

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH
OA 1441 OF 1997

Present : Hon'ble Mr. S. Biswas, Administrative Member
Hon'ble Mr. M.L.Chauhan, Judicial Member

Subir Kumar Das,
Sr. Clerk, DPO's Office,
S.E.Rly. Adra (Under suspension),
R/o Rly. Quarter No. T/40/J
P.O. Adra, Purulia, West Bengal

VS

1. Union of India through the
General Manager, M/o Railways,
Rail Bhavan, New Delhi-1
2. Div. Personnel Officer,
S.E.Rly. Adra
3. Chief Vigilance Officere (T);
S.E.Rly. Hq. Garden Reach,
Calcutta-43
4. Div. Rly. Manager,
S.E.Rly. Adra
5. Chief Personnel Officer,
S.E.Rly. Garden Reach,
Calcutta-43

..... Respondents

For the applicant : Mr. M.M.Das, Counsel

For the respondents : Mr. S.Chowdhury, Counsel

Heard on : 18.3.2002 : Order on : 20.3.2002

O R D E R

M.L.Chauhan, J.M.:

This application has been filed by the applicant, praying for revocation of the suspension order dated 16.8.95 (annexure-D).

2. At the relevant time, the applicant was working as Sr. Clerk in the Settlement Section of DRM's Office at Adra. By an order dt. 8.7.94, the applicant was placed under suspension on the ground of detention in police custody on 1.6.94 for a period exceeding 48 hours vide annexure-A. The said order was revoked by an order dt. 6.12.94 after the release of the applicant on bail. Thereafter by the impugned order dt. 16.8.95 (annexure-D) the applicant was again placed under suspension on account of the fact that certain disciplinary proceedings/investigation were pending. It is contended

by the applicant that although suspension order in respect of some other persons similarly situated, who were also accused in Crl. Case No. 74 of 94 of IRP/Nellore, has been withdrawn and they have been reinstated in service, the applicant has been discriminated inasmuch as his suspension has neither been revoked nor he has been reinstated in service. According to him, this action of the respondent authorities is not only violative of Art. 14 of the Constitution, but also violative of Articles 16 and 21 of the Constitution. Hence this OA.

3. The respondents have contested the application by filing a written reply wherein it is submitted that on receipt of a letter from the Vigilance Officer (A), S.E.Rly, the applicant was placed under suspension w.e.f. 16.8.95 (annexure-R1). It is also submitted that a charge-sheet has been filed by the police in the court of VI Addl. Sessions Judge, Chennai and case is under trial. It is contended that the applicant has been placed under suspension not on account of his involvement in the criminal case which was pending at Nellore but because of his involvement in another criminal case pending at Chennai.

4. We have heard the ld. counsel for the parties and gone through the pleadings of this case.

5. The ld. counsel for the applicant has submitted before us that since the applicant stood acquitted in Crl. Case No. 96 of 1994 by the ld. Special Judicial Magistrate of 1st Class for Railways, Nellore vide order dt. 10.1.2002, copy of which produced before us, and as the applicant was suspended on account of his involvement in this criminal case and that annexure-D i.e. the suspension order itself does not specifically states the reason for placing the applicant under suspension, as such, there is no justification in continuing the applicant under suspension after his acquittal in the criminal case referred to above. He has also submitted that other co-accuseds in the aforesaid criminal case have already been reinstated and therefore, the applicant should also be reinstated in

service.

6. On hearing the submissions of both parties and on going through the materials on record, we are of the view that the contention of the ld. counsel is misconceived. As already stated above, the applicant was placed under suspension for the second time by the impugned order dt. 16.8.95. It is the specific case of the respondents that the said suspension order was issued on the basis of a letter dt. 1.8.95 received from the Vigilance Officer which has been annexed as Annexure-R1 to the reply. On a perusal of this letter, it appears that there was a CBI investigation at Madras in connection with diversion of Railway Wagon meant for Arakkonam to Royapuram Goodshed forging the RRS thereby causing pecuniary loss to the railways and as per CBI investigation report, the applicant and some other persons were involved in that fraud case. It was, therefore, advised to place the applicant under suspension pending final decision in the said CBI case. We further find that there was a handwritten endorsement dt. 16.8.95 on this letter wherein it was directed that the applicant should be placed under spension immediately. It is therefore, quite clear that the applicant was not placed under suspension w.e.f. 16.8.95 (annexure-0) for his involvement in the criminal case pending at Nellore but because of his involvement in a CBI case pending at Chennai. Therefore, the contention of the ld. counsel for the applicant that since the applicant stood acquitted in the Crl. Case No. 96 of 1994 by the Spl. Judicial Magistrate, Nellore, and since other co-accuseds in that case, having already been reinstated, the applicant should also be reinstated, cannot be accepted. In this context, we may refer to the decision of the Apex Court in the case of Secretary to Govt., Prohibition & Excise Deptt. -vs- L. Srinivasan, (1996) 3 SCC 157 wherein it has been observed that the Tribunal should not interfere with the suspension order or charge-sheet in the case of pending criminal cases as it was not an appellate forum and such a decision is

