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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH:CUTTACK

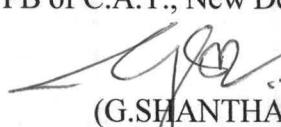
ORIGINAL APPLICATION NO.425 OF 2007
Cuttack this the 13th day of August, 2010

M.K.Mohanty & Ors....Applicants
-VERSUS-
Union of India & Ors. Respondents

FOR INSTRUCTIONS

1. Wheher it be referred to reporters or not ?
2. Whether it be circulated to the PB of C.A.T., New Delhi or not ?

(C.R.MOHAPATRA)
ADMINISTRATIVE MEMBER


(G.SHANTHAPPA)
JUDICIAL MEMBER

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

ORIGINAL APPLICATION NO.425 OF 2007
Cuttack this the 13th day of August, 2010

CORAM:

HON'BLE SHRI G.SHANTHAPPA, JUDICIAL MEMBER
AND

HON'BLE SHRI C.R.MOHAPATRA, ADMINISTRATIVE MEMBER

...

1. Manoj Kumar Mohanty, aged about 48 years, Son of KabiraKishora Mohanty, Senior Asst.Loco Pilot, C/o.Loco Booking Office, Sambalpur Railway, Khetrajpur, E.Co.Rly, Sambalpur
2. Nirmal Kumar Biswas, aged about 36 years, Son of J.N.Biswal, Senior Asst.Loco Pilot, C/o.Loco Booking Office, Sambalpur Railway, Khetrajpur, E.Co.Rly., Sambalpur
3. Jiwan Masih Barjo, aged about 34 years, Son of Daud Barjo, Senior Asst.Loco Pilot, C/o.Loco Booking Office, Sambalpur Railway, Khetrajpur, E.Co.Rly, Sambalpur
4. Sasadhar Baral,, aged about 29 years, Son of Banamali Baral, Senior Asst.Loco Pilot, C/o.Loco Booking Office, Sambalpur Railway, Khetrajpur, E.Co.Rly, Sambalpur
5. M.Durga Prasad Rao, aged about 32 years, Son of M.China Surya Narayan, Senior Asst.Loco Pilot, C/o.Loco Booking Office,Titlagarh, E.Co.Rly.,
6. Md.S.Akhtar, aged about 32 years, Son of Md.S.Akhtar Ansari, Senior Asst.Loco Pilot, C/o.Loco Booking Office, Sambalpur Railway, Khetrajpur, E.Co.Rly, Sambalpur
7. Rakesh Kumar Singh, aged about 30 years, Son of Rajanandan Singh, Senior Asst.Loco Pilot, C/o.Loco Booking Office, Sambalpur Railway, Khetrajpur, E.Co.Rly, Sambalpur
8. Harekrushna Sethy, aged about 33 years, Son of Achyutananda Sethi, Senior Asst.Loco Pilot, C/o.Loco Booking Office, Sambalpur Railway, Khetrajpur, E.Co.Rly., Sambalpur
9. Ajayhari Pradhan, aged about 39 years, Son of Surendranath Pradhan, Senior Asst.Loco Pilot, C/o.Loco Booking Office, Sambalpur Railway, Khetrajpur, E.Co.Rly, Sambalpur



10. Srimanta Kumar Behera,, aged about 40 years, Son of Jagabandhu Behera, Senior Asst.Loco Pilot, C/o.Loco Booking Office, Sambalpur Railway, Khetrajpur, E.Co.Rly, Sambalpur
11. Prabin Kumar Singh, aged about 34 years, Son of S.K.Singh, Senior Asst.Loco Pilot, C/o.Loco Booking Office,Titlagarh, E.Co.Rly.Applicants

By the Advocates:M/s.P.K.Mohapatra & S.K.Nath

-VERSUS-

1. Union of India represented through it's General Manager, East Coast Railway, Chandrasekharpur, Bhubaneswar, Dist-Khurda
2. Secretary, Railway Board, Rail Bhawan, New Delhi
3. Divisional Railway Manager (P), Sambalpur Division, East Coast Railway, Sambalpur, Sambalpur, At/PO/Dist-Sambalpur
4. Senior Divisional Mechanical Engineer, East Coast Railway, Sambalpur, At/PO/Dist-Sambalpur
5. Divisional Personnel Officer, Sambalpur Division, East Coast Railway, Sambalpur, At/PO/Dist-Sambalpur ...Respondents

