CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A. 473/03

.....Tuesday.THIS THE14thDAY OF FEBRUARY, 2006

CORAM

HON'BLE MRS. SATHI NAIR, VICE CHAIRMAN
HON'BLE MR. GEORGE PARACKEN, JUDICIAL MEMBER

R.Gopalakrishna Pillai
Son of P.Raghavan Pillai
Goods Guard, Southern Railway
Quilon, residing at Suji Nivas,
Vadakkunthala East PO, Karunagapally,
Kollam District. .....Applicant

(By Advocate Mr. M.P.Varkey)

V.

1 Union of India, represented by
General Manager, Southern Railway,
Chennai.3.

2 The Chief Operations Manager,
Southern Railway,
Chennai.3.

3 The Divisional Railway Manager,
Southern Railway,
Trivandrum.14.

4 The Senior Divisional Operations Manager,
Southern Railway,
Trivandrum.14. .....Respondents

(By Advocate Mr.P.Haridas (rep).

The application having been heard on 24.1.2006, the Tribunal on 14.2....2006 delivered the following:

ORDER

HON'BLE MR. GEORGE PARACKEN, JUDICIAL MEMBER

The Applicant has impugned the Annexure.A12 Disciplinary Authority's Penalty Advice dated 14.1`.02 issued by the 4th Respondent reducing his pay from Rs. 4750/- to Rs. 4625/- in the scale of Rs. 4500-7000 for a period of two years with effect from 1.2.02 without having the effect of postponing his future increments of pay. He has also impugned annexure.A14 Appellate Order dated 15.4.02 issued by the third respondent enhancing the punishment by reducing his "pay to Rs. 4500/- in the scale of pay of Rs. 4500-7000 for a period of five years recurring". The applicant is also aggrieved by Anenxure A16 order by which his Revision Petition was rejected by the 2nd Respondent vide order dated 4.3.03. The applicant, has, therefore, sought the following reliefs in this OA:

> (a) Declare that A12,A14 and A16 are unjust, illegal, non-speaking, unconstitutional and opposed to the principles of natural justice.
>
> (b) Declare that the applicant is entitled to have his basic pay, annual increments and other attendant benefits, as if A12,A14 and A16 were not in existence; and direct the respondents accordingly.
>
> (c) Pass such other orders or directions as deemed just fit and necessary int eh facts and circumstances of the case.

2 The Applicant Shri Gopalakrishna Pillai was a Goods Guard. According to the Respondnets, on 9.11.2000 while working as Goods Guard, he committed serious dereliction of duty inasmuch as he failed to ensure braking of two loaded BOX wagons on road 2 which

were attached to the engine No.WDM-2 18337 and also failed to secure wagons using skids/wedges under the wagons. He further failed to hand over charge properly to the relieving guard. This has resulted in rolling down of the above wagon into the Block section between Pudukkad and Olloor and collided at KM 45/8-10 with 6330 Express which was approaching Pudukkad Railway Station. Therefore, the following article of charge was issued to him vide the Annexure.I Memorandum dated 16.4.01.

> **Annexure.I:** The said Shri R.Gopalakrishna Pillai, Goods Guard,ERM while working as Guard of ESD Goods on 09.11.2000 committed serious dereliction to duty in that he has failed to ensure that braking of two loaded BOX wagons on road 2 which were attached to the engine No.WDM-2.18337and also failed to secure wagons using skids/wedges under the wagons. He has failed to hand over the charges properly to the relieving guard. This has resulted in the rolling down of the above wagons into the block section between PUK & OLR and collided at KM 45/8-10 with 6330 down Exp. Which was approaching down home signals of PUK station. Thus he has violated GR Para 4.57 and 4.60 of GRS and Rule 3.1(ii) and (iii) of Railway service (Conduct) Rules, 1966.

The statement of imputation of misconduct or misbehavior in support of the article of charge framed against him was as follows:

> Annexure.II: Shri R.Gopalakrishna Pillai, Goods Guard ERM while working as Guard of ESD Goods on 9.11.2000 failed to ensure the braking of two loaded BOX wagons on road 2 which were attached tot he engine No,.WDM-2 19337 and also failed to secure the wagons using skids/wedges under the wagons. This has resulted in the rolling down of two BOX wagons load into the blocks section between PUK & OLR and collided at KM 45/8-10 with 6330 down which was approaching down home signals of PUK station, causing injuries to the travelling public. He has also failed to hand over charges properly to

> the relieving guard. Thus he has violated GR para 4.57 and 4.60- of GRS and Rule 3.1(ii) and (iii) of Railway Services Conduct Rules, 1966."