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13. Sona Subbarayudu @ Sivaramulu,
Son of Subbarayulu, 35 Years,
Driver of Lorry No. AP-26-T-2552,
Sirivel Vengampalli, Atmakur Mandal,
Nellore District.

14. Sanna Narayana,
Son of Penchalaiah, 18 Years,
Sirivel Vengampalli,
Atmakur Mandal, Nellore District;

15. Vannam Rangaiah, S/o Penchalaiah,
30 Years, Driver of Lorry No. AP-26-T-4896,
Lingampalli, Podalakur Mandal, Nellore Dist. and

16. Sana Sundaraiah,
Son of Subbarayudu, Sirivel Vengampalli,
Atmakur Mandal, Nellore District. Accused.

This case coming on this day before me for final disposal in the presence of Public Prosecutor for the Complainant and of Sri P. Balaramaiah, advocate for A-3 to A-5, and Sri K. Anantha-Sathyanarayana advocate for 6th accused, and Sri D. Muni Sundaran, advocate for A-7 to A-11, A-13 to A-16, and the case against A-1, A-2 and A-12 split up and NBWS. pending, this Court delivered the following:-

JUDGMENT

1. The Inspector of Police, Railways, Nellore, filed charge sheet against the accused for the offence Under Sec. 379, 420, 446, 468, 471, 472 r/w 120-B I.P.C. The brief facts of the case are that A.1 is an accused along with others in C.C.Nos. 150/83, and 151/83, VI Munsif Magistrate Court, Visakhapatnam. A.1 along with others also diverted the wagons to false destinations viz., Sanath Nagar, Earnakulam and other places previously. It is noticed by L.W.41 in XR message dated 07-12-1993 and communicated for all Railway Stations, stating that two books of blank RRs bearing Nos. from 658501 to 658600 of South Eastern Railway were stolen and they were missing. Having come to know about the missing of above RRs., A-1 to A-5 planning to obtain the same for making use of them fraudulently and to have wrongful gain by using the same. A-3 dishonestly received and retained the above stolen RRs. Having come to know about the possession of stolen RRs. by A-3, A-1 to A-10 entered into Criminal conspiracy with common intention to commit theft of Railway property booked consignments by diverting railway wagons to their convenient place stations by using forged RRs, by changing vehicle guidances and by cheatful means and in furtherance of their Criminal conspiracy A-6 at the instance of A-1 filled in

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IN THE COURT OF THE SPECIAL JUDICIAL MAGISTRATE OF I CLASS
FOR RAILWAYS, NELLORE.
Dated, this the 10th day of January, 2002.

Present

Sri M. Anand, B.A., LL.B.,
Spl.Judl.Magistrate of I Class for
Railways, Nellore.

C.C. No.96 of 1994

Inspector of Police,
Railways, Nellore.

Complainant.

vs.

