

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O.A No.482 / 2006

Friday, this the 7<sup>th</sup> day of March, 2008.

CORAM

HON'BLE MR. GEORGE PARACKEN, JUDICIAL MEMBER

HON'BLE MRS O.P.SOSAMMA, ADMINISTRATIVE MEMBER

C.A.Ayyappan,  
Ex GDS Branch Post Master,  
Ezhakaranad P.O.  
Cheerakkattu House,  
Ezhakaranad.P.O.  
Ernakulam.

....Applicant

(By Advocate Mr PC Sebastian )

v.

1. The Director of Postal Services  
(Appellate Authority),  
Central Region, Kochi-682 018.
2. The Senior Superintendent  
RMS Division (Disc. Authority),  
Ernakulam, Kochi-682 011.
3. The Asstt. Superintendent of Post Offices,  
Ernakulam Sub Division (Inquiring Authority).
4. The Union of India  
represented by Secretary to Govt. of India,  
Ministry of Communications,  
Department of Posts, New Delhi.

....Respondents

(By Advocate Mr. CM Nazar, ACGSC)

This application having been finally heard on 24.1.2008, the Tribunal on 7.3.2008 delivered the following:

ORDER

**HON'BLE MR. GEORGE PARACKEN, JUDICIAL MEMBER**

The applicant is aggrieved by the Annexure A-1 report of enquiry under Rule 10 of the Gramin Dak Sevaks (Conduct and Employment) Rules 2001 dated 10.12.2004 held against him, the Annexure A-5 order of punishment of



removal from service imposed upon him by the Disciplinary Authority vide proceedings dated 27.5.2005 and the Annexure A-7 the appellate order dated 28.9.2005 confirming the orders of the Disciplinary Authority.

2. The brief facts of the case are that the following Articles of charges have been made against the applicant:

"Article-I

That Shri C.A.Ayyappan, while functioning as GDS BPM, Ezhakanad on 29.1.2001 and 30.1.2001 failed to produce the entire cash and stamp balances of that Branch Office for verification before the Mail Overseer on 29.1.2001 and before the SDI, Tripunithura on 30.1.2001, who visited the BO on those days. By the above act the said Shri CA Ayyappan, GDS BPM, Ezhakanad (under put off duty) violated Note below Rule 11 of the Rules for Branch Offices (seventh Edition) and thereby failed to maintain absolute integrity and devotion to duty as envisaged in Rule 21 of the Gramin Dak Sevak (Conduct and Employment) Rules 2001.

Article-II

That the said Shri CA Ayyappan, while functioning as GDS BPM, Ezhakaranad received Rs.5000/- on 8.8.2000 and Rs.1500/- on 30.11.2000 from Smt Mary Chacko, Malayil, Ezhakaranad, depositor in respect of SB a/c No.761384 and though he made deposit entries in relevant Pass Book on the same dates failed to incorporate these amounts under the head "Savings Bank Deposits" and failed to bring the amounts into Post Office account on the respective dates. By the above act the said Shri CA Ayyappan violated Sub Rule (3) of Rule 131 of Rules for Branch Offices and thereby failed to maintain absolute integrity and devotion to duty as envisaged in Rule 21 of Gramin Dak Sevaks (Conduct and Employment) Rules 2001.

Article-III

That the said Shri CA Ayyappan, while working as GDS BPM, Ezhakaranad on 3.5.99 though accepted Rs.2700/- (Rupees two thousand seven hundred only) from Smt Annamma, Thalavadikuzhiyil, Ezhakaranad failed to open a new 2 year Time Deposit Account in her name and failed to bring that amount into Post Office accounts on that date. By the above act, the said Shri CA Ayyappan violated Rule 145 of the Rules for Branch Offices and thereby failed to maintain absolute integrity and devotion to duty as envisaged in Rule 21 of Gramin Dak Sevaks (Conduct and Employment) Rules 2001.

Article-IV

That the said Shri CA Ayyappan, while functioning as GDS BPM, Ezhakaranad though accepted Rs.500/- on 1.8.2000 and Rs.250/- on 2.9.2000 from Smt Salini, M.P., Maliakal House,

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Ezhakaranad failed to make deposits into her SC A/c No.761287 on the respective dates and also failed to incorporate the same into the Post Office accounts on those dates. By the above act, the said Shri CA Ayyappan violated Sub Rule (3) of Rule 131 of Rules for Branch Offices and thereby failed to maintain absolute integrity and devotion to duty as envisaged in Rule 21 of the Gramin Dak Sevaks (Conduct and Employment) Rules 2001."

