

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No: 23/96

Transfer Application No:

DATE OF DECISION: 12-2-96

N.Dilip Kumar

Petitioner

Shri G.R.Sharma

Advocate for the Petitioners

Versus

Union of India & Anr.

Respondent

Shri R.K.Shetty

Advocate for the Respondent(s)

CORAM :

The Hon'ble Shri M.R.Kolhatkar, Member (A).

The Hon'ble Shri

1. To be referred to the Reporter or not ? ✓
2. Whether it needs to be circulated to other Benches of the Tribunal ? X

abp.

M.R.Kolhatkar
(M.R.KOLHATKAR)
MEMBER (A)

CENTRAL ADMINISTRATIVE TRIBUNAL

GULESTAN BLDG.NO.6,PRESCOT RD, 4th FLOOR,

BOMBAY - 400 001.

ORIGINAL APPLICATION NO.23 of 1996

DATED THE 13th DAY OF Feb. 1996.

CORAM : Hon'ble Shri M.R.Kolhatkar, Member (A).

N.Dilip Kumar ... Applicants
(Advocate by Shri G.R.Sharma)

v/s.

Union of India & Anr. ... Respondents
(Advocate by Shri R.K.Shetty)

ORDER

Per Shri M.R.Kolhatkar, Member (A)

In this OA, the applicant who is an IPS Officer of AGMU cadre (Arunachal Pradesh, Goa, Mizoram and the Union Territories) and since 24/11/95 working as Superintendent of Police, South Goa, Margaon, has challenged the order of transfer dated 4/1/96 at Exhibit-C (page-17) by which the applicant has been transferred from Goa to Mizoram. According to the applicant these orders of transfer are violative of the guidelines on the subject, are discriminatory vis-a-vis another officer named Shri S.K.Gautam who has been working in Goa as IPS Officer for a longer period, are in violation of All-India Services (Joint Cadre) Rules 1972 and are malafide, issued with the extraneous purpose of accommodating non IPS cadre Officers in Goa.

2. The applicant has, therefore, prayed for setting aside and quashing the Impugned order dated

4/1/96, of the Union Government and the consequent order issued by Goa Government. The applicant has also prayed for direction to the respondent Governments to fix the pay of the applicant in the IPS cadre, Sr. Scale of Rs.3000 - 4500/- w.e.f. 13/11/91. On 8/1/96, Interim Relief was granted staying the transfer of the applicant. The matter was finally heard after completion of pleadings on 30/1/96. At the stage of arguments, the Counsel for applicant stated that he does not press the relief of pay fixation as the same has since been granted and confined his prayer to relief relating to transfer. My judgement therefore is also confined to this issue only.

3. In order to appreciate the contentions of the applicant, it is necessary to note that the applicant has been working as Dy. S.P. in Goa since 7/2/81. He was appointed to the IPS cadre and allocated to the cadre of AGMU with retrospective effect from 13/11/91 in terms of notification dated 4/4/95. The notification dated 4/4/95 recites that the orders have been passed in pursuance of the judgement dated 23/9/93 by Supreme Court in C.A.No.564 of 1991. As a result of this judgement, another officer by name Shri D.A.Prabhu Desai was reverted to Goa Police service w.e.f. 13/11/91.

4. The applicant had filed OA No.857/95 before Division Bench which came to be decided on 31/10/95. The Tribunal noted that the short question involved

for consideration is whether the respondents are justified in placing the applicant in non-cadre post after his induction in the IPS cadre by virtue of Supreme Court's order dated 23.9.93 in C.A.No.564 of 1991. The Tribunal replied to this question in the negative and directed the respondent No.2, ^{the} Government of Goa to post the applicant in a cadre post.

5. It is, therefore, clear that there is a history of past litigation, in which the applicant was pitted against Shri D.A.Prabh Desai as a respondent, and the applicant has made much of the fact that the actions of respondent No.2 have been taken to favour Shri D.A.Prabhu Desai and to the prejudice of the applicant.

6. So far as transfer guidelines are concerned, the same have been enclosed as Annexure-R-1 to the written statement filed by respondent No.1 and 2 jointly. These transfer guidelines categorise the states and Union Territories into (A), (B) and (C). Delhi is in a category by itself viz. (A). It is not disputed that Goa where the applicant is serving is a soft area (B) and Mizoram where the applicant is posted is a hard area (C). One of the objectives of the transfer guidelines is to ensure that no unit serviced by the cadre remains starved of cadre officers and that the service span of each officer is equitably distributed as far as possible among the 3 categories.

