के.प्र.अ. (प्रक्रिया) नियमावली के नियम 22 के अन्तर्गत निःशुल्क प्रति

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,

JODHPUR BENCH, JODHPUR

Date of order: 13-8-2002

(1) O.A. No. 155/2002

Jagdish Chandra Joshi S/o Shri Shiv Dutt Joshi, aged about 38 years R/o Plot No. 69, Shivpuri, Mahamandir, Jodhpur (Rajasthan)

Presently working on the post of L.D.C. in the Office of Executive Engineer, Central Ground Water Board, Division XI, 22/2 Heavy Industrial Area, Jodhpur (Rajasthan).

(2) O.A. No. 156/2002

Shaitan Singh S/o Shri Sugan Singh aged about 38 years, R/o Ganeshpura, Ratanada, Jodhpur, Technical Operator, Drilling in the Office of Executive Engineer, Central Ground Water Board, Division XI, 22/2 Heavy Industrial Area, Jodhpur.

(3) O.A. No. 157/2002

U.R. Sharma S/o Shri Ganpat Ram, aged about 57 years, R/o Shiv Shakti Nagar, Jodhpur (Rajasthan)

Presently working on the post of Senior Technical Assistant in the Office of Executive Engineer, Central Ground Water Board, Division XI, 22/2 Heavy Industrial Area, Jodhpur (Rajasthan).

(4) O.A. No. 158/2002

Tikam Singh Son of Shri Devi Singh, aged about 36 years, R/o Bhadrajoon Ki Haweli, Jodhpur, Welder in the Office of Executive Engineer, Central Ground Water Board, Division XI, 22/2 Heavy Industrial Area, Jodhpur.

(5) O.A. No. 159/2002

Santosh Puri S/o Shri Girdhari Puri, aged about 58 years, R/o Ranjjis Gehlot House, Khema Ka Kuan, Pal Road, Jodhpur (Rajasthan)

Presently working on the post of Driver (Special Grade) the

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Office of Executive Engineer, Central Ground Water Board, Division XI, 22/2 Heavy Industrial Area, Jodhpur (Rajasthan).

(6) O.A. No. 160/2002

J.K. Nayak S/o Shri Prem Chand, aged about 41 years, R/o Ist B Road, Sardarpura, Jodhpur (Rajasthan)
Presently working on the post of U.D. C. in the Office of Executive Engineer, Central Ground Water Board, Division XI, 22/2 Heavy Industrial Area, Jodhpur (Rajasthan).

...APPLICANTS.

VERSUS

(1) Union of India through the Secretary to Government of India, Ministry of Water Resources, Shram Shakti Bhavan, New Delhi.

(2) Shri P.P. Guna, Director (Administration), Central Ground Water Board, National High Way IV, FARIDABAD - 121 001

(3) Shri N.P.S. Nagi, Executive Engineer, Central Ground Water Board, Division XI, 22/2, Heavy Industrial Area, Jodhpur (Rajasthan).

...RESPONDENTS.
(in all O.As.)

Mr. S K. Malik, counsel for the applicants.

Mr. Vijay Bishnoi, counsel for the respondents.

CORAM:

HON'BLE MR. GOPAL SINGH, ADMINISTRATIVE MEMBER.
HON'BLE MR. J.K. KAUSHIK, JUDICIAL MEMBER.

: O R D E R :

(per Hon'ble Mr. J.K. Kaushik, Judicial Member)

Original Application Nos. 155/2002, 156/2002, 157/2002 158/2002, 159/2002 and 160/2002, which have been filed under Section 19 of the Administrative Tribunals Act, 1985, are being decided by a common order.

O.A. No. 155/2002

The brief facts of this case as narrated by the applicant in the O.A. are that the applicant was initially appointed on 18.06.1986 as Peon. After intervention of this Hon'ble Tribunal, he was allowed the promotion to the post of L.D.C. with effect from 22.12.1998. The respondent no. 3 communicated to the higher authorities vide letter dated 23.12.1998 and 23.07.1999 that the applicant may not be transferred to Jodhpur at any time. Even the post of L.D.C. was sought to be surrendered. The applicant was transferred from Faridabad to Jodhpur wherein he joined on 06.11.2000 but the transfer order was got cancelled and the applicant challenged the order of cancellation. This Hon'ble Tribunal came to ahirresistible conclusion that respondent no. 4 (presently respondent no. 3) have prevailed over the respondent no. 2 to cancel the transfer order and the O.A. was allowed vide order dated 21.02.2001 (Annexure A/12). Since then he continuing on the post of L.D.C.