3. After a detailed enquiry, the Enquiry Officer gave a finding that except Article-II, all other Articles of charges made against him have been proved. A copy of the aforesaid report was served on the applicant vide Annexure A-3 letter dated 29.3.2005 to enable him to make representation, if any, to the disciplinary authority. Accordingly, the applicant made the Annexure A-4 representation against the enquiry report. After considering the same, the disciplinary authority came to the conclusion that except the first Article of Charge, no other charges have been actually proved beyond doubt. This O.A has, therefore, been confined only to the first charge, the findings of the Enquiry Officer thereon and the Disciplinary/Appellate orders based on those findings.

4. The statement of imputation of misconduct in support of the said charge was as under:

"The mail Overseer visited Ezhakaranad B.O. On 29.1.01 and on verifying the cash and stamp balances of the Office it was found that there was a shortage of Rs.1340/- (Rs.one thousand three hundred and forty only) in the cash balance. Shri C.A. Ayyappan, the GDSBPM in his statement dated 29.1.2001 given before Shri T.M.Kuriakose, Mail Overseer-II of Tripunithura, stated that Rs.1340/- (Rs. one thousand three hundred and forty only) was lost from him and that he would make good the amount on the following day (i.e. 30.1.01) when the B.O opens.

Although Shri Ayyappan made the above statement before the Mail Overseer on 29.1.01, he could not make good the short amount of Rs.1340/- (Rs.one thousand three hundred and forty only) on the following day. On verification by the Mail Overseer again on 30.1.01 at the BO a shortage of Rs.1288/- (One thousand two hundred and eighty eight only) was found in the cash balance. In his statement given before the SDI Tripunithura on 30.1.01, Shri Ayyappan stated that an amount of Rs.1340/- (Rs.one thousand three hundred and forty only) was taken by him on 23.1.01 to meet the expenses connected with the purchase of a motor cycle to his son and that he

would manage to credit Rs.52/- (Rs. Fifty two only) into the Post Office account, after the verification by the Mail Overseer, bringing down the shortage to Rs.1288/- (Rs.one thousand two hundred and eighty eight only). Shri Ayyappan further stated that he would make good the shortage amount Rs.1288/- (Rs. one thousand two hundred and eighty eight only) on 3.1.01 when he receives his allowances for that month. The shortage was therefore charged under Unclassified payments. Thereafter on 2.2.01 Shri Ayyappan, tendered Rs.1288/- (Rs.one thousand two hundred and eighty eight only) to SPM, Puthencruz and the same was credited under Unclassified Receipts."

5. Before arriving at his conclusion that the first charge was proved, the Enquiry Officer analysed evidences on record in the following manner:

"Here the allegations are that the CGDS while functioning as GDSBPM Ezhakaranad failed to produce the entire cash and stamp balances for verification before SW-4 Mail Overseer on 29.1.01 and before SW-6 SDI on 30.1.2001 during their visits to Ezhakaranad Branch Office and thus he violated Note below Rule 11 of the Rules for Branch Offices (Seventh Edition).

SW-4 has deposed that he had visited Ezhakaranad BO on 29.1.01 and 30.1.01 and verified cash and stamp balances of the BO. A shortage of Rs.1340/- was detected on 29.1.01 and Rs.1288/- on 30.1.01. He has clarified the details of items found at the BO on 29.1.01 as:

Cash in hand	Rs.10.15
Cash short	Rs.1340.00
Postage stamps	<u>Rs.1030.65</u>
Total	Rs.2380

SW-4 obtained S-7 statement from Shri CA Ayyappan, the CGDS on the shortage found on 29.1.01. SW-4 has further stated that the matter was brought to the notice of Office of SSP, Ernakulam over phone and he does not know how the name of Ezhakaranad South BO happened to be written on S-6 phone message. SW-4 visited Ezhakaranad BO on 30.1.01 also and detected a shortage of Rs.1288/- in the BO balance and noted the details in S-5 BO Accounts. The sum of Rs.3147.65 written in S-5 is inclusive of this shortage.