3 The Applicant submitted Annexure.A7 representation dated 4.5.01 denying the charges in toto and pointing out that the charges were ambiguous and cryptic. He has submitted that the respondents have failed to clarify as to how he failed to hand over the charge 'properly' to the relieving guard. However, the 4th Respondent ordered Departmental inquiry in terms of the said Memorandum dated 16.4.2001 against the applicant and appointed an inquiry officer. The applicant has also nominated a defense helper for him.

4 The applicant has challenged the aforementioned impugned orders on the ground that the charges were contrary to the facts. He has also submitted that the allegation against him that he had violated para 4.57 and 4.60 of GRS was not correct. GRS 4.57 deals with detaching engine and it is extracted below:

> "4.57: Detaching engine: Whenever a train has been brought to a stand and it is necessary for the engine with or without vehicles, to be detached from the rest of the train, the Guard shall, before the train is uncoupled, satisfy himself that the van-brakes have been put on securely, and take such other measures as may be prescribed by special instructions.

G.R.S. 4.60 deals with duty of the guard and it is as under:

> "4.60: Guard not to leave train till handed over: No guard shall leave his train until it has been properly handed over in accordance with special instructions."

5 The Applicant has submitted that in terms of GR 4.57 so long as the engine is not detached from the train the Guard need not

secure the train and only when it is necessary to detach the train, the Guard should secure the train. In other words, the engine provides the brake power for the whole train and secures the same. In his Annexure.A7 representation to Charge Memo dated 4.5.2001 the Applicant has submitted that GR 4.57 cannot be made applicable to him because the engine was detached after he was relieved and left the station after duly handing over charge to the incoming guard. He has further submitted that GRS 4.60 is also not applicable in the present case because it only prohibits the Guard from leaving his train until it has been properly handed over in accordance with special instructions. He has stated that the Southern Railway has not issued any special instructions in this regard and what was in vogue was handing over the Vehicle Guidance paper and Caution Orders (containing speed restrictions). He had accordingly handed over the Vehicle Guidance paper and Caution Order to his reliever and appraised him of the work to be done. Since the Applicant has fulfilled the requirements of GR 4.60 there is no violation of the said rules as urged by the Respondents. The Applicant has also submitted that the inquiry was held against the principles of natural justice. The Applicant has submitted that prior to the issuance of the aforesaid Memorandum dated 16.4.01 an inquiry was conducted by the Commissioner of Railways Safety (CRS for short) regarding the aforesaid accident occurred on 9.11.2000 and submitted his report. Before commencement of the inquiry proceedings itself, he sought

for a copy of the report of the Commissioner of Railway Safety (CRS for short) but the same was denied to him claiming that it is a confidential document but copy of the same was given to the Section Engineer/P.Way as document of defence in the DAR against him. According to the Applicant, Anenxure.A1 charges were framed on the recommendation of the CRS and a denial of the copy of the same, which is illegal and on this ground also the impugned orders are liable to be quashed. When the case of the disciplinary authority was closed, the applicant was not given an opportunity to present his case as required under Rule 9(19) of the RS (D&A) Rules, 1968. The applicant was not questioned on any circumstances appearing in the evidence against him as required under Rule 9(21) of the said Rules.. The charges were not proved in the inquiry rather disproved in the inquiry by the evidence adduced by PW2 and PW4. The findings were not based on evidence adduced during the inquiry but were based on surmises, conjunctures and fresh charges. In the discussion of evidence, the inquiry officer has interpreted paras 8.4, 8.4.1 and 8.4.2 of the Station Working Rules of Pudukkad, the alleged violation of which was not part of the charge. The aforesaid paras are reproduced as under:

> "8.4. Shunting – Special precautions.
>
> 8.4.1. When any vehicle is being shunted in the yard the guard of the train should see that brakes are put on, sprags/skids are used where necessary. Locomotive is attached to the falling side of the gradient and that all precautions are taken to prevent the vehicle from getting out of control.

> 8.4.2 Guard and Driver shall specially ensure that van brakes and engine brakes respectively are tightly applied when trains are standing at the station."