2. Further case of the applicant is that he came to be elected as Assistant General Secretary of the Branch Executive Committee of All India Central Ground Water Board Employees Association in February, 2001. There are five office bearer of the said

Association and the third respondent did not like them except the Treasurer and started harassing them, threatening letters and complaints were written to the higher authorities. The Secretary General of the Association visited Jodhpur and it was concluded that the reports were concocted. A pressure was put to dissolve the association so as to have his hunch man elected. Salary for the month of November 2000 onwards was withheld to the applicant. The respondent no. 3 tried his best to get transfer the four of the office bearer by writing specific letter dated 16.08.2001 and regular telephone calls were made with the higher authorities in this matter.

3. Finally a transfer order dated 23.05.2002 has been got issued from the second respondent whereby the applicant has been ordered to be transferred from Jodhpur to Ahmedabad in public interest and on administrative grounds. He has not completed even 3 years at Jodhpur. The applicant approached to this Hon'ble Tribunal by filing an O.A. No. 138/2002 which was decided on 29.05.2002 and a direction was given to file a representation which was to be decided by the respondent no. 2 by a reasoned and speaking order within two weeks from the date of receipt of representation. He filed a detailed representation but the same has been turned down vide order dated 17.06.2002 (Annexure A/1) without passing a speaking order. On the other hand the applicant as well as other five similarly placed persons were asked to submit details of movable and immovable property out of total strength of more than two hundred vide letter dated 27.05.2002 issued by respondent no. 3.

4. The Original Application has been filed on multiple grounds e.g. transfer order has been outcome of colorable exercise of powers, the respondent no. 3 has prevailed over respondent no. 2 and got issued the transfer order, there has been malafide action of the private respondent. The respondents have not cared for the directions issued by this Hon'ble Tribunal etc., therefore, this Original Application has been filed for quashing the impugned order of transfer dated 23.05.2002 (Annexure A/2), relieving order dated 23.05.2002 (Annexure A/3) and order dated 17.6.2002 (Annexure A/1) by which representation of the applicant has been rejected.

5. The respondents have filed detailed reply and controverted the facts and grounds mentioned in the Original Application. The respondents have raised a preliminary objection regarding the maintainability of the Original Application that since the applicant has not joined the transferred place despite being relieved, therefore, the O.A. is not maintainable. It has been submitted that the controversy raised regarding his earlier transfer/non-joining etc has no relevancy to the present controversy. It has been categorically submitted that the transfer has not been made on the recommendation or at the behest of the respondent no. 3. It has been ordered by the respondent no. 2 in public interest and on administrative grounds. As regards the letter dated 16.08.2001 the same has not been taken into consideration in as much as the transfer order has been issued on 23.5.2002 and there was no question of influencing the respondent no. 2. There is no provision of the law that the employee cannot be transferred without completing 3 years of posting. As regards the asking for property return from the employee it cannot be termed bias and as per Rule 18 (4) of CCS

(Conduct) Rules, 1964 the Government may at any time ask for furnishing complete statement of movable and immovable property held or acquired by an employee. Order dated 17.6.2002 is a well reasoned and speaking order and there is no illegality. It has also been submitted that there is no material on record on the basis of which it could be said that transfer has been made on account of colorable exercise of powers. One Shri Laxmi Narayan has already joined on the vacant post. The O.A., therefore, deserves to be dismissed with costs.

6. A detailed rejoinder has been filed on behalf of the applicant wherein certain documents have been placed on record indicating that there is some inquiry going on against the respondent no. 3 in addition to reiterate the facts and grounds in the Original Application.

7. The respondents have been fair enough to produce the relevant records/file notes (of-course incomplete) in compliance with our direction dated 28.06.2002 in this case.

8. We have heard the learned counsel for the parties and have carefully perused the records of this case.

9. The learned counsel for the applicant has reiterated the facts and grounds mentioned in the Original Application , he has carried us to certain past events on which the learned counsel for the respondents sought indulgence and apprise this ~~Hon'ble~~ Tribunal that all those matters relating to his previous transfer to Jodhpur had already been considered by this Bench of the Tribunal and the things were set at rest. He reiterated

his stand that the transfer order has been passed by the respondent no. 2 and there was neither any recommendation nor any pressure from the respondent no. 3. The impugned order dated 17.06.2002 (Annexure A/1) has also been passed by the application of mind and is also a speaking order. The applicant has not yet joined the transferred place, thus, the application cannot be entertained. We have considered the rival contentions in the matter. As regards the preliminary objection that since the applicant has not joined the transferred place of posting, the O.A. is not maintainable. There has been dispute regarding relieving of the applicant etc. and which was observed in order-sheet dated 28.06.2002 to meet the end of justice it was thought proper to examine the case on merit. Further the joining and non-joining of the applicant on the transferred place is not the issue involved in this case and the O.A. is very much maintainable. Thus, the preliminary objection stands over-ruled.