^{1/2} The basic contention of the applicant is that although

he has been retrospectively promoted to IPS from 13/11/91, the respondent No.2 deliberately placed him in a non cadre post and it was only consequent to the decision in OA 857/95 followed by decision of Supreme Court in SLP 25022/95 dated 23/11/93, that the applicant was posted in a cadre post namely Superintendent of Police of South Goa, Margoea and on the date of the order namely 4/1/96, the applicant had worked only for about 46 days in a cadre post. The transfer guidelines indicate two tenures of minimum lengthsof 2 years for a Senior Scale IPS Officers, so far as Goa Officers are concerned, and since he has not completed 2 years in a cadre post in Goa, he is not liable to transfer. To quote:

"Promotee officers to IAS/IPS, if they have not completed the age of 55 years at the time of promotion would also be posted to difficult areas and vice-versa to complete their minimum tenure of 3 years outside the area from which they were promoted."

7. Admittedly, the applicant has been promoted from Goa area and in terms of the guidelines he is required to serve atleast 3 years outside the area. However, according to Counsel for applicant, transfer to ~~XXXX~~ ^{this} complete/3 year period for posting outside Goa to a hard area like Mizoram can only be ordered after the applicant has completed his tenure of 2 years in the Goa posting. According to applicant, Shri S.K.Gautam, a senior scale IPS Officer of Goa, at present working as Superintendent of Police in North Goa has completed 3 years of service as IPS Officer and still remains untouched for being transferred out of

Goa. The respondents have not only violated the guidelines but have also practised discrimination.

8. The respondents have contended that the applicant prior to 24/11/95 was working at Panaji and his transfer from Panaji to Margao was not a transfer but only a deployment since the applicant had not changed his residence at Panaji while working at Margao which is at a distance of about 20 miles. According to the respondents, an officer of the IPS cannot be kept posted at one place continuously for a period of 15 years, because it is undesirable to do so and not in Public interest. According to the respondents as soon as an Officer is promoted to the cadre of IPS, he is required to be posted to a hard area and such Officers are necessarily required to undergo such hard posting atleast for 3 years.

9. The applicant next contends that the orders transferring him are also invalid and ultra-vires because they are in violation of All India Service, Joint Cadre Rules (1972). In these rules, rule-2(a) defines Joint Cadre Authority to mean the committee of representatives referred to in rule-4 and rule-4(i) states that there shall be a committee consisting of a representative of each of the Governments of the Constituent States to be called the Joint Cadre Authority. Rule-5 defines the duties and the functions of Joint Cadre Authority to include determination of the names of the members

of the All India Services, who may be required to serve from time to time in connection with the affairs of each of the Constituent States and the period or periods for which their services shall be available to that Government. Rule-5(2) provides ^{that} where there is a disagreement among the members of the Joint Cadre Authority, the matter shall be referred to the Central Government for decision and the Governments of the Constituent States shall give effect to the decision of the Central Government.

10. According to the applicant the transfer was not in accordance with any decision of the Committee of the representatives ^{the} which is to perform the functions of Joint Cadre Authority.

11. The respondents have contended that the orders transferring the applicant from Goa to Mizoram were issued by the Ministry of Home Affairs ^{The} within its powers and competence. / Joint Cadre Authority has entrusted Union Territories Division of the Ministry of Home Affairs with the exercise of certain functions of routine procedural personnel matters such as promotion, posting and transfers on the basis of guidelines issued by the Joint Cadre Authority from time to time. Therefore there is nothing illegal or discriminatory in the orders issued by the Ministry of Home Affairs. The Counsel for the applicant would contend that there is nothing to show that there was any delegation from the Joint Cadre Authority to the Ministry of Home Affairs. In this connection

he relies on the case of Ramesh Chandra Tyagi v/s. Union of India, 1994 SCC L&S 562 according to which delegation must exist on the date of passing of transfer order.