Shri B Padmakumar, who had been the SDI, Tripunithura during the period from 31.10.2000 to 10.8.2001 and who had sent S-18 report to the SSP Ernakulam has been examined as SW-6. According to him, he had visited Ezhakaranad BO on 30.1.2001 and this has been mentioned in Exhibit S-5 and S-18. During this visit, on verifying the BO balances, a shortage of Rs.1288/- was found. This was charged under UCP in the BO accounts of the day. Shri CA Ayyappan, the GDSBPM gave him S-19 statement.

Shri KK Gopalakrishnan Nair (SW-5) and Sub Postmaster, Puthencruz, the account office of Ezhakaranad BO, during the period from 1999 to December 2001 identified S-8 daily account sent from Ezhakaranad BO to his office. In this, the BPM has charged a sum of Rs.1288/- under UCP with a remark "cash found short" on the reverse of Exhibit S-8. SW-5 has further stated that in S-9 application dated 2.2.01, the CGDS requested him to permit him to credit Rs.1288/- which was found short at the BO on 30.1.01. This was permitted and Shri CA Ayyappan credited Rs.1288/- vide ACG 67 receipt No.52 dated 2.2.2001 of his office.

The case of the CGDS is that there was no shortage in the balance of Ezhakaranad BO either on 29.1.01 or 30.1.01. On 29.1.01, SW-4 visited the BO immediately on opening of the office. On the previous day, he had taken currency notes worth Rs.1340/- for safe custody keeping coins worth Rs.10.15 at the office. When SW-4 informed him of the shortage of Rs.1340/- he took the amount of Rs.1340/- from his bag and placed before SW-4. SW-4 was reluctant but accepted the amount and recorded result of verification accordingly. The CGDS concludes his argument on this charge in his written brief "In S-7 statement also, the amount of Rs.1340/- was shown separately." Since SW-4 has recorded the total amount found as 2380.80 in S-5 Accounts and no amount was charged under UCP on 29.1.01, the CGDS argues. No shortage is established.

Now I will examine whose contention is correct. The CGDS states in his S-7 statement that the sum of Rs.1340/- has been shown separately. This is his statement given before SW-4 Mail Overseer on 29.1.01. This suggests that S-7 statement gives a true picture of the case of 29.1.01. To a question of the Defence Assistant, SW-4 has deposed that he had not threatened the CGDS to obtain S-7 statement. I therefore hold that S-7 is a genuine document given by the CGDS. In it has he furnished the opening balance of 29.1.01 as Rs.2380/-, cash found as Rs.10.15, Postage stamps as Rs.1030.65 and cash short as Rs.1340/-. The CGDS has attributed the shortage "It is regretfully informed that Rs.1340/- found short now, was lost from my hand. I would also submit that the amount will be made good tomorrow at the time of opening of the office."

In view of this there is no substance in the arguments that the Mail Overseer had recorded the total amount found as Rs.2380.80 in S-5, that the CGDS does not know what the Mail Overseer had recorded in S-5 and that the sum of Rs.1340/- was not charged under UCP etc. What SW-4 Mail Overseer recorded in S-5 accounts on 29.1.01 is extracted below:

"Verified the balance of cash and stamps found cash short Rs.1340.00. OB on 29.1.2001 Rs.2380.80.

Cash in hand	Rs.10.15
Cash short	Rs.1340.00
Postage stamps	<u>Rs.1030.65</u>
Total	Rs.2380



The plain meaning is known to the BPM who has rendered more than 16 years service. He ought to have charged the shortage of Rs.1340/- under UCP on the day's accounts. But he accuses the inspecting officer for not doing so. Hence the allegation that he failed to produce the entire cash and stamp balance before SW-4 on 29.1.01 is factually true.

The other part of the first article of charge is that the CGDS failed to produce the entire cash and stamp balances of the BO before SW-6 Inspector on 30.1.01. It has come out in evidence that before the arrival of SW-6 at Ezhakaranad BO on this day, SW-4 had arrived and verified the balances of the BO. The latter has recorded in S-5 "Verified the balance of cash and stamps - found short Rs.1288/-". SW-6 also verified the balances and confirmed this shortage and recorded this in S-5 BO Accounts. He also questioned the CGDS and recorded Exhibit S-19 statement. But the CGDS argues that SW-6 had not actually verified the cash and stamps as he visited the BO just 5 minutes before closure on 30.1.01 and recorded the result of verification in an imaginary manner without asking him to produce the balance. This cannot be accepted as no effort is seen made to bring home this point while cross examining the witness. On the other hand the witness has deposed during his cross examination - "According to my memory the working hours of Ezhakaranad is 9.30 AM to 1.30 PM. I reached there during the working hours. I do not remember, how much time I took for the verification of cash and stamp. I verified the cash and stamp personally. I had inspected all the records necessary for the purpose."