By the Advocates:Mr.B.K.Mohapatra

O R D E R

HON'BLE SHRI G.SHANTHAPPA, JUDICIAL MEMBER:

Eleven applicants have filed the above Original Application under

Section 19 of the Administrative Tribunals Act, 1985 seeking relief to declare that the steps taken and the notice issued under Annexure-6 to conduct selection for the post of Loco Pilot (Goods) Gr.II during pendency of the matter before Secretary, Railway Board for a decision about filling up the posts by restructuring is illegal, unconstitutional and mala fide and thereby quash Annexure-6 and further relief to direct the Respondents to conduct restructuring of cadre from top to bottom as per restructuring instructions systematically and accordingly fill up the 17 vacancies of Loco Pilot (Goods), Gr.II arising out of restructuring by senior employees and the rest vacancies may be filled up by calling only



eligible candidates those who have passed Driver promotional Training Course in terms of Rly. Estt.Srl.No.83/83.

2. We have heard the learned counsel for the respective parties. The admitted facts from either side are that the applicants are working as Sr.Assistant Loco Pilot in the scale of Rs.4000-6000/-(RPS) in Mechanical Department of Sambalpur Division. The Respondents issued Railway Board RBE No.177/2003 dated 9.10.2003 for restructuring of certain Grade-C and D posts. While implementing the restructuring orders, instructions regarding minimum period of service for promotion issued from time to time should be followed. In other words, residency period prescribed for promotion to various categories should not be relaxed.

Paragraph-20 of the said circular reads as under:

“As per instructions contained in Board’s No.PC-111/91/FP-2 dt.8.10.2002, the Annual Reviews grade-wise percentage distribution of posts in force were to be conducted from 01.04.03 taking into account the cadre strength as on 01.04.2001. It has now been decided that the next Annual Review will be undertaken from 01.04.2005 taking into account the cadre strength as on 01.04.2005. The Annual reviews, wherever conducted already as per instructions dated 09.10.02 will be undone”.

Subsequently, vide RBE No.5/2004 dated 6.1.2004 the Respondents issued restructuring of certain Group C & D cadres. The said order was issued in pursuance to the Ministry’s letter of even number



dated 9.10.2003. The relevant paragraphs of the said Railway Board's letter reads as under:

"Existing classification and filling up of the vacancies

4. The existing classification of the posts covered by these orders as 'selection' and non-selection as the case may be, remains unchanged. However, for the purpose of implementation of those orders, if an individual Railway servant becomes due for promotion to a post classified as a 'selection' post, the existing selection procedure will stand modified in such a case to the extent that the selection will be based only on scrutiny of service records and confidential reports without holding any written and / or viva voce test. Naturally under this procedure the categorization as 'outstanding' will not figure in the panels. This modified selection procedure has been decided upon by the Ministry of Railways as a one time exception by special dispensation, in view of the numbers involved, with the objective of expediting the implementation of these orders. Similarly for posts classified as 'non-selection' at the time of this restructuring the promotion will be based only on scrutiny of service records and confidential reports. In the case of Artisan staff, the benefit of restructuring under these orders will be extended on passing the requisite Trade Test. However, in case of placement of Supervisors (erstwhile Mistries) to grade Rs.5000-8000 the instructions contained in Para-13.2 should be followed.

4.1 Normal vacancies existing on 01.11.2003 except direct recruitment quota and those arising on that date from this cadre restructuring including chain/resultant vacancies should be filled in the following sequences (i) From panels approved on or before 01.11.2003 (ii) and the balance in the manner indicated in para-4 above.

4.2 Such selections which have not been finalized by 01.11.2003 should be cancelled/abandoned.

4.3 All vacancies arising from 02.11.2003 will be filled by normal selection procedure.

4.4 All vacancies arising out of the restructure should be filled up by senior employees who should be given



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benefit of the promotion w.e.f. 01.11.2003 whereas for the normal vacancies existing on 01.11.2003 junior employees should be posted by modified selection procedure but they will get promotion and higher pay from the date of taking over the posts as per normal rules. Thus the special benefit of the promotion w.e.f. 01.11.2003 is available only for vacancies arising out of restructuring and for other vacancies, the normal rules of prospective promotion from the date of filling up of vacancy will apply.

4.5 In cases where percentages have been reduced in the lower grade and no new post becomes available as a result of restructuring, the existing vacancies on 01.11.2003 should be filled up by normal selection procedure.

