IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PATNA BENCH, PATNA.

O.A. No. 29 of 2006

Date of order : 29th March 2012

C O R A M
Hon'ble Mr. Naresh Gupta, Member [A]
Hon'ble Mrs. Urmita Datta (Sen), Member [J]

Bishwanath Singh, Ex- Diesel Assistant presently Fitter Grade III, E.C. Railway, Son of Late Jhagru Singh, r/o village & P.O - Jagdishpur, District - Bhojpur.

.....Applicant.

By Advocate : Shri M.P. Dixit

Vs.

1. The Union of India through the General Manager, East Central Railway, Hajipur.
2. The Chief Mechanical Engineer, E.C. Railway, Hajipur.
3. The Divisional Railway Manager, E.C. Railway, Danapur.
4. The Addl. Divisional Railway Manager, E.C. Railway, Danapur.
5. The Sr. D.M.E, E.C. Railway, Danapur.
6. The Sr. D.P.O, E.C. Railway, Danapur.
7. The D.M.E, [O & F] E.C. Railway, Danapur.

.....Respondents.

By Advocate : Shri Mukund Jee.

O R D E R

Naresh Gupta, M [A] - This O.A has been filed by one Bishwanath Singh for quashing the order dated 24.06.2005 passed by Addl. D.R.M, Danapur [Revisionary Authority] communicated with letter dated 25.07.2005 [Annexure A/9 of OA] together with the order dated 18.08.2004 passed by the appellate authority [Annexure A/7 of OA] and the order of the disciplinary authority dated 16.02.2004 [Annexure A/4 of OA] and seeking direction to the respondents to grant all consequential benefits including arrears of pay from 16.02.2004 to 06.09.2005 with interest. The facts of the case as presented in the OA are as follows:

2. The applicant while working as Diesel Assistant [Assistant Driver] was paced under suspension with effect from 06.11.2003 and subsequently, he received a major penalty charge sheet dated 09.12.2003 [Annexure A/1 of O.A] under Rule 9 of the Railway Servants [D&A] Rules whereby the charge levelled against the applicant was as follows:

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" On 06.11.2003 you were working 517 UP and you were standing in Main Line at DURE. The Driver started train without confirming aspect of Str. Signal but you have not applied the emergency break through D-1 valve located adjacent to your seat. This shows that you were not alert on your duty".

The applicant submitted his reply to the charge memo denying the allegation and stating that the entire responsibility was that of the Head Driver and not of the Assistant Driver. An Inquiry Officer was appointed and the date of inquiry was fixed as 06.02.2004 for which intimation was sent to him vide letter dated 16.01.2004 [Annexure A/2 of OA]. The next date for inquiry was fixed as 12.02.2004 [copy of proceedings dated 12.02.2004 marked as Annexure A/3 of OA]. The applicant received order dated 16.02.2004 issued by the DME [O&F], E.C. Railway, Danapur [respondent no. 7] imposing on him the penalty of removal from service with effect from 16.02.2004 [Annexure A/4 of OA]. This order is said to have been served on applicant on 17.02.2004.

3. It is contended by the applicant that the Inquiry Officer had not given him chance to submit his written brief and also the inquiry report was not supplied to him as required by law. The Inquiry Officer conducted the inquiry on 12.02.2004 and on the same date, inquiry report had been prepared without asking for the defence brief.

4. Thereafter, the applicant submitted his appeal on 19.02.2004 [Annexure A/5 of OA] to Senior D.M.E., E.C. Railway, Danapur stating his case and requesting for being exonerated on the same reason viz., the accident took place due to Head Driver, and for that the applicant might not be held responsible. The appellate authority decided the appeal on 18.08.2004 [Annexure A/7 of OA] whereby the order of removal from service [Annexure A/4 of OA] was modified to reversion from the post of Diesel Assistant to Fitter Grade III. The removal period was treated as dies non, and due to reversion, the applicant was deprived of the benefit of 30 % running allowance, which was allowed to him in the post of Diesel Assistant. The basic pay had come down to Rs. 3050/- from Rs. 4590/-, and that the penalty would have effect on his entire pensionary benefits at the time of retirement.