12. The applicant next contends that the orders of transfer are malafide because there are 5 Senior Scale posts of IPS cadre in Goa, out of which only 3 including the applicant are held by IPS Cadre Officers. The present post of Superintendent of Police (CID) is an IPS cadre post which continues to be held by Shri D.A. Prabhu Desai, a non cadre ~~xxx~~ officer. Another indication of malafides is that the order was issued when he was on Casual Leave on 5/1/96 to attend to the relation in Bombay who was to be hospitalised and still the respondent No.2, Government of Goa reported that the applicant was already relieved. There has been a delay in pay fixation which is also an indication of the malafides.

13. Lastly, it is contended that the applicant has 2 daughters, one studying in 11th standard and another in 9th standard in Goa., where there is a condition that an incumbent cannot pursue vocational courses unless he has 10 years domicile in Goa and should have passed 10th and 12th standards from the State of Goa which the said children are almost on the verge of acquiring. The present transfer order has been issued deliberately to cause hardship to the applicant.

Me 14. Respondent No. 2 in their reply

affidavit have stated that the orders are issued by respondent No.1 and respondent No.2 only issued consequential orders. Petitioner on 27/6/95 had himself requested for his transfer out of Goa and this request was recommended by letter dated 3/8/95 followed by reminder dated 21/8/95. Respondent No.2 has denied that the impugned orders are issued in colourable exercise of powers or passed for extraneous considerations or ^{under} political pressures or in view of the OA filed by the Applicant before the Tribunal.

15. The applicant has filed a detailed rejoinder and also an MP-72/96 for production of the record leading to the passing of the Impugned order and showing the record to him. The Counsel for the respondents has shown the record to the Tribunal and has claimed privilege so far as showing of the record to the applicant is concerned. I have perused the record and I am also of the view that the applicant is not entitled to peruse the same.

16. In his rejoinder the applicant has more or less repeated the points made by him earlier especially emphasising the circumstances in which he was compelled to file OA No.857/95 and how he was denied the opportunity of holding cadre post for a long time.

17. I am however not required to go into all

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these matters, because they were a subject of separate adjudication. I am concerned with the legality and validity of the transfer order. In the rejoinder a point which is emphasised by the applicant is that his request for transfer outside Goa vide his letter dated 26/7/95 at page-24 was in the background of the fact that he was not being given a cadre post. In the relevant part of this letter it is stated as below:-

"In the event it is not possible to rectify the above situation due to the prevailing circumstances in Goa, it is requested that I may kindly be recommended for transfer out of Goa. As my elder daughter has already entered the Plus-Two stage, it would be very convenient for us if I am transferred to Delhi."

The Counsel for Applicant was at pains to emphasise that his grievance relating to getting the cadre post having been satisfied, it is ingenuous on the part of the respondents to state that his transfer was at his request.

18. Applicant has relied on following case law:-

- i) AIR 1966 SC 1283 (Management of the Syndicate Bank v/s. The Workmen) decided on 4/11/1965 - lays down that if an order of transfer is made mala-fide or for some ulterior purpose, like punishing an employee for his Trade Union activities, the Industrial Tribunals should interfere and set aside such an order of transfer because the malafide exercise of power is not considered to be the legal exercise of the power given by law.

- ii) 1980 SLJ 466 (Prakash Chandra Saxena v/s.

State of M.P. and others) decided on 1/8/1979 - in which it is held that ^{if} a transfer ^{is} made to accommodate some other officer and not for any public or administrative purpose, then such an order is certainly malafide.

- iii) 1990 (3) CAT SLJ 590 (N.K. Suparna v/s. Union of India and Others) decided on 13/7/90 - in which it was held that an order made consequent on the applicant pointing out some irregularities of the officials and in doing so the applicant incurred the displeasure of the Superior Authority and the order was malafide.
- iv) SLJ-III-1991(1) 372 (P.N.R. Nair v/s. Union of India and others) decided on 7/11/90 - in which it was held that ~~when transfer is discriminatory,~~ judicial intervention will be justified.
- v) SLJ-V 1992(2) 27 (Mrs. Vineeta Prasad and Others v/s. The Vice Chancellor, Patna University and Others) decided on 9/8/91 - in which it was held that when the transfer was effected without following the guidelines, it was an arbitrary use of power.
- vi) SLJ IV-1993(1) 151 (State of Kerala v/s. Balakrishnan) decided on 6/2/92 - in which it was ^{contended} ~~held~~ that the transfer was in public interest, ^{but} / The plea of transfer being in public interest was rejected.
- vii) AIR 1995 S.C. 423 (N.K. Singh v/s. Union of India and Others) decided on 25/8/94 - in which it was held that transfer can be against public interest if it is avoidable and successor is not suitable to post.