4.6 Employees who retire/resign in between the period from 01.11.2003 i.e., the date of effect of the restructuring to the date of actual implementation of these orders, will be eligible for the fixation benefits and arrears under these orders w.e.f. 01.11.2003".

The Railway Board vide RBE No.165/2004 dated 23/26.7.2004 in pursuance to the earlier Board's letter issued clarification regarding filling up of chain/resultant vacancies, which reads as under:

"As per Para 1.3 & 4.4 of Board's letter No.PC-III/2003/CRC/6 dated 06.01.2004, benefit of promotion for vacancies arising out of above restructuring would be given w.e.f. 01.11.2003. In reference thereto, some of the Railways/Units have sought clarification, whether vacancies arising out of restructuring would include chain/resultant vacancies as well. The matter has been considered by the Board and it is decided that benefit of promotion against chain/resultant vacancies should also be given w.e.f. 01.11.2003, if the same would arise purely due to the above restructuring".

The applicants submitted a representation dated 10.11.2005, in which their grievance is that there was an improper procedure of cadre



restructuring in mechanical-Running Branch of Sambalpur. Their main grievance in the said representation reads as under:

"Vacancies created due to restructuring of top level cadres were not filled up by the senior employees and the vacancies which were existing on 01.11.2003 in Loco Pilot-II Goods were not filled up by the next junior employees as stated in Para aNo.4.4 of RBE No.05.2004 Dtd. 06.20.2004.

On 25.10.2004, the cadre of the Loco Pilot – Goods was restructured and 17 Loco Pilot-II Goods were promoted to the post of Loco Pilot-I Goods. Sir, for your information there are 17 posts of Loco Pilot-II Goods which are to be filled up by restructuring from among the next juniors below the cadre of Loco Pilot-II Goods. Contrary to this, the authorities are saying that there are no sufficient number of senior Loco Pilots shunting available in this Division and the senior Locfo Pilots Shunting are only the eligible candidates for the promotion of Loco Pilot-II Goods. But there are only 5 senior Loco Pilots Shunting are available in this cadre and all of them have given their unwillingness to take the above said promotion of Loco Pilot-II Goods.

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Recently the authorities have called 84 candidates from among the Asst.Loco Pilot-I and Loco Pilot shunting to appear for the selection test of Loco Pilot-II Good. The authorities have declared those candidates are eligible candidates.

The authorities are saying that on one hand, only the senior Loco Pilot Shunting are eligible candidates for the promotion to the post of Loco Pilot-II Goods and on the other hand the authorities are saying that Asst.Loco Pilot-II, Asst.Loco Pilot-I and Loco Pilot Shunting are eligible.

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In addition to this restructuring was done in the cadre of Assistant Loco Pilots. The cadre of ALP and Sr.ALPs should be at a ratio of 70:30 respectively. At present the percentage is disproportionate to above ratio. Instead of 62 Sr.ALPs (after restructuring 4 posts of Sr.ALPs from 66) the present number of Sr.ALPs are 81. The means 19 posts of Sr.ALPs are excess to the cadre. But the authorities are telling that those 19 posts of Sr. ALPs have been created due

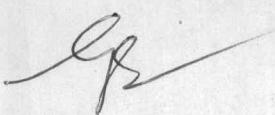
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to Chain/Resultant vacancies. Once they have made 17 posts of LP Goods-II vacancies as normal vacancies how can these 19 posts of Sr.ALPs would come to that particular cadre ? So we are at grief to inform you that a unified system has not been followed while considering the eligibility of candidates for promotions".

When the applicants could not receive any response they submitted reminders dated 30.1.2006 and 21.2.2007 vide Annexures-4 and 5 respectively. The Respondents, i.e., the competent authority, on 8.10.2007 decided to hold selection to fill up 35 vacancies (UR-23, SC-08 & ST-04) in the category of Loco Pilot(Goods), Gr.II in the scale of Rs.5000-8000 (RSRP)in Mechanical Department of SPB Division. A readiness notice for the said selection was issued in which the applicants are also listed at Sl.Nos.23,27,16,31,30,29,17,20,31 & 26 respectively. The grievance of the applicants is that the procedure has not been followed as per the Railway Board's circular, accordingly, the said Annexure-6 should be quashed and there shall be direction to conduct restructuring from the initial selection to fill up 17 vacancies of Loco Pilot(Goods), Gr.II."

