

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH  
\*\*\*\*\*

Commercial Complex(BDA)  
Indiranagar  
Bangalore - 560 038

Dated : 5 MAY 1988

APPLICATION NO 772 / 87(F)

W.P. NO. \_\_\_\_\_

Applicant

Smt Philomena Rozario  
To

Respondent

V/s The National Savings Commissioner, Nagpur  
& 3 Ors

1. Smt Philomena Rozario  
No. 361, 15th 'A' Cross  
II Stage, II Phase  
W.C.R. Mahalaxmi Layout  
Bangalore - 560 086

2. Dr M.S. Nagaraja  
Advocate  
35 (Above Hotel Swagath)  
1st Main, Gandhinagar  
Bangalore - 560 009

3. The National Savings Commissioner  
National Savings Organisation  
Govt. of India  
No. 12, Seminary Hills  
Nagpur - 440 006

4. The Joint National Savings Commissioner  
National Savings Organisation  
Govt. of India  
No. 12, Seminary Hills  
Nagpur - 440 006

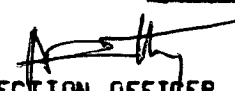
5. The Deputy National Savings Commissioner  
National Savings Organisation  
Govt. of India  
No. 12, Seminary Hills  
Nagpur - 440 006

6. The Regional Director  
National Savings Organisation  
No. 19/2, Infantry Road  
Bangalore - 560 001

7. Shri M. Vasudeva Rao  
Central Govt. Stng Counsel  
High Court Building  
Bangalore - 560 001

Subject : SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER ~~STAY~~ ~~INTERIM~~ ORDER  
passed by this Tribunal in the above said application on 11-4-88.

  
SECTION OFFICER  
~~DEPUTY REGISTRAR~~  
(JUDICIAL)

*9/5/88*  
*15.11.88*  
Encd : 4 as above  
6-5-88

*ofc*

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE

DATED THIS THE 11TH DAY OF APRIL, 1988

Present | Hon'ble Shri Justice K.S. Puttaswamy, Vice-Chairman  
and  
| Hon'ble Shri P. Srinivasan, Member (A)

APPLICATION NO. 772/1987

Smt. Philomena Rozario,  
No.361, 15th 'A' Cross,  
II Stage, II Phase,  
W.C.R. Mahalaxmi Layout,  
Bangalore - 560 086.

.... Applicant.

(Dr. M.S. Nagaraja, Advocate)

v.

1. The National Savings Commissioner,  
National Savings Organisation,  
Government of India,  
No.12, Seminary Hills,  
Nagpur.
2. Joint National Savings Commissioner,  
Govt. of India, National Savings Orgn.  
No.12, Seminary Hills,  
Nagpur.
3. The Dy. National Savings Commissioner,  
National Savings Organisation,  
Government of India,  
No.12, Seminary Hills,  
Nagpur.

The Regional Director,  
National Savings Organisation,  
No.19/2, Infantry Road,  
Bangalore.

.... Respondents.

(Shri M. Vasudeva Rao, C.G.A.S.C.)

This application having come up for hearing to-day,  
Vice-Chairman made the following:

O R D E R

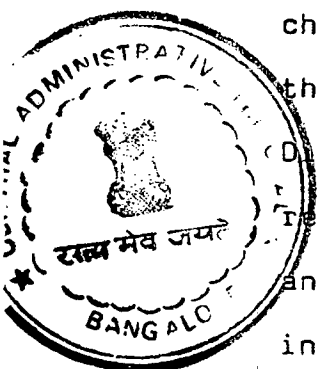
In this application made under Section 19 of the  
Administrative Tribunals Act, 1985 ('the Act'), the  
applicant has challenged order No. Vig/4-2/87 dated  
28.5.1987 (Annexure A-6) of the National Savings Commissioner,



Nagpur (Commissioner) and order No. Vig/2(b)85 dated 13.3.1987 (Annexure A-4) of the Deputy National Savings Commissioner, Nagpur (Deputy).

2. In October, 1970, the applicant was appointed as a Stenographer in the Office of the Regional Director, National Savings Organisation, Bangalore (RDB). In his order No.3(5)Adm/79 dated 5.3.1983, the Joint National Savings Commissioner, Nagpur (Joint) promoted the applicant as Head Clerk (HC) in the scale of Rs.425-14-500-EB-15-560-20-700 on officiating basis from the date she takes charge of the new post until further orders. In pursuance of this order, the applicant took charge as HC in the same office in March 1983 and was working in that capacity ever since then.