5. The applicant then preferred revision to the Additional DRM., E.C Railway, Danapur [respondent no. 4] on 01.09.2004 [Annexure A/8 of OA]. The revisionary authority gave personal hearing on 14.06.2005 and passed an order upholding

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the order of the appellate authority vide order dated 24.06.2005 communicated with letter dated 25.07.2005 [Annexure A/9 of OA]. This order suffers from non-application of mind and also the applicant was held guilty on the basis of fact finding inquiry report dated 12.11.2003 and not on the basis of inquiry report submitted by the Inquiry Officer after issue of the charge sheet.

6. It is further stated that although the applicant was reinstated in service vide order dated 18.08.2004 [Annexure A/7 of OA], and therefore, he was entitled to get salary from 18.08.2004 or from the date on which the said letter dated 18.08.2004 was served on him, i.e. 24.08.2004, but he was kept in waiting for duty till 06.09.2004, and this was attributed to the administrative lapse and internal correspondence which was evident from the letter dated 06.09.2004 itself [Annexure A/10 of OA], and as such the applicant was entitled to get the salary even for the reverted post from 16.02.2004 to 06.09.2004.

7. It is contended that the impugned orders were against the Railway Servants [D&A] Rules, 1968, against law, arbitrary, and the proceedings were vitiated being bad in law and conducted against the settled principles of service jurisprudence. The applicant had not been supplied a copy of the inquiry report, and the inquiry was concluded and the order of removal from service passed in a very hurried manner.

8. The respondents in their written statement have submitted that while the applicant was working as Assistant Driver in Danapur Division, he was booked to work on 517 UP on 06.01.2003 at Dumraon Station. The Driver of the train had blown horn of the train, but the applicant was not alert and even though the signal was visible from his side in the Power Cabin, the applicant did not give response to the whistle of the train. Suddenly, after realizing that the signal ahead was RED, he did not apply emergency brakes which was at his side, and thereby the applicant violated the General Rule and Specific Rules [GR & SR] para 4.61 and Rule 3 [ii] of the Railway Service Conduct Rules. Following the issue of the charge sheet and the inquiry against the applicant, he was ordered to be removed from service with effect from 16.02.2004 against which he preferred an appeal on 19.02.2004 to the appellate authority wherein the appellate authority taking a sympathetic view issued the order to reinstate him in the scale of Rs. 3050-4590/- at the minimum of Rs. 3050/- for five years as Fitter Grade III. In the

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revision petition filed before the A.D.R.M, E.C. Railway, Danapur [revisionary authority], he upheld the order of the appellate authority after giving the applicant personal hearing on 14.06.2005.

9. The respondents have stated that running of the train is governed by the signal given by the Traffic Department, and it is the responsibility of both the Driver as well as Assistant Driver to run the train smoothly. The applicant being an Assistant Driver had the option to apply emergency brakes D-1 emergency valve located adjacent to his seat, but the same was not applied by him indicating lack of alertness on his part and indicating that he was non-responsive to the signal. The finding of the Inquiry Officer indicates that the applicant was not vigilant at the relevant time, and he failed to take appropriate action to avert the accident. There was lack of devotion to duty on the part of the applicant and violation of GR & SR para 4.61. The applicant had participated in the inquiry, and there has been no violation of principles of natural justice by the Inquiry Officer as well as Disciplinary Authority. It is the applicant who himself had put his signature along with his defence helper on the questionnaire on the basis of which the inquiry report was prepared, and as such the entire facts and the scope of inquiry was well within the knowledge of the applicant. The penalty of removal from service was commensurate with the charges proved against the applicant.

10. In the rejoinder to the written statement, the applicant has stated that neither the Inquiry Officer had fixed any date after 12.02.2004 nor he had given any chance to submit written brief before the close of the inquiry. Also, the I.O's report had not been served upon the applicant nor any explanation or reply was asked for by the Inquiry Officer's report before passing the order of removal, and thereby there had been violation of orders of the Railway Board in regard to providing reasonable opportunity as well as decision of the Hon'ble Supreme Court in Ramjan Khan's case.

11. Heard the learned counsel for the applicant and the respondents on 18.01.2012 . While the OA was reserved for orders on that date, Shri Mukund Jee, the learned counsel for the respondents who was present was directed to furnish the connected file relating to disciplinary proceedings against the applicant for perusal of this Tribunal in compliance with the order already passed vide order sheet dated 22.10.2010. Shri Mukund Jee, the learned counsel for the respondents was reminded orally several

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times to obtain and furnish the record. Shri Mukund Jee informed that he had furnished the record but as this was not received, the registry then sent a letter on 01.03.2012 to respondent No. 6 i.e., the Senior DPO, E.C. Railway, Danapur to send the connected disciplinary proceedings file in respect of the applicant through the special messenger or through the learned counsel, Shri Mukund Jee. The connected record was received on 22.03.2012 and hence there has been delay in passing of the order in this OA.