Respondents have relied on following judgements:-

- i) (II) LLJ 1991 S.C. 591 (Mrs. Shilpi Bose and Others v/s. State of Bihar and Others) decided on 19/11/90 - in which it was held that a Government Servant holding transferable job has no right to remain at one place or the other. He is liable to transfer.
- ii) ^{Transfer order} 1995(2) SLJ-109 (State of Madhya Pradesh and Anr. v/s. S.S. Kourav & Ors) decided on 19/1/95 - in which it was held that the Courts or Tribunals are not appellate forums to decide on transfers of Officers on administrative grounds.

19. The Counsel for the applicant also tried to point out the difference between appointment and transfer. Transfer by its very nature inevitably imports the passing of the thing from one to the other. (Oriental Metal Pressing Works (P) Ltd v/s. Workment, AIR 1961 SC 573) The acts constituting transfer and appointment are therefore entirely dissimilar.

20. I have considered the rival contentions of the parties. In my view it is well settled that transfer is an incident of service and not a condition of service. It is held in N.K. Singh case on which applicant himself relied vide para-22.

"Transfer of a government servant in a transferable service is a necessary incident of the service career. Assessment of the quality of men is to be made by the superiors taking into account several

factors including suitability of the person for a particular post and exigencies of administration. Several imponderables requiring formation of a subjective opinion in that sphere may be involved, at times. The only realistic approach is to leave it to the wisdom of the hierarchical superiors to make that decision. Unless the decision is vitiated by malafides or infraction of any professed norm of principle governing the transfer, which alone can be scrutinised judicially, there are no judicially manageable standards for scrutinising all transfers and the courts lack the necessary expertise for personnel management of all government departments. This must be left, in public interest, to the departmental heads subject to the limited judicial scrutiny indicated."

21. The applicant has relied on N.K.Singh's judgement for the proposition that a transfer can ^{to be} held against public interest if it is avoidable and successor is not suitable to the post. In my view, this reliance on N.K.Singh case is not at all appropriate. In N.K.Singh case, one of the basic contentions of the transferred Government employee was that his transfer from a sensitive position in the CBI to BSF was against public interest. In the present case, however, it is not the applicant's case that he is holding a sensitive post and that his ~~xxxxxx~~ transfer from Goa to Mizoram is against public interest. The case entirely proceeds on the private right of the applicant as an individual Government Employee pertaining to his own service career. The reliance placed by applicant on

N.K. Singh's case is quite mis-placed.

22. Regarding the question of violation of transfer guidelines it may be noted that these transfer guidelines do not have statutory force. In any case ~~we~~ do not find any violation of transfer guidelines. The guidelines 9.7 which is reproduced in para-6 of our judgement is relied upon by the applicant to claim that he can well be transferred after completion of his tenure of 2 years in a cadre post and he would still be on the right side of 55 after completion of these 2 years. The thrust of guideline 9.7 however is that the promotee IPS Officers would be posted to difficult areas, to complete the minimum tenure of 3 years, outside the area from which they are promoted. It is true that a senior scale IPS Officer may have 2 tenures of 2 years in a soft area, but nowhere do the transfer guidelines envisage that a promotee IPS Officer should complete his 2 year tenure in the soft area before being posted to a hard area. On the other hand, ^{the} consideration mentioned by respondents namely that the applicant has been working continuously in Goa for 15 years and, therefore, his transfer was in Public interest appears to be well founded.

23. So far as the contention that the transfer orders are discriminatory vis-a-vis another Officer namely Shri Gautam who has completed 3 years in Goa is concerned it does not appeal to me. First of all, the applicant

does not have a right to hold ^{in B.O.A.} cadre post for a minimum length of 2 years and therefore the question of discrimination does not arise. Secondly, the fact that the applicant had applied for transfer is a relevant consideration. Thirdly that the applicant had applied for transfer under circumstances which had subsequently changed does not retract from the fact that the application for transfer was not withdrawn and that the respondents were entitled to consider the application for transfer after taking account of all relevant administrative considerations.