3. While working as an HC, the applicant made a complaint against the Regional Director and as to how the same was dealt or had ended is not material for this case. But indisputably after the retirement of the RD, the Joint, in his Memorandum No.Vig/2/(B)/85 dated 16.8.1985 (Annexure-A3) initiated disciplinary proceedings against the applicant under rule 14 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965 ('the Rules) on three charges appended to that memorandum, which she denied. On this, the joint appointed one Shri J.C. Nair, Regional Director, Kerala, as the Inquiry Officer (IO) to hold a regular inquiry into the truth or otherwise of the charges and submit his report. On that the IO held a regular inquiry and submitted his report to the Joint holding the applicant guilty of all the three charges levelled against her.



4. On an examination of the report of the IO, and the records, the Deputy, concurring with the findings of the IO, made an order on 13.3.1987 (Annexure A-4) imposing the penalty of reduction in rank against the applicant. The penalty imposed by the Deputy is in these terms:

"4. Now THEREFORE, after considering the Record of Inquiry and the facts and circumstances of the case, the undersigned has come to the conclusion that Smt. Philomena Rozario is not a fit person to be continued in the post of Head Clerk and hence ends of justice require that the penalty of reduction from her officiating post of Head Clerk to her substantive post of Stenographer (Junior) be imposed upon her. The penalty of reducing her from the post of Head Clerk to her substantive post of Stenographer (Junior) is accordingly hereby imposed on Smt. Philomena Rozario."



Aggrieved by this order, the applicant filed an appeal before the Commissioner who on 28.5.1987 (Annexure A-6) had disposed of the same only modifying the punishment as hereunder.

"The penalty of reduction from the post of Head Clerk to her substantive post of Stenographer (Jr) imposed on Smt. Philomena Rozario by the Deputy National Savings Commissioner, Nagpur, under his Memo No. Vig/2(8)85 dated 13.3.87 is hereby modified to the extent that the appellant, Smt. Philomena Rozario may be considered eligible

for promotion to the post of Head Clerk, along with other eligible officials, after 5 years from the date of imposition of the above penalty, subject to other conditions as are applicable to consideration to such promotion."

Hence this application challenging these orders on diverse grounds, one of them being that the punishment imposed by the Deputy, who was not her appointing authority to the post, ~~he~~ was unauthorised, illegal and impermissible and that jurisdictional defect had been glossed over by the Commissioner on appeal.

5. In justification of the impugned orders, the respondents have filed their reply and have produced the records. In their reply, the respondents asserted that on and from 30th January 1986, the Deputy had become the appointing authority to the post of HC and therefore he was authorised to impose the punishment of reduction in rank on the applicant, and the impugned orders were therefore legal and valid.

6. Dr. M.S. Nagaraja, learned Counsel for the applicant, contends that the applicant having been appointed as a HC by the Joint, the major penalty of reduction in rank could have been imposed either by him or any authority higher to him only and that it was not open to the Deputy to exercise that power even after 30.1.1986 and therefore the punishment imposed by the Deputy was unauthorised and illegal.



Shri M. Vasudeva Rao, learned Additional Standing Counsel appearing for the respondents, refuting the contention of Dr. Nagaraja, contends that under the notification

dated 30th January, 1986 issued by the President of India, the Deputy had become the appointing authority to the post of HC and therefore he was competent to impose the penalty of reduction in rank on the applicant.

8. The punishment of reduction in rank imposed on the applicant by the Deputy falls within the purview of 'major penalties' specified in rule 11 of the Rules. In deciding the competence of the Deputy to impose that punishment, the order made and the modification if any made by the Commissioner *& which* had not really altered the nature of punishment imposed on the applicant *is not very material.*

9. An answer to this question turns on the proper construction to be placed on Rule 2(a) of the Rules that defines the term 'appointing authority' and Rule 12 of the Rules.

