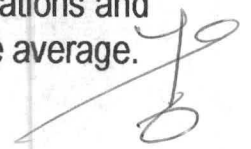
"4. Comments of self-assessment: (Please give details/aspects of performance with which you disagreed or would like to elaborate).

I disagree with the self assessment report of the officer as filled out in Part-I B in view of the fact that the draft chapters of the proposed revised working plan of Sundergarh Forest Division are not up to the mark as far as **quality** is concerned. He has escaped a lot of vital information. Result of field exercise have not been analyzed and interpreted in the chapter of Part I. The draft chapter (Part-I) were returned to him with my observation for redrafting and resubmission within 31<sup>st</sup> May, 2003 which he has not done so far."

Similarly in Col. No. 5.2 recorded as under:

"5.2. General assessment of the officer:  
(With special reference to leadership qualities, management qualities, initiative and planning ability, decision making ability, communication skills (written and oral), appraising ability interpersonal relations and team work, relation with public):

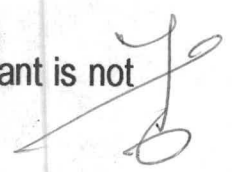
The Officer's Leadership qualities, management qualities, initiative and planning ability, decision making ability, communication skills (written and oral), appraising ability interpersonal relations and team work, relation with public are average.



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It also reveals from the record that the Reporting Officer, although agreed with the other submissions made by the Applicant in Part I of the form, rated the Applicant in Col. No. 8 as an '**Average**' Officer.

8. Fairness needs to be the principle to ensure that the Authority to arrive at a just decision protecting everybody's interest. To use the time hallowed phrase "**that justice should not only be done but be seen to be done**" is the essence of fairness equally applicable to administrative authorities. Fairness is thus a prime test for proper and good administration. Confidential roll of a Government servant is just like a mirror which reflects his performance, which is paramount to be considered for progression in the hierarchy of service. Though statutory Rules and administrative instructions framed operate the field of writing confidential reports and it is on the basis of a self appraisal of an officer, which is on the basis of watching the performance of the concerned for a statutory period with intent to reform the officer commented upon/to give him an opportunity to improve. A three tier system of reporting from the immediate superior officer, reviewing authority as well as accepting authority has been devised to put necessary checks and balance and to remove the unwanted arbitrariness. In nutshell, if the performance of Government servant is not



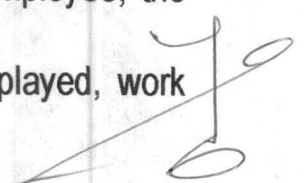
found up to the mark and any remark which partakes a character of an adverse remarks, has to be recorded only when a condition precedent of informing the concerned of deficiency in performance of duties is apprised with an opportunity to correct. If it is not so, then the ACR recorded which lacks in affording of opportunity in case of failing performance would not be sustainable in judicial scrutiny. Like wise, the reviewing authority has a right to disagree with the recording of remarks by the reporting officer to any downgrading or an adversity in the remarks, as compared to the remarks recorded by the reporting officer which has to be communicated in advance. However, there is no laid down guideline as to recording of reasons in modification of the remarks by accepting authority of the remarks by the reviewing authority, yet any rule, which does not incorporate a reasonable opportunity or does not have in built principles of natural justice in rule of law, the prior reasonable opportunity has to be implied in it. Like wise as against an adverse remark an opportunity to represent and sometimes memorial is also provided. The authority deciding the representation is obligated to apply its mind not only to the good work done but also the adverse remarks on weighing the same with the record available and attached to the CR. This consideration should apparently

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indicate application of mind, which can only be inferred when reasons are recorded. There cannot be any dispute that in the matter of recording CR in a judicial review, the Court/Tribunal would not step into the shoes of administrative authorities but in rule of law when the remarks on the face of it are not justifiable and an incorrect version has been incorporated to support the remarks, which is non-existent, then at least legal mala fides are to be inferred. Malice in law is acting with caprice, arbitrariness in utter derogation of rules and highlighting adverse materials, which is either non-existent or is not supported by justified reasoning.

9. Various judge-made-laws available on the subject make the matter clear that there are different stages of writing of one's CCR/ACR; first is the counseling, second is guidance and third are the consequences of the officer failing to show the desired improvement. Only when an officer fails to show the desired improvement the adverse/advisory remarks are included in his confidential report so that cognizance is taken of his weakness while planning his future placements.