1. Vanapalli Venkatakrishnaji Rao,
Son of Suranna, 44 Years,
Cloth Business, 25-1-1725,
Annapurnamma pet, Rajahmundry;
2. Siddani Venkataswamy,
Son of late S.S. Rama Murthy,
38 Years, Block No.49, S.B. Colony,
West Mareddipalli, Secunderabad;
(Case against A-2 split up and
numbered as C.C.8/2000, on 27-1-2000)
3. Subir Kumar Dass,
Son of Pratapchandra dass,
41 Years, Senior Clerk, Settlement Section,
DPO Office, ADRA Junction, West Bengal State;
4. G.C. Mahanandia,
Son of Eswar Mahanandia,
38 Years, S.C., Goods Train Guard,
Gharalguda, S.E. Railway, Orissa State;
5. Arjani Dharma Rao,
Son of Ramaamma, 42 Years,
H.T.W.C., SE Rly,
Gharalguda, Orissa State;
6. Kirla Jagan Mohana Rao,
Son of Appala Naidu, 18 years,
Dibbagaddivalaga, Bobbili Mandal,
Vijayanagaram District;
7. Aytha Venkatasubrahmanyam,
Son of Venkatarathnaiah, 53 Years,
Manager, Simhapuri Steels, Nellore.
8. Kethureddi Gopal Reddy,
Son of Sundararami Reddy, 39 Years,
NK-783, Railway Quarter No.53/C,
Nellore;
9. Painapuram Jayaramaiah, S/o Ayyavarapu Naidu,
40 Years, Khalasi, IOW Office, Nellore,
Rly.Qtr.No.99/D, Near R.H.Pet, Nellore;
10. Thota Janaki Srinivasa Rao,
Son of Gurrappa Naidu, 25 Years,
RPF Constable 944, RPF Post, Nellore;
11. ~~Mr~~ Guntaka Venkataramana Reddy,
Son of Bakki Reddy, 30 Years,
Driver of Lorry AP-26-~~T~~-6575,
DL.No.675/NLR/82, Kalyanamandapam,
Pappula Street, Nellore;
12. Adippareddy Sanjeeva Reddy, S/o Ramachandra Reddy,
20 Yrs., 186/6, Sivaji Nagar, Pappula Veedhi, Nellore.
(Case against A-12 split up on 12-12-2001 and numbered
as C.C. No.125/2001)

R.R.No.C-658556 mentioning Sri Krishna Steels, Nellore as consignees and Padugupadu as its destination, A-7 to A-10 fraudulently got unloaded M.S. iron plates weighing 254.45 Tonnes worth about Rs.35,00,000/- and A-11 to A-14 in course of same transaction assisted other accused in the disposal and concealment of stolen M.S. iron plates from the Padugupadu Railway Goods Shed.

2. After arresting all the accused they had confessed that they had committed the offence i.e. theft of 254.45 Tonnes of M.S. iron plates from Padugupadu Railway yard by producing forged R.R. filled in by A-6 and cheating L.W.1 by producing the same. After completing the entire investigation the charge sheet was filed.

3. On appearance of the accused copies of documents were furnished to them and examined Under Sec.239 Cr.P.C.

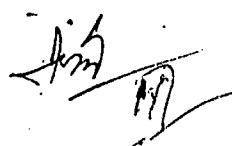
A charge Under Sec.120-B I.P.C. against A-1 to A-16, u/s.379 IPC against A-1, A-2 and A-7 to A-16, u/s.420 IPC against A-1 to A-3 and A-7 to A-9, u/s.466 IPC against A-6, u/s.468 IPC against A-1, A-2 and A-5, u/s.465 and 471 IPC against A-4 and A-5 u/s.472 IPC against and 467 IPC against A-1 and A-2 have been framed, read over and explained to them in Telugu. A-1 pleaded guilty and admitted the offence. A-2 to A-16 pleaded not guilty but claimed to be tried.

4. As A-1 pleaded guilty, the case against A-2 to A-16 was split up and numbered as C.C.96/94.

5. To prove the guilt of the accused 2 to 16 prosecution has examined P.Ws.1 to 16 and Exs.P.1 to P.22 and M.os.1 and 2 marked.

6. As A-2 was not appearing before the Court, NBWS. was issued and split the case against him on 27-1-2000 and numbered as C.C. No.8/2000.

7. As NBWS pending against A-12, the case also split up against him and numbered as C.C.No.125/2001 on 12-12-2001.



8. -After the prosecution evidence is closed accused A-3 to A-11, A-13 to A-16 examined Under Sec.313 Cr.P.C., they denied the prosecution story and Exs.D.1 and D-2 portion of 162 Cr.P.C. statements of P.W.s.1 and 3 respectively marked.

9. The point for consideration is, whether the prosecution has proved the guilt of the accused beyond all reasonable doubt ?