10. The learned counsel for the respondents has submitted that transfer is an incidence of service and who should be transferred where is a matter for appropriate authority to decide. Thus this Tribunal may not interfere in this matter, since there has been neither any real malice nor the transfer order is arbitrary. On the other hand transfer has been made in public interest and in the interest of administration. He has also submitted that he has submitted the relevant records of the case and the same can be perused. He has placed reliance on the following judgements:-

(1) OA No. 277/97 (Ram Niwas vs. U.O.I.)

(2) AIR 1993 SC 2444 (U.O.I. vs. S.L. Abbas)

(3) AIR 1993 SC 2486 (State of Punjab vs. Joginder Singh)

(4) JT 1994 (5) 298 (N.K. Singh vs. U.O.I.)
(5) RLR 1982 page 181 (Shambhu Dayal vs. U.O.I.).

11. On the other hand the learned counsel for the applicant has submitted that there are specific allegations/grounds of mala fide against the 2nd & 3rd respondents and both of them have been impleaded as respondents by name. He has argued that transfer of the applicant is arbitrary and has been got issued due to malice of 3rd respondent. There is no public interest or administrative exigency and the same has been done in colourable exercise of power. If the relevant records are perused the true reason would become evident. He has cited the following judgements in support of his contentions:-

(1) 2001 (3) ATJ 49 (D.K. Gupta vs. UOI & Ors.)
(2) (1998) 37 ATC 138 (G.M. Chawla vs. UOI & Ors.)
(3) (1995) 31 ATC 237 (Rajendra Chaubey vs. UOI & Ors.)
(4) (1997) 35 ATC 109 (Ved Bajaj vs. U.O.I. & Ors.)
(5) 1990 (1) SLJ 424 (S.K. Biswas vs. General Manager, Vehicle Factory Jabalpur and another).

We have taken judicial notice of the aforesaid judgements quoted on behalf of both the parties and do not feel necessary to deal with each of them separately since the each case is required to be examined on its own facts.

12. Keeping in view the arguments and pleadings of this case, we find it imperative and expedient to lift corporate veil to ascertain the actual reason of the transfer of the applicant.

13. In this view, we find support of a judgement of Hon'ble High Court of Kerla in P. Pushpakaran vs. Chairman, Coir Board, 1979 (1) SLR 309 at 315, 316 (Ker), where their Lordship observed as under:-

"The right to transfer an employee is a powerful weapon in the hands of the employer. Sometime it is more dangerous than other punishments. Recent

history bears testimony to this. It may, at times, bear the mask of innocuousness. What is ostensible in a transfer order may not be the real object. Behind the mask of innocence may hide sweet revenge, a desire to get rid of an inconvenient employee or to keep at bay an activist or a stormy petral. When the Court is alerted, the Court has necessarily to tear the veil of deceptive innocuousness and see what exactly motivated the transfer. This Court can and should, in cases where it is satisfied that the real object of transfer is not what is apparent, examine what exactly was behind the transfer".

14. We have gone through the records/notings on the file regarding the transfer of the applicant. The relevant records/ file notings reveal that the same is not arranged properly and it is neither date-wise nor there is a proper linking. It indicates that the letters have been picked up here and there and placed before this Tribunal just to confuse the whole matter. The page number on the enclosures have been changed. However, we have tried our best to gather the relevant information for the purpose of deciding this case.

15. The matter seems to be centred on a complaint filed by one Shri Santosh Puri, Driver at page 21/C on which the Ministry requested for necessary action. The complaint contains the number of financial irregularities alleged to have been committed by the 3rd respondent. It was also said that one Shri P.C. Chaturvedi who was to carry out the investigation, did not carry out the investigation in as much as he did not take the statement of complainant and the person against whom the complaint was made. The matter has been going on from 19.02.2001 to 19.04.2002. Thereafter a letter dated 9th May, 2002 was issued and the Under Secretary to the Government of India termed the action of the authorities as unfortunate and directed that complaint may be got investigated and report furnished to the Ministry at the earliest and extract of the same is reproduced as under:-

"Subject: Complaint against Shri N.P.S. Nagi, Executive Engineer made by Shri Santosh Puri.