10. Rule 2(a) which defines the term 'appointing authority' for purposes of the Rules reads thus:

"2. In the rules, unless the context otherwise requires,

(a) 'Appointing authority', in relation to a Government servant, means-

(i) the authority empowered to make appointments to the Service of which the Government servant is for the time being a member or to the grade of the Service in which the Government servant is for the time being included, or


(ii) the authority which appointments to the post which the Government servant for the time being holds, or



(iii) the authority which appointed the Government servant to such Service, grade or post, as the case may be, or

(iv) where the Government servant having been a permanent member of any other Service or having substantively held any other permanent post, has been in continuous employment of the Government, the authority which appointed him to that Service or to any grade in that Service or to that post.

whichever authority is the highest authority;"



This definition for purposes of the Rules is an exhaustive definition. Under this Rule, the appointing authority will be the very authority which appointed the concerned civil servant to the concerned post. In any case, the higher authority which appointed the civil servant will be the appointing authority of that civil servant. Explanation of sub rule (4) of the Rule 12 also provides for the same. On this definition itself, the joint who promoted the applicant to the post of HC will be the appointing authority of the applicant.

11. Rule 12 of the Rules reads thus:

"12.(1) The President may impose any of the penalties specified in Rule 11 on any Government servant.

(2) Without prejudice to the provisions of sub-rule (1), but subject to the provisions of sub-rule (4), any of the penalties specified in Rule 11 may be imposed on-

- (a) a member of a Central Civil Service other than the General Central Service, by the appointing authority or the authority specified in the schedule in this behalf or by any other authority empowered in this behalf by a general or special order of the President;
- (b) a person appointed to a Central Civil Post included in the General Central Service, by the authority specified in this behalf by a general or special order of the President or, where no such order has been made, by the appointing authority or the authority specified in the Schedule in this behalf.

(3) Subject to the provisions of sub-rule(4), the power to impose any of the penalties specified in Rule 11 may also be exercised, in the case of a member of a Central Civil Service, Class III (other than the Central Secretariat Clerical Service), or a Central Civil Service, Class IV-

- (a) if he is serving in a Ministry or Department of the Government of India by the Secretary to the Government of India, in that Ministry or Department, or
- (b) If he is serving in any other office, by the head of that office, except where the head of the office is lower in rank than the authority competent to impose the penalty under sub-rule(2).



(4) Notwithstanding anything contained in this rule-

- (a) except where the penalty specified in clause(v) or clause (vi) of Rule 11 is imposed by the Comptroller and Auditor-General on a member of the Indian Audit and Accounts Service, no penalty specified in clauses (v) to (ix) of that rule shall be imposed by any authority subordinate to the appointing authority.
- (b) where a Government servant who is a member of a Service other than the General Central Service or who has been substantively appointed to any civil post in the General Central



Service, is temporarily appointed to any other Service or post, the authority competent to impose on such Government servant any of the penalties specified in clauses (v) to (ix) of Rule 11 shall not impose any such penalties unless it has consulted such authority, not being an authority subordinate to it, as would have been competent under sub-rule (2) to impose on the Government servant any of the said penalties had he not been appointed to such other Service or post.

- (c) in respect of a probationer undergoing training in Lal Bahadur Shastri National Academy of Administration, the Director of the said Academy shall be the authority competent to impose on such probationer any of the penalties specified in clauses (i) and (iii) of Rule 11 after observing the procedure laid down in Rule 16.

Explanation 1- For the purpose of clause (c), 'probationer' means a person appointed to a General Central Civil Services on probation.

Explanation 2- Where a Government servant belonging to a Service or holding a Central Civil Post of any class, is promoted, whether on probation or temporarily to the Service or Central Civil Post of the next higher class, he shall be deemed for the purposes of this rule to belong to the Service of, or hold the Central Civil post of such higher class."



Rule 12(1) of the Rules that empowers the President to impose any penalty mentioned in rule 11 on any Government servant, or rule 12(2) and (3) of the Rules which provides for imposition of penalties specified in the Schedule to the Rules by general or special orders made by the President are not very material, for our purpose and therefore they are not analysed.

12. Sub-rule (4) of the Rule on the analysis of which the question hinges commences with a non-obstante clause. A non-obstante clause is generally employed to give full and complete effect to the provision contained in the provision following that clause. A non-obstante clause is also employed to give over-riding effect to the special provision made therein over the earlier general provisions preceding the same. On these principles we must give full and complete effect to Rule 12 (4) of the Rules.