10. S. Balarami Reddy(P.W.1) has stated that he is a resident of Kovur and Retired Goods Supervisor. Previously he worked as Goods Supervisor, Padugupadu Railway Station from 1991 to August, 1994. On 13-5-94 he was on duty from 6.00 A.M., to 18-30 Hours, on that day Six wagons of iron have been reached Padugupadu Railway Station. Out of Six wagons 5 wagons stationed in the said Railway Station and Six wagons were delivered to Balaji-Steels, Nellore. On that day at about 5.00 P.M., two persons came to him and introduced themselves as Gopal Reddy, RPF, Nellore and Jayaramaiah, working in Engineering Department, Railways, and asked to deliver the 5 wagons stating that they came in the name of Krishna Reddy. Seal cards were not found in all the wagons. Because of that he did not give delivery to Gopala Reddy and Jayaramaiah under the pretext that they did not produce any Railway receipt. Both of them insisted him to deliver the goods in the five wagons executing indemnity bonds upon that he gave message to Bokoro Steels City, requesting to furnish full particulars in respect of the 5 wagons as they did not contain seal cards. On 14-5-94 at about 16-00 hours, the said persons again came to him and asked delivery of the goods in the said 5 wagons. As he refused to do the same, then they left that place. On the next day himself and Station Master found the 4 wagons were unloaded and placed on the ground and the load in another wagon was found missing. Gopal Reddy and Jayaramaiah came to his office and placed Railway Receipts on his table and went away. Ex.P-1 is the Railway Receipt No.E-658556, dt.2-4-1994. Immediately he tallied the contents in Ex.P-1 with the

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contents in the tariff and with the circulars already issued by Divisional Commercial Manager, Vijayawada for the missing of property in One wagon and contacted with the Commercial Manager he advised him to give complaint to the Police. He has given complaint with the Police i.e. Ex.P-2. M.O.1 missing M.S. iron sheet(Sample). M.O.2 another M.S. iron plate(sample).

11. M.A. Aslam(P.W.2) the then Goods Clerk, Padugupadu Railway Station has stated that on 13-5-94 he has received 5 wagons of iron from Bokoro to Padugupadu. He informed P.W-1 about the placement of iron. He used to look after loading and unloading in the ~~xxxx~~ yard and P.W-1 used to look after delivery and bookings. Nobody came to him or P.W-1 for delivery of iron placed on the yard of Padugupadu Railway Station. On 15-5-94 in the morning P.W.1 informed him that 4 wagons were unloaded and the goods in One wagon were missing but he never informed him about the culprits. He denied the suggestion made by the Senior^{Asst} Public Prosecutor that he stated before the Police as in Ex.P-5. He further denied that A-2, A-7 to A-9 had come to P.W-1 and demanded to deliver the goods in the 4 wagons in his presence. He further denied that he is having acquaintance with A-8 Gopal Reddy and A-9 Jayaramaiah. He further denied that he is speaking false to help the accused.

12. V. Venkaiah(P.W.3), Hamali, Padugupadu Rly.Sth., has stated that on 13-5-94 evening 5 or 6 persons came to P.W-1 and asked him to deliver iron placed in the yard Padugupadu Railway Station. On 15-5-94 P.W-1 informed him that one wagon of iron was missing. In cross examination by Senior Assistant Public Prosecutor P.W-3 denied that he knew A-8 and A-9. He further denied that he has stated before Police as in Ex.P-6.

13. Yanamala Ramana Reddy(P.W.4) has stated that he does not know anything about the facts of this case. Police never examined him. He does not know A-2. He denied a suggestion that he has stated before the Police as in Ex.P-7 and speaking false to help the accused.

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14. D. Srinivasulu Reddy(P.W.5) has stated that in the year 1994 one person came to Sivapriya Lodge, Nellore and introduced himself as S.V. Swamy and that he allotted a room No.106 and on the next day he had shifted to Room No.204 AC. 3 or 4 days after he left the Lodge without paying any amount. On the next day one person came and paid Rs.1,300/- on behalf of Swamy. He never saw the said Swamy prior to coming to his Lodge. In cross examination by the learned Advocate for A-6 P.W-5 admitted that Railway Police never taken any document from him to show that he was working as Receptionist in Sivapriya Lodge, Nellore.

15. V. Venka Reddy(P.W.6) has stated that in the year 1994 he worked as Receptionist in Madhura Lodge. 4 or 5 years back Police came to Madhura Lodge and checked the Registers. He again stated that 4 or 5 years back he has stopped working in the said Lodge. ~~He denied a suggestion that~~ He stated before the Police as in Ex.P-8.