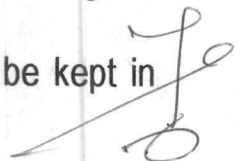
10. Report, which is annually recorded in confidential record, has some purpose. In fact the performance of an employee, the opinion about his individuality, personality, status and role played, work





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action performance, activities attitude, devotion, diligence, honesty, integrity faithfulness of an employee has to be assessed. Confidential character reports should be written by superior officers objectively, impartially and without any prejudices. Such Annual confidential report has to be recorded with confidentiality and with two folds objectives i.e. firstly to give an opportunity to the officer concerned to remove deficiencies and to inculcate discipline. Secondly, it seeks to serve improvement of quality excellence and efficiency of officer for public service. Sometimes the (ACR) is called or acknowledged as character roll entry where the characteristic of an individual values as a human being relatable to morality preserve in him once personality is also assessed relatable to the work assigned and post held by him. 'Moral' and 'Morality' connote the entire virtues of human being, in short justice, disciple, self-control, tolerance, benevolence, generosity, honesty, compassion, devotion to duty and willingness to self sacrifice one's own interest and benefit for the welfare of people or society. All these virtues cumulatively may be taken as covered in 'morality'. It may also be said that these virtues are essential components of 'good conduct' and collectively known as 'morality', the basic foundation of good personality of an individual human being or person may also be kept in

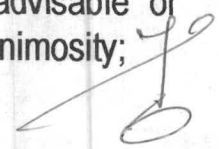


mind while making 'ACR' of an employee. Therefore general conditions could be enumerated while making confidential report as follows:

- (a) Statutory Rules called AIS (Confidential Roll) Rules, 1970 have been framed in case of officers of All India Service whereas the Annual Confidential report in respect of other Central Government Servants are regulated by the Executive Instructions issued by Central Government from time to time;
- (b) The character rolls are maintained primarily for the benefit of the Government, to make its own estimate or the assessment about the caliber of its servants or employees so as to derive their talents for the purpose;
- (c) Since the action is taken on the basis of remarks in the character roll in the matter of allowing crossing of efficiency bar, promotion, supersession or reversion etc. therefore, the adverse entries affect the service prospects of an employee and have civil consequences;
- (e) An adverse entry made in the ACRs in contravention of Rules/instructions relating to that entry it is not sustainable in the eye of law.
- (f) While recording the down grading of assessment the reasons are to be recorded in personal file and down grading is to be communicated in the form of an advice to an employee;
- (g) While making communication of adverse/down grading remarks the basis on which such entry was founded must also be communicated;

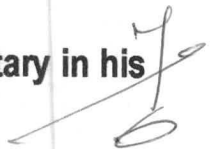
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- (h) The report must be based after taking into consideration all materials available on record and the same should not be the basis of personal bias and prejudices;
- (i) That while reviewing or accepting such report, the authorities concerned must also apply their mind based on materials available on record and not as a routine manner;
- (j) That before downgrading or making adverse entry one's ACR, it has to be verified as to whether he has been communicated any deficiency and what was his improvement. Therefore, before writing the ACR commenting adversely/downgrading his grading, the authorities must follow the ephemeral character roll required to be maintained; because the officer concerned is expected to have no knowledge at a stage anterior to the making of an entry in his character roll or even at a stage posterior to the making of such an entry in his roll. It is only in the case of an adverse entry, which has to be communicated to him for the purpose of affording of an opportunity of making a representation against the said entry he acquired knowledge of such an entry. Therefore, if an entry in the confidential roll is communicated to a Government servant merely for the purpose of giving him an opportunity to improve himself, such a course will destroy the very purpose of maintaining the confidential roll.
- (k) Adverse entry/down grading one's CCR has a serious consequence on the service prospects of an employee. Therefore, the authorities must not be guided on extraneous consideration which are not available on record; nor it is advisable or desirable to do so out of pleasure or animosity;