24. I then come to the question of whether there is violation of All India Services (Joint Cadre) Rules. Here, I have the averment of the respondent No.1 that the Joint Cadre Authority has entrusted the Union Territories Division of Ministry of Home Affairs with the exercise of certain functions of routine procedural personnel matters such as promotion, posting and transfers. The Counsel for Applicant would urge that such a delegation must be shown to have taken place. At the same time, the applicant has not been able to show that there is any such lack of power in the Union Home Ministry of transferring Officers from one unit of AGMU cadre to another unit. In fact the competence of the Home Ministry is writ ~~xx~~ large in the provisions of the rule-5(2) of the Joint Cadre rules which require the Governments of Constituent states to give effect to the decisions of the Central Government.

25. So far as the malafides are concerned, the applicant has alleged malafides against the Government of Goa but the transfer order has been effected by the Central Government and the applicant has not alleged, much less established, malafides against Central Government. Even in regard to ^{Govt. of} Goa he has not alleged malafides on the part of any particular Officer or malafides in law which can be made out from the circumstances. It would be too much to believe that the alleged malafides on the part of State Government for which no factual foundation has been laid were transferred to the Central Government who under the dictation of the State Government formed an intent against the applicant to transfer him. The learned counsel for the respondents had shown the connected records of the Central Government and ^{formed} the view that no malafides on the part of Central Government were at work.

26. I am therefore, of the view that no malafides have been established, there is no violation of transfer guidelines nor is there lack of competence in the Union Home Ministry in transferring the applicant. OA has no merit and the same is liable to be dismissed which is accordingly dismissed without any order as to costs. Needless to add, Interim Relief stands vacated.

abp.

M.R. Kolhatkar
(M.R. KOLHATKAR)
MEMBER (A)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, MUMBAI

CAMP : GOA

C.P.NO. 8/96

in

O.A.NO. 23/96

4th this the July day of — 1996

CORAM: Hon'ble Shri B.S.Hegde, Member (J)

Hon'ble Shri M.R.Kolhatkar, Member (A)

N.Dilip Kumar

(By Advocate Shri G.R.Sharma)

... Applicant

V/S.

Union of India & Ors.

(By Advocate Shri R.K.Shetty)

... Respondents

O R D E R

(Per: Shri B.S.Hegde, Member (J))

Heard Shri G.R.Sharma for the applicant and Shri R.K.Shetty for the respondents. Applicant has filed C.P.NO. 8/96 in O.A.NO. 23/96. The main thrust of argument of learned counsel for the applicant is that the respondents have disobeyed the ex-parte order passed by the Tribunal vide ~~the~~ order dated 8.1.1996 which reads as follows :-

"Heard Shri G.R.Sharma, Counsel for the applicant.

In this OA. the applicant has come up against the transfer order issued by the Ministry of Home Affairs, transferring the applicant from Goa to Mizoram. The case of the applicant is that he was posted in the IPS Cadre only on 24.11.95, vide order of the Government of Goa (Exhibit-B) and within a period of 1-1/2 month he had been transferred from Goa to Mizoram. The learned counsel for the applicant further states that there are 3 posts of IPS cadre are available and he further states that Goa Police Officers have been accommodated in place of IPS Cadre.

In the circumstances transfer order dated 4.1.96 is stayed for a period of 14 days."

The learned counsel for the applicant submits that vide his letter dated 8.1.1996 addressed to the Chief Secretary, Govt. of Goa bringing to his notice the ex-parte order passed by the Tribunal on 8.1.1996 which was served on the respondents on 9.1.1996. Therefore, he prays that order issued by the respondents dated 5.1.1996 alleged to have served on the applicant on 10.1.1996 is contrary to the orders passed by the Tribunal.

2. The respondents in the reply to C.P. stated in the affidavit that the Government of Goa has issued an order dated 5.1.1996 purporting to convey the contents of Govt. of India order dated 4.1.1996 transferring the applicant from Goa to Mizoram. Further, the respondents were not at all aware of the ex-parte stay order dated 8.1.1996 passed by the Tribunal. The said ex-parte order dated 8.1.1996 was received in the afternoon on 9.1.1996 at Secretariat, Panaji, Goa. It is further stated that when the order dated 5.1.1996 was issued, the respondents could not have been aware of the ex-parte order dated 8.1.1996 to be passed by the Tribunal in O.A.No. 23/96. The order dated 5.1.1996 was put in transmission on 5.1.1996 itself. To prove this, the respondents showed the Peon Book which indicates that letter dated 5.1.1996 addressed to I.G.P. under whom the applicant is working. However, the applicant was on casual leave from 5.1.1996 to 8.1.1996. He reported for duty on 9.1.1996. It is an admitted fact, that ex-parte order was passed stating that transfer dated 4.1.1996 of Shri N.Dilip Kumar has been stayed for a period of 14 days, as such copy of his transfer order has not been served on him.