16. I. Jawahar(P.W.7) has stated that he knew L.W.8 and A-7 but they never approached him and never asked him to supply gas cylinders in order to cut iron sheets at Padugupadu Railway Station. L.W.8 and A-7 never paid Rs.2000/- in advance. He denied a suggestion that he has stated before the Police as in Ex.P-9, and speaking false to help the accused.

17. A. Papi Reddy(P.W.8) has stated that he does not know A-2 and never brought M.S. iron plates from Madras to Nellore at the instance of A-2 and never worked as Driver in Lorry No.AP-26-T-1879. He denied a suggestion that he has stated before the Police as in Ex.P-10 and speaking false to help the accused.

18. Balabai(P.W.9)/has stated that he worked as Asst. Commercial Tax Officer, Nellore from 1988 to 1996. He does not know anything about this case and was not examined by Police. He denied a suggestion that he has stated before the Police as in Ex.P-11 and speaking false to help the accused.



19. U. Chenchaiah(P.W.10) the then Junior Assistant, District Industries Office, Nellore has stated that he never verified his Office records and did not furnish any information with regard to Srikrishna Steels, 206/A, Nellore. He denied a suggestion that he has stated to the Police as in Ex.P-12 and speaking false to help the accused.

20. K. Ravindra Babu(P.W.11) has stated that he does not know anything about the facts of this case. In the year 1994 Police obtained his signatures on white papers and nothing was recovered. He denied a suggestion that he is speaking false to help the accused.

21. V. Pattabhiramaiah(P.W.12) has stated that on 16-5-94 at 4.00 P.M. A-8 and A-9 were never arrested in his presence. He signed in the mahazar in the Office of Circle Inspector, GRP, Nellore. He denied that on 17-4-95 at about 2.00 P.M. Police arrested A-2 and A-7 and seized M.S. plates in 3 lorries and also Rubber stamp with letters Srikrishna Steels, Hotel Bills, Telephone bills from A-2 under mahazar. He denied a suggestion that on the same day A-1 was arrested in Room No.205 of Madhura Lodge and seized suit case containing 4 Rubber stamps with letters of Rurkela Steel Authorities and records under cover of mahazar. He denied a suggestion that on 24-5-94 A-11 to A-16 were arrested and seized 3 lorries under panchanama. He further denied a suggestion that the entire transactions dated 16-5-94, 17-5-94, 24-5-94 and 27-5-94 were happened in his presence and speaking false to help the accused. He further stated that he signed in all the mahazars without going through the contents therein and he is in the habit of signing documents without knowing the contents.

22. Nachar Rao (P.W.13) the then Constable, GRP has stated that he does not know anything about the facts of this case. He denied a suggestion that A-11 to A-16 were arrested in his presence, recovered the case property and interrogated in his presence and accused admitted the offence. He denied a suggestion that he is speaking false to help the accused.



23. T. Raju(P.W.14) has stated that he never acted as mediator and nothing was seized in his presence from the scene of offence and does not know anything about the facts of the case. Some unknown persons obtained his signatures on the mahazar. He denied a suggestion that on 16-5-94 at 10-00 A.M., he has observed the scene of offence, and seizure of 6 Gas Oxygen cylinders, One Indane Gas cylinder, one meter tank regulator, meter spanners and cutting articles under mahazar and speaking false to help the accused.

24. B. Om Sankar(P.W.15) has stated that he does not know anything about the facts of the case. Police never arrested A-6 and nothing was seized from his possession and nothing was drafted. On the request of Constable he signed on mahazars. He denied a suggestion that A-6 was arrested as shown by A-1 and obtained the signatures of A-6 in Six papers as if in Railway receipt in his presence and drafted mahazar. He denied a suggestion that he is speaking false.

25. Though the prosecution has examined P.W.s.1 to 15 they never supported the case of prosecution. All the witnesses turned hostile and not willing to support the case of prosecution.