In view of this, the above arguments do not hold water.

The CGDS argues that his S-19 statement was obtained under duress as dictated by him. It is conspicuous to note that the cash and stamp balances of the BO on 30.1.01 were verified by two inspecting officers with the same result. The CGDS cannot assail this by arguing that the result of verification recorded by both SW-4 and SW-6 was without convincing him and charging of the sum of Rs.1288/- under UCP was as per the instructions of SW-6. It is stated in the S-9 letter of the CGDS addressed to the SPM Puthencruz. "I humbly request to permit me to credit Rs.1288/- which was found short in this office on 30.1.01."

Sri KK Gopalakrishnan, the then SPM Puthencruz and SW-5 has deposed that this request was granted and the amount credit by the CGDS vide ACG 67 receipt No.52 dated 2.2.01. All these clearly establish the shortage of Rs.1288/- in the BO balance on 30.1.2001."

6. The applicant vide Annexure A-4 representation dated 22.4.2005 submitted before the Disciplinary Authority that the enquiry authority has relied upon the statement of Mail Overseer (SW-4) and the Sub Divisional Inspector (SW-6) to hold that there was a shortage of cash in the office on 29.1.2001 and 30.1.2001 but this allegation was not true. According to him, the amount was very well in the bag and the Mail Overseer had agreed to produce it. He has

also submitted that there was a promise not to take any action against him and it was only on that basis he had given the S-7 statement. He has also submitted that the visit of SDI (SW-6) on 30.1.2001 was only a formal visit and he has not actually verified the cash and stamp on that date, his request of inventory of cash to prove his innocence was not made available to him and the enquiry authority did not consider the said fact of non-production of inventory which is a vital omission in the case. He has also submitted that the enquiry report did not consider the following note below Rule 11 of B.O. Rules:

"..All extra departmental branch Postmaster whether their officers are provided with iron safes or not should make their own arrangement for the safe custody of cash and valuables on their own responsibility. They are at liberty to keep the cash and valuables wherever they like provided that they are available when required and that, when called for, they can be produced for inspection within the time required for going to and coming back from the place where the cash is kept for safe custody."

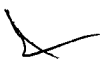
According to him, there was no stipulation that the entire cash available should be at the B.O. even during the working hours but it should only be available for inspection within the time required for going to and coming back from the place where it is kept in safe custody. He further argued that even admitting but not conceding to the shortage of cash or non-production of entire cash when called for by SW-6 or SW-4, the question whether sufficient time was granted or not is a vital point and the enquiry report is silent on this issue. Therefore, he contended that the findings of the Enquiry Officer was without considering the facts and rule position.

7. The disciplinary authority in his order observed that *".. it is quite unlikely that any person would consent to write such a statement containing seriously damaging admission of loss of money in a simple case of having not taken the money from his bag."* Further, the Disciplinary Authority noted that though the applicant had given in writing to the Mail Overseer that he would replace the

shortage in the morning of 30.1.2001, when the Mail Overseer again inspected the Branch Office on 30.1.2001, he found that the applicant could replenish only Rs. 52 and still there was a shortage of Rs.1288/-. The S-19 statement given by the applicant before the SDI, Tripunithura on 30.1.2001 was that Rs.1340/- was used by him on 23.1.2001 for buying a Suzuki Motor Bike for his son. During the course of the enquiry, the applicant did not dispute the said statement. On the basis of the enquiry report, the Disciplinary Authority took note of the fact that the cash and stamp balances of the B.O. furnished on 30.1.2001 by the applicant to the two Inspecting Officers showed the same result and the applicant cannot refute it by simply saying that the result of the verification were not convincing to him. Further, by the S-9 letter dated 2.2.2001, the applicant requested the SPM, Puthencruz, to permit him to replenish Rs.1288/- (Rs.1340-52) which was short on 30.1.2001. The said request was accepted by Shri KK Gopalakrishnan, the then SPM and SW-5 in the enquiry. He had also deposed before the Enquiry Officer on 2.7.2004 that the aforesaid request was granted and the applicant had in fact credited the amount on 2.2.2001 vide ACG 67 receipt No.52. The Disciplinary Authority has also considered and rejected the contention of the applicant that he was not given sufficient time to produce the cash as envisaged in the rules pertaining to the issue. Considering the above facts and circumstance of the case, the disciplinary authority came to the definite conclusion that the Charge I levelled against the applicant was proved beyond doubt.