12. The case against the applicant is that he had failed to apply the emergency brakes located adjacent to his seat. He has sought to defend himself by taking a plea that the responsibility was that of the Driver [and not of the Assistant Driver] while the respondents have stated that the running of the train is the joint responsibility of the Driver and the Assistant Driver. They found that the applicant was not alert and vigilant and had not taken appropriate action to stop the train.

13. It may be stated that if there was some legal evidence on which the findings could be based, then adequacy or even reliability of such evidence would be outside the pale of judicial review [High Court of Judicature at Bombay vs. Shastrikant S. Patil (2000) 1 SCC 416: AIR 2000 SC 22 : (1999) 5SLR 615]. Further, in Apparel Export Promotion Council vs A.K. Chopra, the Hon'ble Supreme Court held on 20 January, 1999 as follows:

> *"..... Court in exercise of the power of judicial review is not concerned with the correctness of the findings of fact on the basis of which the orders are made so long as those findings are reasonably supported by evidence and have been arrived at through proceedings which cannot be faulted with for procedural illegalities or irregularities which vitiate the process by which the decision was arrived at. Judicial Review, it must be remembered, is directed not against the decision, but is confined to the examination of the decision-making process. Lord Haltom in Chief Constable of the North Wales Police v. Evans, (1982) 3 All ER 141, observed: The purpose of judicial review is to ensure that the individual receives fair treatment, and not to ensure that the authority, after according fair treatment, reaches, on a matter which it is authorized by law to decide for itself, a conclusion which is correct in the eyes of the court.*
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> *Judicial Review, not being an appeal from a decision, but a review of the manner in which the decision was arrived at, the Court while exercising the power of Judicial Review must remain conscious of the fact that if the decision has been arrived at by the Administrative Authority after following*

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the principles established by law and the rules of natural justice and the individual has received a fair treatment to meet the case against him, the Court cannot substitute its judgment for that of the Administrative Authority on a matter which fell squarely within the sphere of jurisdiction of that authority.

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After a detailed review of the law on the subject, this Court while dealing with the jurisdiction of the High Court or Tribunal to interfere with the disciplinary matters and punishment in Union of India v. Parma Nanda, (1989) 2 SCC 177, opined: We must unequivocally state that the jurisdiction of the Tribunal to interfere with the disciplinary matters or punishment cannot be equated with an appellate jurisdiction. The Tribunal cannot interfere with the findings of the Enquiry Officer or Competent Authority where they are not arbitrary or utterly perverse. It is appropriate to remember that the power to impose penalty on a delinquent officer is conferred on the competent authority either by an Act of Legislature or Rules made under the proviso to Article 309 of the Constitution. If there has been an enquiry consistent with the rules and in accordance with principles of natural justice what punishment would meet the ends of justice is a matter of exclusively within the jurisdiction of the competent authority. If the penalty can lawfully be imposed and is imposed on the proved misconduct, the Tribunal has no power to substitute its own discretion for that of the authority.

In B.C. Chaturvedi v. Union of India, (1995) 6 SCC 749, this Court opined: The disciplinary authority is the sole judge of facts. Where appeal is presented, the appellate authority has coextensive power to reappreciate them evidence or the nature of punishment. In a Disciplinary Enquiry, the strict proof of legal evidence and findings on that evidence are not relevant. Adequacy of evidence or reliability of evidence cannot be permitted to be canvassed before the Court/Tribunal.

14. It is seen in this case that the disciplinary authority did not follow the provisions of Rule 10(2)(a) & (b) before proceeding to take action under Rule 10(5) of the same Rules. The Report of the I.O. was supplied with the order of the disciplinary authority dated 16.02.2004 [Annexure A/4 of OA] and not prior to imposing the penalty. The question, therefore, for consideration is whether the order inflicting the penalty has to be quashed ipso facto on the ground of non-furnishing of enquiry report to the charged official. This question was dealt with by the Hon'ble Supreme Court in the case of State of U.P vs Harendra Arora & Anr on 2 May, 2001 and Oriental Insurance Co. Ltd. vs S.