26. Eventhough number of chances have been given to the prosecution, Police did not produce the witnesses to adduce their evidence. Court has written letters to Superintendent of Police, Railways, Guntakal, Deputy Superintendent of Police, Railways, Nellore, and Station House Officer, Railway Police Station, Nellore to serve the summons to the witnesses and to produce them before the Court. But no proper response was there and the witnesses were not produced before the Court, therefore the evidence of some of the witnesses has been closed. The non-examination of investigating Officer is fatal to the case of the prosecution. As the evidence of P.Ws.1 to 15 is inconsistent, the examination of Investigating Officer is essential. Nothing is stated by P.Ws.1 to 15 in favour of the prosecution or the accused had committed the alleged the offence. Therefore there is no cogent and clinching evidence to prove the

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guilt of the accused as alleged by the prosecution.

27. Therefore from the above reasons, I am of the opinion that prosecution has failed to prove the guilt of the accused beyond all reasonable doubt.

28. Accordingly I found the accused not guilty with which they have been charged.

29. In the result, A-3 to A-11, and A.13 to A.16 are acquitted under Section 248(1) Cr.P.C. Their bail bonds shall stand cancelled. The order regarding the case property shall be passed in the split up cases which are pending.

- Typed to my dictation, corrected and pronounced by me in Open Court, this the 10th day of January, 2002.

J.M
Spl.Judl. Magistrate of I Class for Railways, Nellore.

Appendix of Evidence
Witnesses Examined
for Prosecution:-

P.W.1: S. Balarami Reddy, the then Goods Supervisor, Padugupadu;
P.W.2: M.A. Islam the then Goods Clerk, Padugupadu Rly. Stn.
P.W.3: V. Venkaiah, Hamali, Padugupadu Rly. Station;
P.W.4: Yanamala Ramana Reddy;
P.W.5: D. Srinivasulu Reddy;
P.W.6: V. Venka Reddy;
P.W.7: I. Jawahar;
P.W.8: A. Papi Reddy;
P.W.9: K. Balabai, the then Asst. Commercial Tax Officer, Nellore;
P.W.10: U. Chenchaiah, the then Junior Assistant, District Industries Office, Nellore;
P.W.11: K. Ravindra Babu;
P.W.12: V. Pattabhiramaiah;
P.W.13: P. Nacharaiah, the then Constable, GRB, Nellore;
P.W.14: T. Raju;
P.W.15: B. Omshankar.
for Defence:- None.

Documents marked

for Prosecution:-

Ex.P-1: R.R. No.E.658556;
Ex.P-2: Report given by PW.1;
Ex.P-3: 162 Cr.P.C. Statement of PW.1; (a portion)
Ex.P-4: 162 Cr.P.C. statement of PW.1(a portion)
Ex.P-5: 162 Cr.P.C. statement of PW.2(a portion);

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Ex.P-6: 162 Cr.P.C. statement of PW-3 (a portion)
Ex.P-7: 162 Cr.P.C. statement of PW-4;
Ex.P-8: 162 Cr.P.C. statement of PW-6;
Ex.P-9: 162 Cr.P.C. statement of PW-7;
Ex.P-10: 162 Cr.P.C. statement of PW-8;
Ex.P-11: 162 Cr.P.C. statement of PW-9;
Ex.P-12: 162 Cr.P.C. statement of PW-10;
Ex.P-13: Signature of PW-11 in mahazar, dt.16-5-94;
Ex.P-14: Signature of PW-12 in mahazar, dt.16-5-94;
Ex.P-15: Signature of PW-12 in mahazar, dt.17-5-94 at 2-00 PM;
Ex.P-16: Signature of PW-12 in mahazar, dt.24-5-94;
Ex.P-17: Signature of PW-12 in mahazar, dt.27-5-94;
Ex.P-18: Signature of PW-12 in mahazar, dt.27-5-94;
Ex.P-19: Signature of PW-13 in mahazar, dt.24-5-94;
Ex.P-20: Signature of PW-13 in mahazar, dt.27-5-94;
Ex.P-21: Signature of PW-14 in mahazar, dt.16-5-94;
Ex.P-22: Signature of PW-15 in mahazar, dt.05-6-1994;
for Defence:-
Ex.D-1: A portion in the 162 Cr.P.C. statement of PW-1;
Ex.D-2: A portion in the 162 Cr.P.C. statement of PW-3;

Material Objects marked

M.O.1: M.S. Iron plate (sample) 1ft.x1ft.
M.O.2: M.S. Iron plate (sample) 1ft. x 1ft.

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Superintendent of Copyist
District Court, NELLOR