6 The Applicant has further submitted that the order of the disciplinary authority was very much mechanical and the justification given by him was based on the deposition of Shri A Thulasidharan, the driver of the EST Special in some other case. The following part of the Disciplinary Authority's order is extracted below:

> "The contention of the charged employee that he had been wrongfully charged and incorrectly held responsible for the accident/collision in the PUK-OLR section on 9.11.2000 is untenable and not accepted.
>
> This is evident from the depositions made by the outgoing driver Shri A.Thulasidasan, and Shri Glopalakrishnan the charged employee (as replied vide II (b) (ii) of his representation dated 29.10.2001 against the inquiry report."

7 The third respondent did not consider and dispose of Anenxure.A13 appeal as mandated by Rule 22(2) of the RS (D&A) Rules, 1968. The 3rd Respondent has passed the Anenxdure.A14 order based on 'gravity of the offense" and not based on the evidence adduced during the inquiry. He has levelled new allegations that the applicant did not follow the SWR (Station Working Rules) of Pudukkad and he failed to convey the shunting details and position of sprags/wedges to the incoming Guard, which according to him is specified in GR 4.60. According to the applicant the aforesaid allegations were new and was brought in behind his back. Therefore, Annexure.A14 is unjust, illegal, unconstitutional and

violative of the principles of natural justice, non speaking and are liable to be quashed. According to the applicant, the 4th, 3rd and 2nd respondents have failed to consider the vital points raised by the applicant in Annexure.A9 written brief, Aneexure.A11 representation against the inquiry authority, Annexures.A13 and A.15 appeals that 2 BOX wagons attached to logo WDM 2-18337 were part and parcel of a train having its own brake power and needed no braking or securing until the loco was detached. If the two BOX wagons were treated as vehicles/wagons, then the responsibility to secure them devolved upon the Station Master, Pudukad in terms of GR 5.23 which is reproduced below:

> 5.23: Securing of vehicles at stations: The Station Master shall see that vehicles standing at the Station are properly secured in accordance with special instructions.
>
> 5.23(1): Station Masters are responsible for seeking that vehicles/wagons standing at their stations are secured in such a manner that they cannot be moved so as to obstruct the running line.

8 The applicant has relied upon the following judgments in support of his contentions:

(i) **Kuldeep Singh Vs. Commissioner of Police and Others** 1999 SCC (L&S) 429
(ii)**Sher Bahadur Vs. Union of India and others** 2002 SCC (L&S) 1028
(iii)**K.Narayanan Nair Vs. The General Manager, Southern Railway and others**,2001(3) SLJ 372
(iv) **Ministry of Finance and others Vs. S.B.Ramesh**1998 SCC(L&S) 865

9 In Kuldeep Singh Vs. Commissioner of Police and others (supra) the Apex Court has, based on its earlier judgments has

been considering the scope of judicial review of departmental inquiry under Articles 226 and 32 of the Constitution and it was held that the court would not interfere with the findings of fact recorded at the domestic inquiry but if the finding of 'guilt' is based on no evidence, it would be a perverse finding and would be amenable to judicial scrutiny. The Apex Court has held as under:

> *"6.It is no doubt true that the High Court under Article 226 or this Court under Article 32 would not interfere with the findings recorded at the departmental inquiry by the disciplinary authority or the inquiry officer as a matter of course. The court cannot sit in appeal over those findings and assume the role of the appellate authority. But this does not mean that in no circumstances can the court interfere. The power of judicial review available to the High court as also t o this court under the Constitution takes in its stride the domestic inquiry as well and it can interfere with the conclusions reached therein if there was no evidence to support the findings or the findings recorded were such as could not have been reached by an ordinary prudent man or the findings were perverse or made at the dictates of the superior authority"*
>
> *"10. A broad distinction has, therefore, to be maintained between the decisions which are perverse and those which are not. If a decision is arrived at on no evidence or evidence which is thoroughly unreliable and no reasonable person would act upon it, the order would be perverse. But if there is some evidence on record which is acceptable and which could be relied upon, howsoever compendious it may be, the conclusions would not be treated as perverse and the findings would not be interfered with.*

10 In Sher Bahadur Vs. Union of India and others (supra) the Apex Court was considering the expression "sufficiency of evidence" and it

held as under:

> *"7.It may be observed that the expression "sufficiency of evidence" postulates existence of some evidence which links the charged officer with the misconduct alleged against him. Evidence, however, voluminous it may be, which is neither relevant in a broad sense nor establishes any nexus between the alleged misconduct and the charged officer, is no evidence in law. The mere fact that the inquiry officer has noted in his report "in view of oral, documentary and circumstantial evidence as adduced in the inquiry", would not in principle satisfy the rule of sufficiency of evidence. Though, the disciplinary authority cited one witness Shri R.A.Vashist, Ex CVI/Northern Railway, New Delhi, in support of his charges, he was not examined. Regarding documentary evidence, Ext.P1, referred to in the inquiry report and adverted to by the High Court, is the order of appointment of the appellant which is a neutral fact. The inquiry officer examined the charged officer but nothing is elicited to connect him with the charge. The statement of the appellant recorded by the inquiry officer shows no more than his working earlier to his re-engagement during the period between May 19789 and November, 1979 in different phases. Indeed, his statement was not relied upon by the inquiry officer. The finding of the inquiry officer that in view of the oral, documentary and circumstantial evidence, the charge against the appellant for securing the fraudulent appointment letter duly signed by the said APO(Const.) was proved, is, in the light of the above discussion, erroneous. In our view, this is clearly a case of finding the appellant guilty of charge without having any evidence to link the appellant with the alleged misconduct. The Hight Court did not consider this aspect in its proper perspective and as such the judgment and oder o the High Court and the order of the disciplinary authority under challenge, cannot be sustained, they are accordingly set aside."*

11 In Narayanan Nair Vs. The General Manager, Southern Railway (supra) this Bench of the Tribunal was considering a similar case in which the copy of the CRS report was denied to the Applicant therein on the plea that it was confidential and it was held

as under:

> *"26 The Applicant has advanced the ground that the inquiry is vitiated because he had not been given the copy the report of CRS as an additional document asked for by him. Further non-furnishing of the accident statements had also vitiated the inquiry,. According to the Respondents the applicant had not been charged on the basis of the report of CRS and no where in the charge memorandum any reference had been made to the CRS report. It was also stated inA.10 penalty oder and A.17 appellate order also. Regarding violation of principles of natural justice due to the non-supply of the statements made initially on 22.12.92 by the witnesses listed in the charge memorandum (accident statements) raised by the applicant inA.9 and A.16 representation and appeal respectively, we find that while the Disciplinary Authority had rejected the plea inA.10 penalty order, Appellate authority had not dealt with the same at all inA.17 appellate order.*
>
> *In view of the foregoing and in the light of the law laid down by the Hon'ble Apex Court referred to above, we are of the view that non supply of the statements of the witnesses recorded in the preliminary inquiry and non supply of the CRS report or at least the statements recorded during CRS inquiry caused prejudice to the applicant consequently vitiated the inquiry. Such non supply of documents amounted to denial of reasonable opportunity of defence to the applicant. Hence, we are of the view that A.8 inquiry report, A.10 disciplinary authority's penalty order and A.14 and A17 appellate authority's orders are liable to be set aside and quashed."*

12 In Ministry of Finance and others V.S.B.Ramesh (supra) the Apex Court has upheld the finding of the Hyderabad Bench of this Tribunal that under Sub-Rule (18) of Rule 14 of the CCS (CCA) Rules it is incumbent upon the Inquiring Authority to question the officer facing the charge, broadly on the evidence appearing against him in a case where the officer does not offer himself as a witness for examination.

13 The Respondents in their reply have denied the allegations made by the applicant in the OA. They have relied upon the deposition of Witness No.2 Shri V.D.Sivan, Goods Driver, Palghat, the relieving driver that the engine No.WDM2 18337 was in idling condition and there was no driver in the loco when he had taken over charge. The driver did not check whether the BOX wagons were in 'brake-applied' condition. The driver stated that a slight backward force was given to facilitate detaching of the loco and then the BOX wagons started moving towards Ollur side. Had the brakes of the wagons were in applied condition the wagons would not have rolled back. According to the respondents applicant failed to ensure the braking of two loaded wagons at Pudukkad station on 9.11.2000. As regards the second charge is concerned, the Respondents have relied upon the deposition of Witnesses No.3 and 4 that the BOX wagons were not secured using skids/wedges placed under the BOX wagons. The PW4 also stated that there was no wedges available at Pudukkad Station. According to the Respondents since there was no one to testify the version of the applicant that adequate stones were placed under the wheels of BOX wagons and hence it was proved that the two BOX wagons were not properly secured when they were placed on road two attached with Loco No.WDM2 18337. As regards the third charge is concerned, they have relied upon