3. The Respondents while refuting the averments made in the O.A. have submitted as under:

"The Railway Board vide Estt.Sl.No.177/2003, which has been circulated by the Chief Personnel Officer, South Eastern Railway, Garden Reach, Kolkatta vide Srl.No.152/2003 indicated that the Ministry of Railway have/had under review cadres of certain group C & D staff in consultation with the staff side with a view to strengthen and rationalizing the staffing pattern on Railways. As a result of the review undertaken on the basis of functional, operational and administrative requirements, it has been decided with the approval of the President that Group C and D categories of staff should be restructured in accordance with the revised percentage indicated therein and given detail instructions to be followed while implementing the restructuring scheme the restructuring of cadres will be with reference to the sanctioned strength as on 1.11.2003. The above Estt. Srl. Has been further partially modified by the Railway Board



and issued vide Estt.Srl.No.5/2004 and contents of para-4.4 and 4.5 of the said establishment serial are reproduced as under:

All vacancies arising out of the restructure should be filled up by senior employees who should be given benefit of the promotion w.e.f. 01.11.2003 whereas for the normal vacancies existing on 01.11.2003 junior employees should be posted by modified selection procedure but they will get promotion and higher pay from the date of taking over the posts as per normal rules. Thus the special benefit of the promotion w.e.f. 01.11.2003 is available only for vacancies arising out of restructuring and for other vacancies, the normal rules of prospective promotion from the date of filling up of vacancy will apply.

In cases where percentages have been reduced in the lower grade and no new post becomes available as a result of restructuring, the existing vacancies on 01.11.2003 should be filled up by normal selection procedure.

Keeping in view the above instructions, it is stated that as the percentage in the cadre of Loco Pilot (Goods) Gr.II in scale of Rs.5000-8000/- (RPS) has been reduced from 80% to 73% and no new posts were available as a result of revised distribution of post according to the revised percentage, the scope of restructuring benefit in the cadre of Loco Pilot(Goods) Gr.II in scale of Rs.5000-8000 (RPS) was not available for implementation as per extant rules.

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...the restructuring of Gr.C and D categories of Mechanical Department were implemented by this Division duly following the instructions issued by the Railway Board vide Estt.SI.No.152/2003 (RBE No.177/2003) (04/2004) and there to modification issued from time to time. In the instant case, it is stated that as per Annexure-B of Estt.Srl.No.152/2003, the percentage of Goods Driver (new designation Loco Pilot(Goods) Gr.II) in scale of Rs.5000-8000 (RPS) has been reduced from 80% to 73% and no new posts are available due to restructuring of cadre. Hence keeping in view the instructions contained in para 4.5 of the Estt.SI.No.05/2004, the scope of restructuring benefit in the category of Loco Pilot (Goods) Gr.II in scale of Rs.5000-8000 (RPS) was not available for implementation due to reduction in the prescribed percentage. While implementing the restructuring order



17 senior most Loco Pilot (Goods) Gr.II in scale of Rs.5000-8000 (RPS) were promoted to the post of Loco Pilot(Goods), Gr.I in scale of Rs.5550-9000/- (RPS) vide this office order No.202/2004 dated 25.10.2004. Thus there is no violation of Estt.Srl.No.152/2003 prescribed by the Railway Board.

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...the applicants represented their grievances before the Railway Administration on 10.11.2005 but the same has been yet to disposed of as the applicant have already been filed a court case before the Hon'ble CAT/CTC vide O.A.No.798/2005 and the matter is still under sub judice.

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...Thus there were 24(13 + 11) vacancies available as on 1.11.2003.

As per Estt.Srl.No.152/2003 Annexure-B the revised percentage of Goods Driver cadre is as under:

Category	Grade	Existing % age	Revised %age	Remarks
Goods Driver	5000-9000	20	27	7%
increased				
<u>All Goods Trains</u>	<u>5000-8000</u>	<u>80</u>	<u>73</u>	<u>7%</u>
<u>increased</u>				
		100%	100%	

...From the above it is clear that the cadre of Loco Pilot (Goods) II in scale of Rs.5000-8000 was reduced from 144 to 129 due to reduction in the revised percentage in scale Rs.5000-8000(RPS) as on 1.11.2003. At the same time there is an increase in the revised percentage of Loco Pilot (Goods) I in scale Rs.5000-9000 resulting increase in the cadre from 36 to 48 posts in Loco Pilot (Goods) in Loco Pilot (Goods) Gr.I in scale of Rs.5500-9000 (RPS) . Accordingly, 17 Loco Pilot (Goods) Gr.II in scale of Rs.5000-8000(RPS) were promoted to this post of Loco Pilot (Goods) Gr.I in scale Rs.5500-9000/- (RPS) w.e.f. 1.11.2002 due to implementation of restructuring scheme vide this office order No.22/2004 dated 25.10.2004.