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Balakrishnan on 21 February, 2001. It would be useful to extract the relevant portions from the judgments in the two cases.

Oriental Insurance Co. Ltd. vs S. Balakrishnan:

> *The question, however, still remains to be considered is whether the High Court was justified in interfering with an order of punishment passed by the disciplinary authority merely on the ground that non-supply of enquiry report has vitiated the entire proceedings. It had not been brought to the notice of the learned Judges of the Court that the judgment of this Court in* ***Ramzan Khan*** *has already been considered by this Court in the case of* ***Managing Director, ECIL, Hyderabad and Ors. v. B. Karunakar and Ors.*** *which is a Constitution Bench decision of the Court and which clarifies the entire position. Without being aware of the correctness of law, the High Court appears to have interfered with an order of dismissal passed in a disciplinary proceedings in grave charges like the one with which we are concerned in the present case. Applying the principles indicated by this Court in ECIL case to the facts of the present case, we cannot conceive any prejudice which is said to have been caused to the delinquent, and therefore* ***non-supply of the enquiry report could not have been held to have vitiated the entire proceedings****. In the aforesaid premises, we set aside the impugned order passed by the learned single Judge of the High Court as well as the judgment of the Division Bench of the High Court and hold that the writ petition filed by the respondent stands dismissed. In view of the nature of charges against the delinquent, we were considering of directing to lodge a First Information Report for criminal investigation, but we are told that the University has already taken that step, and therefore, we refrain from issuing any further direction in the matter.*

State of U.P vs Harendra Arora:

> *For appreciating the question, it would be necessary to refer to the genesis of the law on the subject of furnishing the report of enquiry officer to the delinquent. The law on the subject can be classified in two compartments one is requirement to furnish the enquiry report under the statute and another will be according to the principles of natural justice. So far as statutory requirement is concerned, under Public Servants(Inquiries) Act, 1850 a provision was made for a formal and public inquiry into the imputation of misbehaviour against pubilc servants. While the said Act continued to be on the statute book, the Government of India Act, 1919 was enacted and sub-section (2) of Section 96-B thereof authorised the Secretary of Statein Council to make rules regulating their conditions of service, inter alia, discipline and conduct pursuant to which the Civil Services Classification Rules, 1920 were framed and Rule XIV whereof provided that order awarding punishment of*

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dismissal, removal or reduction in rank shall not be passed without a departmental inquiry in which a definite charge in writing has to be framed, opportunity has to be given to adduce evidence and thereafter finding has to be recorded on each charge, but there was no requirement under the Rules for hearing the delinquent against the action proposed to be taken on the basis of finding arrived at in the inquiry. The aforesaid Rules were followed by Civil Services (Classification, Control and Appeal) Rules, 1930 wherein similar provision was made in rule 55 thereof. Thereafter, in Section 240 sub-section (3) of the Government of India Act, 1935, on the same lines, it was provided that the civil servant shall not be dismissed or reduced in rank unless he had been given `reasonable opportunity to show cause against action proposed to be taken in regard to him. It was, therefore, held that in order that the employee had an effective opportunity to show cause against the finding of guilt and the punishment proposed, he should, at that stage, be furnished with a copy of finding of the enquiry authority.

The aforesaid provision was virtually incorporated in Article 311(2) of the Constitution. By the Constitution (Fifteenth Amendment) Act of 1963, the scope of `reasonable opportunity was explained and expanded and for the expression until he has been given reasonable opportunity to show cause against the action proposed to be taken in regard to him, the expression except after an inquiry in which he has been informed of the charges against him and given a reasonable opportunity of being heard in respect of those charges and where it is proposed, after such inquiry, to impose on him any such penalty, until he has been given reasonable opportunity of making representation on the penalty proposed, but only on the basis of evidence adduced during such inquiry was substituted. It would thus appear that the Fifteenth Amendment, for the first time, in terms provided for holding an inquiry into the specific charges of which information was given to the delinquent employee in advance and in which he was given reasonable opportunity to defend himself against those charges. The Amendment also provided for a second opportunity to the delinquent employee to show cause against the penalty if it was proposed as a result of the inquiry. The courts held that while exercising the second opportunity of showing cause against the penalty, the delinquent employee was also entitled to represent against the finding on charges as well. It appears that in spite of this change, the stage at which the delinquent employee was held to be entitled to a copy of the enquiry report was the stage at which the penalty was proposed which was the law prevailing prior to the Amendment.