the statement of Witness No.5 Shri M.Sethumadhavan,Goods Guard, who was the reliever of the Applicant. He stated that he met the applicant and the applicant handed over the vehicle guidance and caution order to him and the applicant did not give the yard position, details of yard shunting already performed and balance to be performed by him. The Respondents have submitted that mere handing over of the vehicle guidance and caution order cannot be construed as proper handing over. Thus according to the respondents the deposition given by the witnesses have substantiated the charges levelled against the applicant. The respondents have also denied the contention of the applicant that the 4th Respondent did not apply his mind on the evidence on record, written brief and the representation submitted by the applicant. They have also refuted the allegation that the 4th respondent has relied upon the extraneous evidence. They have also denied that the appellate authority levelled fresh allegations against the applicant as alleged by him and the second Respondent has misquoted certain sentences which were prejudicial to him.

14 We have heard the learned counsel for both the parties and perused the documents available on record. The crux of the charge made against the Applicant is that he violated GR 4.57 and GR 4.60 of the GRS which have been extracted elsewhere

in this order. GR 4.57 prescribes the procedure to be followed by the Guard while the engine with or without vehicles is detached from the rest of the train which has been brought to a stand. The Guard has to ensure that the van brakes have been put on securely and also to take such other measures as may be prescribed by special instructions. GR 4.60 says that no Guard shall not leave his train until it has been properly handed over in accordance with special instructions. After considering the contents of the Article of charge, statement of imputations of misconduct in support of the Article of Charge, evidences recorded during the inquiry proceedings and the inquiry report, we are of the opinion that the charge has not been established even though the Inquiry Officer in a fairly long report concluded that the charge has been proved and the Disciplinary Authority has imposed punishment based on the said inquiry report. The Appellate Authority was of the opinion that the punishment awarded to the Applicant was not sufficient enough considering the gravity of misconduct and enhanced the same.

15 We are conscious about the law laid down by the Apex Court that Courts and Tribunals would not interfere with the findings of facts recorded in the domestic inquiry but at the same time the Apex Court has also held that if the findings of 'guilt' is based on no evidence, it would be perverse findings and would be amenable to judicial scrutiny. The Apex Court in

Kuldeep Singh's case (supra) has made distinction between decisions which are perverse and which are not in the following lines:

> *"A broad distinction has, therefore, to be maintained between the decisions which are perverse and those which are not. If a decision is arrived at on no evidence or evidence which is thoroughly unreliable and no reasonable person would act upon it, the order would be perverse. But if there is some evidence on record which is acceptable and which could be relied upon, howsoever compendious it may be, the conclusions would not be treated as perverse and the findings would not be interfered with."*

16 In the light of the principles laid down by the Apex Court in Kuldeep Singh's case (supra) the present case has also to be scrutinized. From the inquiry proceedings it is to be seen first whether the Applicant has violated the provisions of GR 4.57 and GR 4.60. The Applicant was on duty till 2.10 hours on 9.11.2000 until he was relieved by PW5 Shri M.Sethumadhavan, Good Guard/ERS. According to the Applicant he handed over the VG (Vehicle Guidance papers) and Caution Orders of ESD Special Goods to his reliever and told him of the work already done and to be done and left the Pudukad station at 2.25 hours. When the Applicant was relieved by the PW5 the train with Engine No.WDM-2 19337 was stationery. PW2 Shri V.D.Sivan was the driver who took charge of the Loco No.1`8337 at 2.10 hours and the said loco was coupled to 2 boxes. According to his statement the Pointsman came at 2.20 hours to detach the loco. On giving

the signal, the PW2 moved the engine towards IJK end and as and when the coupling was opened the wagons started rolling. PW5 Shri M.Sethumadhavan was the Goods Guard who came in as the reliever of the Applicant. According to his statement, the Pointsman had already detached the loco without his knowledge or of the Station Master. The PW1 Shri P.C.Sivan was available on the sport. According to his statement the Driver told him to cut the engine and accordingly he gave coupling to cut the engine and at that time the two boxes rolled over the stones kept underneath to secure the boxes. PW3 Shri S.Silvester also gave the statement that the driver moved the loco towards IJK observing the hand signal from the Pointsman to detach the loco and when the coupling opened the wagon moved in the opposite direction. During the enquiry proceedings the PW2 Shri V,.D.Sivan reiterated his earlier statement dated 9.11.2000 and stated that when he has taken over loco 18337 it was in idling condition. He had also confirmed that when he started shunting PW3 Shri Sethumadhavan was the Guard in charge. PW3 Shri S.Silvester during the examination has again pointed out that PW2 Shri M.Sethumadavhan was the Guard at the relevant time. According to PW1 Shri P.C.Sivan, he had detached the engine from the box wagons as per the instructions of the duty Station Masters. He has also stated that PW5 Shri