From the above, there is reduced cadre of Loco Pilot (Goods) GrII in scale of Rs.5000-8000 (RPS) and no new posts are available due to implementation of restructuring scheme. Hence the existing as well as resultant vacancies which were available as on 1.11.2003 were filled up by normal selection procedure as per Para 4.5 of Estt.Srl.No.05/2005. Accordingly, the normal selection was conducted and 27 Sr.Assistant Loco Pilots were promoted to the



post of Loco Pilot (Goods) Gr.II in scale Rs.5000-8000(RPS) vide this office order No.92/2005 dated 19.10.2005 and (Mech) 12/2007 dated 20.2.07 and (Mech) 35/2007 dated 1.5.07. In the above normal selection, the applicants were also appeared in the test but could not qualify in the written test for which, they were not promoted to the post of Loco Pilot (Goods), Gr.II in scale Rs.5000-8000(RPS).

...Railway Board vide Estt.Srl.No.83/83 has given instructions that passing of Zonal Training School Promotion course including vacuum test and break down test are also pre-requisite for the candidates to appear before the Selection Board for selection as Driver, Gr.C.

...It is further stated that the above Establishment serial has been further clarified vide Estt.Srl.No.183/2003 that successful completion of training is mandatory for safety category staff before being promoted to the next higher grade promotion. It does not imply that all eligible candidates in the zone of consideration have to be necessarily imparted training before the selection process.

4. The applicants have filed a memo along Annexure-A/7. They have clarified that before restructuring, i.e. as on 1.11.2003 and after restructuring published by the Divisional Personnel Officer, Sambalpur, the vacancies of restructuring cadre of Goods Driver-II was 144. Before restructuring, Sr.Goods Driver cadre was 36 (Total 180). Before restructuring actual men present in Goods Driver-II 131, Sr.Goods Driver – 34 (total 165). So the existing vacancies as on 1.11.2003 was 15 in number. After restructuring 17 Goods Driver-II promoted to Sr.Goods Driver and therefore, it became $34 + 17 = 51$. The present strength in Goods Dr.II became $131 - 17 = 114$. As per Railway Board's restructuring order No.8/04, Point No.4 extracted above, the next lower



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grade employee on the basis of seniority should have been promoted immediately after the promotion of 17 Goods Driver.

5. We have carefully considered the submissions made from either side and also perused the various pleadings on record. It is the contention of the applicant that the Railway Board in its Estt.Srl.No.83/83 dated 16.4.1983 has fixed the requisite qualification, i.e. passing of zonal training school promotion course and the promotion shall be made on the basis of selection. The Railway Board again in its Estt.Sl.No.33/3002 dated 15.3.2002 has fixed the qualification and procedure for promotion to the 18 safety category posts including Goods driver wherein passing of promotional course/training course is mandatory. Since senior employees having ~~15~~ experience in driving line and all sorts of requisite qualification ~~over~~ have been deprived to get promotional post due to the selection process. In terms of the circulars of the Ministry of Railway, all divisions filled up the vacancies on the basis of restructuring. But the Sambalpur division instead of implementing the restructuring for all Group C posts has only filled up some top level posts upto Sr.Goods Driver/Srl.Loco Pilot (Goods) by way of restructuring. But the promotional posts of the applicants i.e., Goods Driver/Loco Pilot (Goods) has not been restructured as a result the applicants being seniors have been deprived to get promotion due to non-implementation of the REailway Board



Circular properly. Despite such vacancies on the cadre of Goods Driver/II/Loco Pilot-II on restructuring the Respondents wanted to fill up the said vacancies on the basis of selection. Aggrieved by such action the applicants submitted representations to the Divisional Rly Manager, E.Co.Rly. on 10.11.03 and 30.1.06 with a prayer to implement the restructuring procedure and fill up the 17 vacancies of Loco Pilot-II (Goods driver on restructuring procedure. Since the said representations was evoked no response, the applicants submitted a representation to the Secretary, Railway Board on 21.2.2007 inter alia praying for a direction to the Divisional Railway Manager, E.Co.Rly to implement the restructuring procedure as per Para-4.4. of Estt.Sl.No.5/2004.