The provisions of Article 311(2) were further amended by the Constitution (Forty-second Amendment) Act, 1976 in which it was expressly stated that it shall not be necessary to give such person any opportunity of

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making representation on the penalty proposed. The 42nd Amendment while retaining the expanded scope of the reasonable opportunity at the first stage, viz., during the inquiry, as introduced by the Fifteenth Amendment of the Constitution, had taken away the opportunity of making representation against the penalty proposed after the inquiry. After the 42nd Amendment, a controversy arose as to whether when the enquiry officer is other than the disciplinary authority, the employee is entitled to a copy of the findings recorded by him before the disciplinary authority applied its mind to the findings and evidence recorded or whether the employee is entitled to the copy of the findings of the enquiry officer only when disciplinary authority had arrived at its conclusion and proposed the penalty. After the 42nd Amendment, there were conflicting decisions of various High Courts on the point in issue and in some of the two Judge bench decisions of this Court, it was held that it was not necessary to furnish copy of the enquiry report. Thus for an authoritative pronouncement, the matter was placed for consideration before a three Judge bench in the case of ***Mohd. Ramzan*** *(supra) in which it was categorically laid down that a delinquent employee is entitled to be furnished with a copy of the enquiry report for affording him reasonable opportunity as required under Article 311(2) of the Constitution and in compliance of the principles of natural justice, and in case no such report was furnished, the order was fit to be quashed, but it was directed that the judgment shall be prospective and had no application to orders passed prior to the date of judgment in Mohd. Ramzan's case.*

Thereupon, as it was found that there was a conflict in the decisions of this Court in the case of Kailash Chander Asthana v. State of U.P. (1988) 3 SCC 600, and Mohd. Ramzan's case, ***the matter was referred to the Constitution Bench in the case of ECIL which formulated seven questions for its consideration which are enumerated hereunder****:-*

(I) Whether the report should be furnished to the employee even when the statutory rules laying down the procedure for holding the disciplinary inquiry are silent on the subject or are against it?

(ii) Whether the report of the enquiry officer is required to be furnished to the delinquent employee even when the punishment imposed is other than the major punishment of dismissal, removal or reduction in rank?

(iii) Whether the obligation to furnish the report is only when the employee asks for the same or whether it exists even otherwise?

(iv) Whether the law laid down in Mohd. Ramzan Khan case will apply to all establishments Government and non- Government, public and private sector undertakings?

(v) What is the effect of the non-furnishing of the report on the order of punishment and what relief should be granted to the employee in such cases?

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(vi) From what date the law requiring furnishing of the report, should come into operation?

(vii) Since the decision in Mohd. Ramzan Khan case has made the law laid down there prospective in operation, i.e., applicable to the orders of punishment passed after November 20, 1990 on which day the said decision was delivered, this question in turn also raises another question, viz., what was the law prevailing prior to November 20, 1990?.

Interpreting Article 311(2) even after 42nd Amendment, it has been laid down categorically by the Constitution Bench that when the enquiry officer is other than the disciplinary authority, the disciplinary proceeding breaks into two stages. The first stage ends when the disciplinary authority arrived at its conclusion on the basis of evidence, enquiry officers report and delinquent officers reply to it. The second stage begins when the disciplinary authority decides to impose penalty on the basis of its conclusion. The employees right to receive the report has been held to be a part of the reasonable opportunity of defending himself in the first stage of the inquiry and after this right is denied to him, he is, in fact, denied the right to defend himself and to prove his innocence in the disciplinary proceeding. The Court held that denial of enquiry officers report before the disciplinary authority takes its decision on the charges is not only a denial of reasonable opportunity to the employee to prove his innocence as required under Article 311(2) of the Constitution, but is also a breach of the principles of natural justice which has been regarded as a part of Article 14 of the Constitution by the two Constitution Benches in the cases of Union of India vs. Tulsiram Patel, (1985) 3 SCC 398, and Charan Lal Sahu vs. Union of India, (1990) 1 SCC 613. According to the decision in ECIL, said principle will apply even to those cases where the statutory rules on the question of furnishing copy of the enquiry report are either silent or prohibit the same. In view of the aforesaid discussions, question no. [i] was answered by the Constitution Bench as follows:-