Sir,

I am directed to refer to the endorsement made on your letter No. 1-94/2001-Vig.142, dated 6th May,2002 on the subject mentioned above and to say that the investigation report in this case is still awaited by this Ministry. It is unfortunate that inspite of specifically intimating the Board vide this Ministry's D.O. letter of even number dated 09.02.2001 that the investigation in this case should be completed within three months and report submitted by 10th May,2001, positively, the investigation report has still to be submitted by the Board to this Ministry. As further delay in the case is likely to be viewed very seriously both by the CVC and PMO to whom the report is required to be sent in this case, it is requested that top priority may please be given to this case and the investigation report together with all the documents required in this Ministry's D.O. letter of even number dated 09.02.2001 may be furnished to this Ministry at the earliest. Meanwhile, another complaint dated 26.10.2001 submitted by Shri Santosh Puri, Driver Gr.I of Division No. XI, CGWB, Jodhpur as forwarded by the PMO is forwarded herewith. It is requested that this complaint may also please be got investigated and report furnished to this Ministry at the earliest."

16. Thereafter on the very next day a complaint dated 10.05.2002 comes into play. This complaint is addressed to the Prime Minister but its originators are shown as some aggrieved family members of the employees of CGWB-XI, Jodhpur. As per this report the complaint has been made against Shri Saitan Singh, Shri Tikam Singh, Shri Jugal Kishore, Udai Ram and Jagdish Chander. It has been said that they are having Mobile Phone, Cars and Bungalows. They are said to be indulging in money lending business and do not do the Government job etc. Before proceeding further a word is necessary regarding this very nature of the complaint, the complaint does not contain any details as to who are these complainants, what relation they have got with whose family, or whose relative they are.

Per se it is not possible to know their identity. The complaint does not contain any details whatsoever even it does not disclose the source of information for making this complaint and this complaint was marked to the second respondent may be from the office of the Prime Minister. Further the complete action started on this complaint.

17. The second respondent origined a letter dated 16.5.2002 which is based on the said complaint of 10.5.2002 with the higher authorities. In the second para certain old matters have been referred to which were said to be set at rest by the very learned counsel for the respondents in an earlier O.A. Action was sought to be taken on the basis of complaint dated 10.5.2002 in respect of the applicant and four others. As regards one Shri Santosh Puri, it was said that the report is yet to be submitted and in last but one para on the basis of the complaints about the misconduct of the applicant and four others, the six persons including Shri Santosh Puri (against whom there was no complaint and his name is not there in complaint dated 10.5.2002) were sought to be transferred in public interest. Similarly another letter dated 17.5.2002 was written to the Director (Administration) (G.W.) in reference to the similar complaint and the name of Shri Santosh Puri is also included and it was said that they will be considered for transfer out of Jodhpur once the approval of Chairman is obtained. On the other hand the pre-liminary inquiry report was awaited on the complaint of Shri Santosh Puri. On the other hand a report dated 10.5.2002, page 102 is also in the file, wherein the number of members of the association have ~~xxxx~~ submitted that their signature were taken witnout showing the contents of the letter and also they did not agree on the resignation from primary Membership. Another letter

dated 17.5.2001 at page 103 of file, written by Secretary General to the second respondent, was also sent whereby it was requested that the respondent no. 3 and four other persons should be removed from Jodhpur so as to bring normalcy in the working culture. The perusal of the further records show that a proposal was made on 22.5.2002 for transferring the following persons from Division XI Jodhpur to the place mentioned against them, as under:-

"S. No.	Name and Designation	Place to which transferred
	S/Sh.	CGBW
1.	Jugal Kishore Naik, UDC	Div. XIII, Raipur
2.	Tikam Singh, Welder	Div.II, Ambala
3.	Shaitan Singh, TO(D)	Div.IV, Chennai
4.	Udai Ram Sharma, STA(M)	Div.I, Ahmedabad
5.	Santosh Puri, Driver (Spl.Gd.)	WCR, Anmedabad
6.	Jagdish Chander Josni, LDC	Div.I, Anmedabad"

It was also mentioned that the preliminary inquiry Officers Shri P.C. Chaturvedi and Shri G.D. Ojha shall be asked to submit their reports within a week. The proposal of transfers is said to have been approved and thereafter the transfer orders were issued in respect of the aforesaid six persons vide letter dated 23.5.2002. On the other hand, vide letter dated 27.5.2002 (at page 119), the applicant and five other persons who were ordered to be transferred were asked to submit the full and complete statement of their property, as per sub-rule 4 of Rule 18 of CCS (Conduct) Rules, 1964. On this the third respondent vide communication dated 11.6.2002 informed that all the six officials have not submitted the requisite information and stern action

may be taken against them. We have also seen certain letters which the applicant and other persons have written to the third respondent wherein they have demanded the copy of the complaint made against them but we do not find that any reply has been given to them or the copy of complaint was made available to them.