6. It is the specific stand of the Respondents that the applicants were given readiness notice for selection to the post of Loco Pilot (Goods) Gr.II in the scale of Rs.5000-8000 in Mechanical Department of Sambalpur Division vide letter dated 8.10.2007, the applicants appeared for the selection but failed. The vacancies calculated was based on the Railway Board's circular, there is no illegality or irregularity in the matter of calculation of vacancies. The stand taken by the Respondents is as per Page-8 of the reply statement, which reads as under:

"At the same time there is an increase in the revised percentage of Loco Pilot (Goods) I in scale Rs.5000-9000 resulting increase in the cadre from 36 to 48 posts in Loco Pilot (Goods) in Loco Pilot (Goods) Gr.I in scale of



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 Rs.5500-9000 (RPS) . Accordingly, 17 Loco Pilot (Goods) Gr.II in scale of Rs.5000-8000(RPS) were promoted to this post of Loco Pilot (Goods) Gr.I in scale Rs.5500-9000/-(RPS) w.e.f. 1.11.2002 due to implementation of restructuring scheme vide this office order No.22/2004 dated 25.10.2004.

From the above, there is reduced cadre of Loco Pilot (Goods) GrII in scale of Rs.5000-8000 (RPS) and no new posts are available due to implementation of restructuring scheme. Hence the existing as well as resultant vacancies which were available as on 1.11.2003 were filled up by normal selection procedure as per Para 4.5 of Estt.Srl.No.05/2005. Accordingly, the normal selection was conducted and 27 Sr.Assistant Loco Pilots were promoted to the post of Loco Pilot (Goods) Gr.II in scale Rs.5000-8000(RPS) vide this office order No.92/2005 dated 19.10.2005 and (Mech) 12/2007 dated 20.2.07 and (Mech) 35/2007 dated 1.5.07. In the above normal selection, the applicants were also appeared in the test but could not qualify in the written test for which, they were not promoted to the post of Loco Pilot (Goods), Gr.II in scale Rs.5000-8000(RPS)".

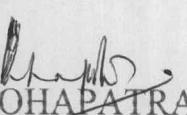
7. We have considered the submissions made from either sides and also the facts of the case submitted by either side which are extracted in earlier paragraphs and also the rule position. When the applicants were allowed to appear to appear for the prescribed examination, i.e., written test, the said written test was conducted as per Para 4.1 to 44 of RBE No.5/04 dated 6.1.2004. Since the applicants come under modified selection procedure, accordingly, the vacancies calculated and arising out of restructuring should be filled up by the senior employees who should be given the benefit of promotion w.e.f. 1.11.2003. As against the normal vacancies existed as on 1.11.2003 the junior employees should be posted

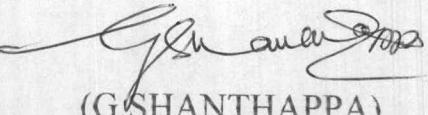
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by modified selection procedure but they will get promotion and higher pay from the date of taking over the post as per normal rules. The said benefit of promotion from 1.11.2003 is only available for the vacancies arising out of restructuring and for further vacancies, the normal rules of prospects of promotion on the date of filling up of the vacancies will apply. In cases where percentages have been reduced in the lower grade and no new posts become available as a result of restructuring existing vacancies as on 1.11.2003 should be filled up by normal selection procedure. The employees who retired/resigned in between the period from 1.11.2002, i.e., the date of effect of this restructuring to the date of actual implementation of these orders will be eligible for the new benefits and arrears w.e.f. 1.11.2003

8. We have carefully examined the rule position and the facts of the case. We are of the view that there is no error or illegality while calculating the vacancies of Loco Pilot (Goods), Gr.II The notification as per Annexure-6 is in accordance with the Railway Board's circular. The applicants have not established their case for grant of reliefs. The Respondents are justified in their defence by supporting the rule position.

9. For the foregoing discussions, the O.A. being devoid of merit is dismissed. No costs.


(C.R.MOHAPATRA)
ADMINISTRATIVE MEMBER


(G.SHANTHAPPA)
JUDICIAL MEMBER