Since the denial of the report of the enquiry officer is a denial of reasonable opportunity and a breach of the principles of natural justice, it follows that the statutory rules, if any, which deny the report to the employee are against the principles of natural justice and, therefore, invalid. ***The delinquent employee will, therefore, be entitled to a copy of the report*** *even if the statutory rules do not permit the furnishing of the report or are silent on the subject.*

Question no. (v), i.e., the effect of the non-furnishing of the enquiry report on the order of punishment, has been answered by the Constitution Bench in paragraphs 30 and 31 of the judgment, relevant portion whereof reads thus:-

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The next question to be answered is what is the effect on the order of punishment when the report of the enquiry officer is not furnished to the employee and what relief should be granted to him in such cases. The answer to this question has to be relative to the punishment awarded. ***When the employee is dismissed or removed from service and the inquiry is set aside because the report is not furnished to him, in some cases the non-furnishing of the report may have prejudiced him gravely while in other cases it may have made no difference to the ultimate punishment awarded to him. Hence to direct reinstatement of the employee with back-wages in all cases is to reduce the rules of justice to a mechanical ritual. The theory of reasonable opportunity and the principles of natural justice have been evolved to uphold the rule of law and to assist the individual to vindicate his just rights. They are not incantations to be invoked nor rites to be performed on all and sundry occasions. Whether in fact, prejudice has been caused to the employee or not on account of the denial to him of the report, has to be considered on the facts and circumstances of each case. Where, therefore, even after the furnishing of the report, no different consequence would have followed, it would be a perversion of justice to permit the employee to resume duty and to get all the consequential benefits. It amounts to rewarding the dishonest and the guilty and thus to stretching the concept of justice to illogical and exasperating limits. It amounts to an unnatural expansion of natural justice which in itself is antithetical to justice.***

Hence, in all cases where the enquiry officers report is not furnished to the delinquent employee in the disciplinary proceedings, the Courts and Tribunals should cause the copy of the report to be furnished to the aggrieved employee if he has not already secured it before coming to the Court/Tribunal and give the employee an opportunity to show how his or her case was prejudiced because of the non-supply of the report. If after hearing the parties, the Court/Tribunal comes to the conclusion that the non-supply of the report would have made no difference to the ultimate findings and the punishment given, the Court/Tribunal should not interfere with the order of punishment. The Court/Tribunal should not mechanically set aside the order of punishment on the ground that the report was not furnished as is regrettably being done at present. The courts should avoid resorting to short cuts. Since it is the Courts/Tribunals which will apply their judicial mind to the question and give their reasons for setting aside or not setting aside the order of punishment, (and not any internal appellate or revisional authority), there would be neither a breach of the principles of natural justice nor a denial of the reasonable opportunity. It is only if the Court/Tribunal finds that the furnishing of the report would have made a

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difference to the result in the case that it should set aside the order of punishment.

16. In this case, there is a difference in as much as following the order of the disciplinary authority inflicting on the applicant the penalty of removal from service, the penalty in the appeal filed by the applicant was modified by the appellate authority taking a sympathetic view as indicated in para 8 above and then the matter travelled to the revisionary authority who in a detailed order upheld the order of the disciplinary authority. Having regard to the above decisions of the Hon'ble Supreme Court and the facts of this case, the disciplinary authority is directed to forward a copy of the IO's Report to the applicant and follow the procedure contained in Rule 10 of the Railway Servants (Discipline and Appeal) Rules, 1968, and if the applicant is aggrieved by the order [to be passed afresh] of the disciplinary authority, he may file an appeal and thereafter revision, if necessary. The impugned order of the disciplinary authority had already lost its separate identity in view of the order of the appellate authority and the revisionary authority in the proceedings against the applicant, and, in view of the aforesaid direction of this Tribunal, the orders of the appellate and revisionary authorities have also become inconsequential. The Registry is directed to return the D & A file relating to this case of the office of the DRM [P], ECR, Danapur received with letter No. E/Court Cell/OA-29/2006 dated 22.03.2012. With this, the OA stands disposed of. No costs.

[Urmita Datta (Sen)] M [J]

[Naresh Gupta] M [A]

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