18. We have also perused the records relating to the disposal of the representations. The representations have been turned down by giving no reason whatsoever and it is said that the order dated 23.5.2002 is maintained. Certain changes were proposed in Office note but nothing has been done, it has been only said that the transfer order is issued on administrative ground and public interest, no other reason is mentioned in file regarding transfer.

19. From the analysis of the aforesaid events and discussions it is revealed that the whole exercise of the respondents have been to get rid of the applicant and some other odd figures who seems to have come up in their way and insisting on the early inquiry in the matter of financial irregularities and corruption allegations against the respondent no. 3 which is under investigation and is being prolonged without any cogent reason. The perusal of the complaint dated 10.5.2002 (Supra) which is seemingly planted as a basis of whole action, reveals that while acting in a safe manner the respondents have left certain loopholes in as much as Shri Santosh Puri who was not named in the complaint has also been included in the list of employees to be transferred. Shri Santosh Puri is the main complainant in the complaint made against the third respondent which is under investigation.

20. Nextly the peculiar action of the respondents also smacks of colorable exercise of power in as much as their active

action on the complaint dated 10.5.2002 which prima facie does not indicate any basis and that too without supplying a copy of same to applicant or conducting any inquiry in the matter. We are constrained to conclude that the main base of the transferring of the applicant is the complaint dated 10.5.2002 in respect of the applicant and four others and in respect of Santosh Puri, it is complainant against the respondent no. 3, referred to in Flag 'A' dated 19.2.2001 of the File No. 1-94/2001-Vig.

21. It is very strange to observe that a complaint was received vide letter dated 10.5.2002 and within few days i.e. on 16.5.2002 itself the respondents have reacted and proposed the transfer of applicant without even ascertaining the veracity and the identity of the complainants. On the other hand a complaint of very specific allegations wherein even the complainant confirmed the allegations as early as 19.2.2001, against the respondent no. 3 and two Officers have been detailed to conduct the preliminary inquiry and despite number of reminders, the matter is kept hanging for over a period of one and half year. This is regarding preliminary inquiry and what to talk about the main inquiry but the respondents have been very prompt in taking action on an ex facie frivolous complaint against the applicant and five others within a period of 13 days, the transfer order has been issued. Not only this even the applicants were asked to submit the information regarding their movable and immovable properties vide letter dated 31st May, 2002, and they requested the copy of complaint but without giving them a copy stern action has been recommended against them vide letter dated 11.6.2002, this clearly indicates the covering of the misdeed of the respondent no. 3 or else there has been a concerted effort to save the person against whom there were specific allegations of financial irregularities.

22. We also comprehend that the respondents have taken the allegations of alleged mis-conduct like Gundaraj, lending money on interest, possession mobile phones, cars, bungalows etc. for granted and on that basis itself took a decision to transfer the applicant and five others to distant places. If at all there was any mis-conduct on the part of the applicants, the same are required to be investigated and punishment could have been imposed by following the due process of law and the transfer is definitely not a substitute for penalty but we are clearly of the view that the transfer in the present case have been made as a short-cut to the disciplinary proceedings and the same could be clearly termed as punitive transfer in substance.

23. We are constrained to observe that the perusal of the records reveal that instead of taking suitable action against the respondent no. 3, the applicant and five others are being made scape-goat and victimised, probably some of them are witnesses and may be in a position to give evidence against the respondent no. 3.

24. The learned counsel for the respondents has been hammering on his stand that there was no question of over-powering by respondent no. 3 on respondent no. 2 but as is observed in order dated 21.2.2001 (Annexure A/12) at page 37 of the paper book, the examples are not wanting where the third respondent has prevailed over the respondent no. 2. Had the respondent no. 2 been strict enough, the very inquiry/investigation pending against the third respondent would have been completed by now but except writing letters, sending reminders and filling formalities on papers, there has been no concrete progress whereas within few days of the complaint the orders have been issued for transfer in respect of the applicant and five others.