8. The applicant made Annexure the A-6 appeal dated 14.7.2005 before the appellate authority raising the following contentions:

"a. The charge against the appellant is "failure to produce the entire cash and stamp balances". The disciplinary authority has concluded that Enquiry has established a case of misappropriation of government money" which is far different from charge in the charge memo. The finding arrived is not connected with the





charge. Hence the order is to be quashed.


b. The disciplinary authority has erred in arriving at a conclusion that the shortage on 30.1.2001 was confirmed by the verification of two inspecting officers. The disciplinary authority has wrongly concluded that the S-19 statement was not disputed hence the amount was used for purchase of a bike. It is submitted that the prosecution has not thrown any piece of evidence regarding purchase of a bike by the appellant or by his son. There is no evidence to prove this. Hence the conclusion of the disciplinary authority is based on assumption. Hence the order is to be quashed, as it is not based on evidences.

c. The disciplinary authority has miserably failed to note that there was serious denial of reasonable opportunity to the appellant in giving access to vital defense document. The pre-requisite for establishing shortage of cash is preparation of inventory duly signed by an independent witness. Even though the appellant requested for the said document it was denied. The disciplinary authority has not considered this vital omission and only relied upon the mere statements of the prosecution witnesses to arrive at its decision, which has resulted in miscarriage of justice. Hence the order is liable to be quashed.

d. The disciplinary authority has grossly erred in coming to the conclusion that there is no relevance in granting opportunity to produce cash. The S-7 and S-19 statements were obtained by the very same inspecting officers who are superiors to the appellant. These statements could not be given much evidential value. Grant of opportunity is mandatory in all cases where shortage is seen. Evidence on record should show that this provision is not complied with. Otherwise it is a clear case of violation of principles of natural justice as provided under Article 311 of the Constitution of India. Hence the conclusion of the disciplinary authority is wrong and the impugned order is to be quashed.

e. The disciplinary authority has grossly erred in finding that there was no UCP charge showing the shortage of cash on 29.1.2001 either in the BO account or in the BO daily account. If there was shortage the amount found short would have been shown under UCP. Further the closing balance was fully agreeing with the details of balance and it was accepted by the Account Office also. The conclusion of the disciplinary authority is only as a result of error in judging the issue. Hence the impugned order is liable to be quashed.

f. The appellant belongs to a member of one of the depressed classes. He is orthopeadically handicapped. The punishment awarded is too harsh and not commensurate with the mistake committed. His family will be thrown to starvation if the job is lost."



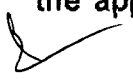
The appellate authority duly considered all the above contentions of the applicant but came to the conclusion that there were no merit in them and held that the disciplinary authority's order was based on documentary evidence corroborated by the witnesses. As regards the request of the applicant for personal hearing, the appellate authority held that Rule 27 of CCS(CCA) Rules 1965 is a discretionary provision and it does not provide for grant of personal hearing in each and every case. After considering the entire facts and circumstances, the appellate authority came to the conclusion that there was no need for granting any personal hearing in the present case.

9. The applicant has filed this O.A before this Tribunal mainly on the ground of incompetency of the disciplinary authority to pass the penalty order, denial of sufficient opportunity in the proceedings and that certain necessary documents have not been made available by the respondents. He relied upon Rule 9 of the GDS (Conduct and Employment) Rules according to which only the Appointing Authority is vested with the right to impose any prescribed punishments on the GDS. If for any reason, the appointing authority is incapacitated to do so, under Rule 5 of the GDS Rules, the Postmaster General is empowered to appoint any other authority not lower in rank than the original appointing authority to function as appointing authority. In his case, the Senior Superintendent of Post Office, Trivandrum Central Division was appointed to function as his appointing authority but the charge sheet was issued by the Senior Superintendent of Post Offices, Trivandrum North. The enquiry officer as well as the presenting officer was also appointed by him. During the course of the proceedings, the PMG, Central Region, Kochi cancelled earlier order of appointing Senior Superintendent of Post Offices, Trivandrum North Division as the appointing authority of the applicant and appointed the second respondent, the Senior Superintendent RMS ED Division, Ernakulam, Kochi as the applicant's appointing authority with powers to