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11. It is clear from the record that the Reporting Officer has rated the Applicant as an 'average' officer based on single instance, though it is necessary on the part of the Reporting Officer to base his grading on overall assessment of the entire period for which CCR is recorded. Furthermore it is seen that no reason has been given by the Reporting Officer as to why he rated the applicant as an 'average' officer. The contents of the comments of Reporting Authority cannot be regarded as an adverse. He has recorded the reason why he did not agree with a part of the recording of self assessment made by applicant. The Reporting Authority has himself recorded that the draft chapters (Part-I) were returned to him (Applicant) with observation for redrafting and resubmission within 31<sup>st</sup> May, 2003. Thus, while recording his comments in the ACR/CCR for the period up to 31.03.2003, the Reporting Officer took in to consideration the activities of the Applicant of the period subsequent to that date/the period beyond 31.03.2003. It was at best available to be recorded in the CCR, of course by following the Rules and law pertaining to the period from 2003-2004 but certainly not for the period from 2002-2003. **It also appears from the Departmental File of GA Department of the State Government of Orissa that this was rightly pointed out by the Deputy Secretary in his**

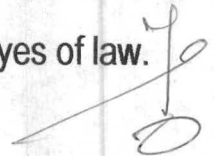




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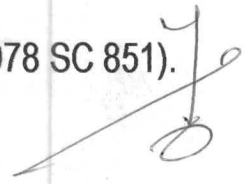
note dated 24.05.2004 (at page 2/N of IFS/S-2/2006) but it is seen that the Special Secretary without any reason (to over rule the noting of the Deputy Secretary) has directed that "the remarks are treated as adverse. They be communicated".

12. Besides the above, it is seen from the record that the applicant submitted the form after making necessary endorsement/record in the part of the form meant for him on 2.4.2003. The reporting authority endorsed his comments on 27.6.2003 whereas the reviewing authority recorded his views only on 26.02.2004 i.e. after more than five months albeit Rule 6 mandates that the reviewing authority **SHALL** within one month of the receipt of the confidential report record his remarks on the said report. The said action has often been commented by the Courts as "where a power is given to do a certain thing in a certain way, thing must be done in that way or not at all and that other methods of performance are necessarily forbidden" [vide **Nazir Ahmed v. Emperor**, reported in AIR 1936 Privy Council 253 (2) and **Ramchandra Keshav Adke (Dead) by Lrs. Vs. Govind Joti Chavare & Others**, reported in AIR 1975 SC 915]. Thus applying the above rulings, it cannot be said that the comments or acceptance of the reviewing authority is sustainable in the eyes of law.



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13. On perusal of records it is also seen that the Reporting Authority, Accepting Authority as also Review Authority did not give details of the short falls which was required to be performed but was not performed by the Applicant. But while rejecting the representation of Applicant (and in the counter filed in this case) the Respondents have elaborated the details with regard to the working plan supposed to be done by the Applicant. Law is well settled that an authority must give his reasons while discharging his statutory duties and that he cannot be allowed subsequently to explain what he meant, or of what was in his mind; or what he intended to do (Ref. **Commissioner of Police, Bombay v. Gordhandas Bhanji**, AIR ( 39) 1952 SC 16). It is also trite law that when a statutory functionary makes an order based on certain grounds, its validity must be judged by the reasons so mentioned and cannot be supplemented by fresh reasons in the shape of affidavit or otherwise. An order, which is bad in the beginning may, by the time it comes to court on account of a challenge, get validated by additional grounds. Such subsequent explanations/additional grounds can never cure the bad order.(Ref. **Mohinder Singh Gill v. Chief Election Commission**, AIR 1978 SC 851).



14. On microscopic scrutiny of the impugned adverse remark, we have found that there has been a miscarriage of justice in the decision making process; as a subsequent event (beyond 31.03.2003) was taken into consideration as the basis for the adverse remarks/grading the Applicant as 'average'. Delay in recording/communicating the adverse remarks in question has also resulted in miscarriage of justice. Therefore, applying the ratio of the decisions rendered in the case of **L. Jayaseelan v Union of India and others**, (1991) 16 ATC 748, the grading recorded and communicated under Annexure-A/5 (so also the letter of rejection under Annexure-A/9) are not sustainable in the touch stone of judicial scrutiny and the same are hereby quashed.

15. As result, the Applicant shall be entitled to the consequential benefits; which aspect should be examined by the Respondents.

16. With the aforesaid observations and direction, this OA stands allowed. There shall be no order as to costs.

  
(C.R. MOHAPATRA)  
MEMBER (ADMN.)

  
(M.R. MOHANTY)  
VICE-CHAIRMAN