25. It is also peculiar as to out of about 200 persons only six persons have been picked up and were taken up for action under Rule 18 (4) of CCS (Conduct) Rules, 1964, and that too on the basis of frivilous complaint. Even in case of Santosh Puri, there was no such complaint but since he made a complaint against third respondent so he was also dragged in this inquiry. Our observation do not mean that if a person has committed any mis-conduct he should be left scot-free on the pre-text that other similarly situated persons have not been proceeded with. If there is any real misconduct, the action should be taken in accordance with law and the transfer should not be used as a short-cut to the disciplinary proceedings otherwise that would mean that the transfer is a punishment since there is no such penalty finding place in the list of penalties which can be imposed on the Government servant.

26. We are conscious of the powers of the Courts to carry out the judicial review in the transfer matters but taking into account the sequence of events together as borne out from our aforesaid observations and the modus operandi adopted by the respondents, we are of the firm opinion that the transfer order has been issued in colorable exercise of power and the real object of the transfer is not what is apparent. The impugned transfer order is rather punitive in substance in as much as proceedings under Rule 18 (4) of CCS (Conduct) Rule, 1964 were also in progress, thus, the same is not sustainable and deserves to be quashed.

27. In view of the foregoing discussions, the Original Application deserves to be allowed and the same is hereby allowed. The impugned orders dated 17.06.2002 (Annex.A/1), 23.05.2002 (Annexure A/2) and impugned Office Order No. 241/2002 dated 23.05.2002 (Annexure A/3), are hereby quashed with all consequential benefits. No order as to costs.

O.A. No. 156/2002

In this case it has been said that there is no improvement in his behaviour and that is the sole reason for transfer. If that be a case, the transfer is ex-facie punitive in substance. We have also found that in complaint dated 10.5.2002, the name of the applicant also appears which is the basis of transfer of the applicant. Further no details of any mis-behaviour have been indicated in the records. As regards the complaint dated 10.5.2002, the question has already been examined in O.A. No. 155/2002 in detail. Following the said decision and for the reason stated therein this Original Application is allowed in the same terms. The impugned orders dated 17th June, 2002 (Annexure A/1), Office order No. 499 of 2002, dated 23rd May, 2002 (Annexure A/2) and order dated 23.5.2002 (Annexure A/3) are hereby quashed. No order as to costs.

O.A. No. 158/2002

In this case, the applicant was previously ordered to be transferred vide letter dated 26.6.2001 and the same was kept in abeyance and now vide impugned order dated 23.5.2002 he has been ordered to be transferred to Ambala Div.II on the post of Welder. The objection of the respondents is that order dated 28.6.2001 has not been challenged and therefore the O.A. is not maintainable. We find that all previous orders passed in respect of transfer of the applicant have been merged in order dt.17.6.2002 by which the representation of the applicant was decided. Thus the objection is not sustainable. The ground put forward for the posting is that there is establishment of seven post at Jodhpur and he has been posted out as he was in excess of sanctioned strength as per the audit objection. The facts regarding the post whether there are

seven post or eight post remains in dispute and the respondents have not placed on record any material, even the audit objection and the final decision on the same are not on records. Further the name of the applicant also finds place in the basic complaint of dated 10.5.2002 on the basis of which the transfer of six persons have been made and the further controversy has already been examined in O.A. No. 155/2002 (Supra).

Following the said decision and for the reason stated therein this Original Application is allowed in the same terms. The impugned orders dated 17th June, 2002 (Annexure A/1), office order No. 506 of 2002 dated 23rd May, 2002 (Annexure A/2) and order dated 23.5.2002 (Annexure A/3) are hereby quashed. No order as to costs.

O.A. Nos. 157/2002, 159/2002 and 160/2002

The question raised in each of these Original Applications is identical to that of O.A. No. 155/2002 (Supra). Following the said decision and for the reasons stated therein, these Original Applications are allowed in the same terms as set forth therein. The impugned orders dated 17.06.2002 (Annex. A/1), 23.05.2002 (Annexure A/2) and 23.05.2002 (Annexure A/3) in these O.As. are hereby quashed. No order as to costs.

(J.K. KAUSHIK)
Judl. Member

(GOPAL SINGH)
Adm. Member

प्रमाणित सही प्रतिलिपि
अनुभाग अधिकारी (न्यायिक)
केन्द्रीय प्रशासनिक अधिकरण
जोधपुर

Part II and III destroyed in my presence on 24.2.07 under the supervision of Section Officer (J) as per order dated 14/5/07
Section Officer (Record)

kumawat