impose all the prescribed punishments. According to the applicant, by the change in the appointing authority all the proceedings taken by the earlier appointing authority stood cancelled or become invalid. Therefore, the impugned punishment imposed upon the applicant by the 2<sup>nd</sup> respondent is without holding enquiry and not in consonance with Article 311 of the Constitution of India. As regards the second and third contention of the applicant, he submitted that in his representation dated 23.1.2001 to the enquiry officer he had requested for the production of (i) Inventory of cash and stamps found on physical verification at Ezhakaranad BO on 29.1.2001 and on 30.1.01, and (ii) Diary of the Mail Overseer and SDI Tripunithura covering the periods 29.1.2001 and 30.1.2001 from among the other documents. However, the aforesaid documents were not produced by the respondents on the ground that they were not available. According to the applicants, non-production of the aforesaid documents has resulted in denial of adequate opportunity to the applicant violating the basic requirements of the principles of natural justice.

10. The respondents had filed a reply denying various contentions made by the applicant. They have submitted that the change of the incumbent of the appointing authority during the course of the enquiry proceedings was not in any way prejudicial or against the rules governing the subjects. They have also submitted that they have fully complied with the prescribed disciplinary procedure as envisaged under Rule 10 of the GDS Rules. On merits also, the respondents have submitted that the disciplinary authority has issued the punishment order based on the evidence on record.

11. We have heard Shri PC Sebastian, counsel for applicant and Shri CM Nazer, ACGSC for respondents. We do not find any merit in the submissions of the applicant. It was the applicant himself who gave the statement to the Mail



Overseer-II of Tripunithura on 29.1.2001 that Rs.1340/- was lost by him and that he would make good the amount on the following day. In the statement given before the SDI, Tripunithura on 30.1.2001, the applicant again stated that an amount of Rs.1340/- was taken by him on 23.1.2001 to meet the expenses connected with the purchase of a motor cycle to his son. It is also a fact on record that the applicant had ultimately tendered Rs.52/- on 30.1.2001 and balance Rs.1288/- on 2.2.2001. The applicant has not denied that he had given those statements. His only contention is that he had given those statements on the promise of SW-4 and SW-6 that no adverse action would be taken against him. However, his contentions were proved wrong in the enquiry. In such circumstances certain technical objections raised by the applicant in this O.A has no worth. Moreover, there is no merit in the argument of the applicant regarding the competency of the disciplinary authority. The change of the incumbent of the disciplinary authority does not in any way affect the competency of the officer who passed the order. Again the applicant has not been prejudicially affected by the non-production of certain documents in view of his aforesaid statements which has been proved during the enquiry. We have also seen that the Appellate Authority has considered the appeal of applicant in great details and passed a reasoned order. It has been stated clearly in its order that the findings of Disciplinary Authority were warranted by the evidence on record and the procedure laid down in the rules have been complied with. He has specifically upheld the findings of the Disciplinary Authority which held in its order as under:

“...when weighed against public interest, the official's personal problems must take second place. BPM operates as the representative of India Post in rural areas and is in sole charge of accounts of an office. The charge proved against the charged GDS BPM shows that, he cannot be trusted to work in such a capacity.”

No doubt, trust and financial integrity of an employee are of utmost importance, and they cannot be compromised at any cost. An employee who has no

financial integrity is not worthy to be retained in the service. As held by the Apex Court in **Chairman-cum-M.D, T.N.C.S. Corporation Ltd and others v. K Meerabai [ ATJ 2006(3) 126]**, the applicant deals with public money and engaged in financial transactions or acts in a fiduciary capacity and, therefore, highest degree of integrity and trustworthiness is must and unexceptionable. In the result the O.A. fails and it is dismissed. There shall be no order as to costs.

Dated, the 7th March, 2008.



**O.P.SOSAMMA**  
**ADMINISTRATIVE MEMBER**



**GEORGE PARACKEN**  
**JUDICIAL MEMBER**

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