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2. It is also an admitted fact that pursuant to the order in OA.NO. 857/95 the respondents posted the applicant in IPS Cadre post vide their order dated 24.11.1995 as SP-South Goa District at Margao. Thereafter, the Government of India transferred the applicant from Goa to Mizoram vide their order dated 4.1.1996 for which he filed an OA. and obtained an ex-parte order. The question to be seen here is whether the respondents have wilfully disobeyed the ex-parte order of the Tribunal vide dated 8.1.1996. On perusal of the records, we are satisfied, that the respondents had taken appropriate steps conveying the order passed by the Govt. of India on 4.1.1996 to the applicant earlier than the ex-parte order dated 8.1.1996 passed by the Tribunal. Since the applicant was on casual leave, the same could not be communicated to him. The learned counsel for the applicant during the course of hearing draws our attention that though the orders were passed on 5.1.1996 and put in transmission and the same was acknowledged only on 10.1.1996 after they come to know ex-parte order which is contrary to the direction of the Tribunal dated 8.1.1996. Therefore, the question for consideration is whether the respondents have wilfully disobeyed the order of the Tribunal in the case. However, on perusal of the record, we do not see any merit in the contention of the applicant that there is any such wilful disobedience on the part of the respondents. Though there is an acknowledgement dated 10.1.1996, the office of Superintendent of Police, Goa Margao received through post that does not amount to communication to the applicant in person after the ex-parte order issued by the Tribunal. The respondents have not relieved the applicant pursuant to the order of the Respondent No. 1 vide their order dated 4.1.1996

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and they relieved him only on 19.02.1996. In the circumstances, the question to be seen here is whether the order passed by the respondents vide their order dated 05.01.1996 was put in transmission prior to 8.1.1996 or not. There is no doubt that the letter of respondents was put in transmission on the same date addressed to the I.G. Office, the same could not be intimated to the applicant because he was on casual leave till 09.01.1996. In Law, question to be considered here is whether the respondents have communicated the decision of Government of India, Respondent No. 1 to the applicant by putting the letter into transmission on 05.01.1996 or not, the answer is in the affirmative. It is immaterial what date the applicant received the communication of the respondents. It is the case of the applicant that though the order was dated 05.01.1996, however, they could not issue the order till 10.01.1996. The said contention is not tenable for the reasons stated above.

3. Before we part with this case, we would like to mention that in the C.P. the applicant has impleaded the Chief Secretary of Goa, as second respondents besides Union of India through K. Padmanabhaiah, Secretary, Ministry of Home Affairs - Respondent No. 1. Under the rules, in C.P. matters, concerned officer is required to file an affidavit whereas, we find, the Joint Secretary (Personnel), Deptt. of Personnel, Govt. of Goa Secretariat, states that he has been authorised by the Home Secretary and the Chief Secretary of Goa to file this affidavit. It may be noted that an individual cannot authorise a particular officer to file an affidavit unless it is permitted under the rules. A particular officer authorised under the rules is permitted to file an affidavit on behalf of the Government and not on behalf of any individual. This aspect has been overlooked by the respondents while filing the affidavit. Further, the fact of communicating the order of transfer as on 10.01.1996 has not

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been denied. It is only stated that the transfer order passed on 05.01.1996 was put in transmission which was acknowledged only on 10.01.1996.

4. For the reasons stated above and in view of the conclusions arrived at by the Tribunal, We do not see any wilful disobedience on the part of the respondents to carry out the orders of the Tribunal except the discrepancy pointed out above. As stated earlier, the order dated 05.01.1996 passed prior to the interim order passed by the Tribunal on 08.01.1996 which has been communicated to the Competent Authority well within time, as such, no contempt is made out by the applicant. Accordingly, the contempt petition is discharged.

M R Kolhatkar

(M.R. KOLHATKAR)
MEMBER (A).

B S Hegde
(B. S. HEGDE)
MEMBER (J).

mrj/es.

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