Sethumadhavan was the Guard supervising the shunt movement when he detached the engine from the box wagons. According to him he had spoken to Shri Sethumadhavan who was available at the sport before detaching the engine. PW5 in his examination has also confirmed that he was the responsible Guard in charge of the shunt movement after the Applicant who was the previous Guard had left. But he denied that he had given any shunting instructions to Shri Sivan who detached the engine from the boxes. PW4 Shri C.A.Varghese stated that the Applicant has relieved at 2.25 hrs by PW5. He had further submitted that the Applicant left at 2.25 hrs as per the instructions of the Section Controller. He has confirmed that the rolling back of the 2 box loads from Road No.2 was happened due to non-securing of wagons as per rules. He, submitted that the Applicant has handed over the VG and Caution Order to the incoming guard Shri Sethumadahvan and he has taken over the shunting charge from the former. He has also confirmed that Shri Sethumadhavan did not complain to him that the charges were not properly handed over to him. He has also confirmed that Shri Sethumadhavan relieved the Applicant at 2.25 hrs and had taken over charge at 2.15 hrs itself. He had also specifically stated that it was not necessary to secure the wagons as the same was attached to the loco. PW2,Shri V.D.Sivan has submitted that there were no specific instructions

in SWR of PUK with regard to stabling of vehicles. The Inquiry Officer has not taken into consideration of these evidences adduced during the inquiry and on his own in his discussion of evidences, introduced for the first time that the Applicant has violated paras 8.4 and 8.4.1 and 8.4.2 Station Working Rules (SWR) of Pudukkad Station and gave his findings that the Applicant has violated GR 57 and GR 60 of GRS. In fact the evidences given by all the PW s except PW5 do not support the charge. PW5 being the guard who relieved the Applicant and accident has occurred when he was the actual person on duty, he is very much an interested witness and he is not expected to support the Applicant in any manner. In fact, PW 2 Shri V.D.Sivan during the deposition has confirmed that while he started shunting operation, PW5 Mr.Sethumadhavan was the guard in charge. Hence the provisions of GR 57 cannot be made applicable to the Applicant. The findings of the Inquiry Officer is not based on any valid evidence on record and, therefore, it is a case of no evidence and resultantly perverse. The findings arrived at are thoroughly unreasonable and no reasonable person would act upon it.

17 We also find that the Disciplinary Authority has not applied his mind while passing the Annexure.A12 order imposing the punishment of reducing the Applicant's pay from Rs. 4750/- to Rs. 4625/- in the scale Rs. 4500-7000 for a period of two years

w.e.f. 1.2.2002. He passed the order in consideration of "the depositions made by the outgoing driver Shri A.Thulasidaran". Shri Tulasidharan was not even a witness in the inquiry proceedings. There was also no statement of the said Tulasidharan before the inquiry officer. The order of the Appellate Authority and the Revisional Authority also suffer from same vice of non-application of mind as they are based on the aforesaid orders of the disciplinary authority.

18 We have not gone into the other grounds raised by the Applicant in this OA as they are not necessary.

19 In the above facts and circumstances of the case, we quash and set aside Annexure.A12 penalty advice dated 14.1.02, Annexure A14 Appellate Order dated 15.4.02 and Annexure.A16 order of the Revisional Authority dated 4.3.03. We declare that the applicant is entitled to have his basic pay, annual increments and other benefits, as ifAnnexures.A12, A14 andA16 orders were not issued. The respondents are directed to pass appropriate orders restoring the benefits as aforesaid within a period of three months from the date of receipt of this order. No order as to costs.

Dated this the 14th day of February, 2006

GEORGE PARACKEN
JUDICIAL MEMBER

SATHI NAIR
VICE CHAIRMAN

S.