13. Sub-clause (a) of rule 4 of the rule 12 of the Rules expressly stipulates that any of the major penalties shall not be imposed by any authority subordinate to the appointing authority. (emphasis supplied by us). On the terms of Rule 12(4) and in particular clause (a) of that Rule the <sup>to Joint</sup> ~~insc~~ who had appointed the applicant to the post of Head Clerk and who had rightly initiated the disciplinary proceedings was competent to impose one or the major penalties specified in Rule 11 against the applicant. From this it follows that the Deputy who was sub-ordinate to the Joint ~~or~~ occupied a lower rank to that of the Joint was clearly incompetent to impose any of the major penalties against the applicant.

14. The fact that the applicant was holding the post of Head Clerk on an officiating basis, as pointed out by Madhava Reddy J. in R. KAPUR -vs.-UNION OF INDIA (1986 ATR CAT 31), hardly makes any difference in deciding the competence of the Deputy to impose a major penalty. Even otherwise, explanation 2 to rule 12 of the Rules places this matter beyond all controversy. From this it follows that the fact that the applicant was holding the post of a Head Clerk on an officiating basis does not make any difference and did not authorise the Deputy to impose the punishment of reduction in rank against the applicant.

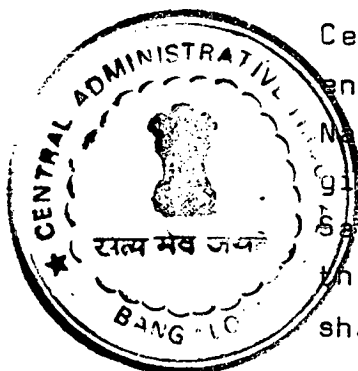
15. The notification dated 30.1.1986 issued by the President relied upon by the respondents reads thus:



"NOTIFICATION

34(E) In exercise of the power conferred by sub-rule(2) of rule 9, clause (b) of sub-rule (2) of rule 12 and sub-rule (1) of rule 24, read with rule 33, of the Central Civil Services (Classification, Control and Appeal) Rules, 1965, the President hereby directs that the following further amendments shall be made in the Schedule to the Notification of the Government of India in the Ministry of Finance (Department of Economic Affairs) No. S.R.O. 627, dated the 28th February, 1957 namely:-

In the said Schedule, in part II, General Central Services, Group 'C', in the existing entries under the headings "(1) Office of the National Savings Commissioner" and "(ii) Regional Offices", for the words "Joint National Savings Commissioner", wherever these occur, the words "Deputy National Savings Commissioner" shall respectively be substituted."



In this notification, which, is prospective and takes effect from the date of notification the deputy had become the appointing authority in the place of the Joint. But this notification which governs and regulate appointments and orders on and after the issue of the same, has hardly any relevance on the orders of appointments <sup>made</sup> prior to the said date as envisaged by rule 12, (4) and rule 2(a) of the Rules. We are of the view that this notification does not in any way affect the case of the applicant. As far as the applicant is concerned the power conferred on the Joint or any authority higher to him is not taken away and conferred on the Deputy. If that is so, then also the Deputy was not competent to impose the penalty of reduction in rank against the applicant.

16. On the foregoing discussion, we hold that the order made by the Deputy and confirmed in appeal by the Commissioner with some modification, the nature of which does not require any examination calls for our interference.

17. We have earlier noticed that the applicant had been appointed by the Joint and that authority had rightly initiated disciplinary proceedings against her. From this it is even now open to the Joint to deal with the proceedings and pass his orders in accordance with law.

18. In the light of our above discussion, we allow this application, and quash the impugned orders of the Commissioner and the Deputy (Annexure A-6) and (Annexure A-4). But this order does not prevent the Joint from completing the disciplinary proceedings in accordance with law.

19. Application is allowed. But in the circumstances of the case, we direct the parties to bear their own costs.



Kms/Mrv.

Sd/-  
VICE-CHAIRMAN  
11-4-1988


Sd/-  
MEMBER (A)

TRUE COPY

11 May 5/5/88  
SECTION OFFICER  
CENTRAL ADMINISTRATIVE TRIBUNAL  
ADDITIONAL BENCH  
BANGALORE

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE

DATED THIS THE 11TH DAY OF APRIL, 1988

 Present | Hon'ble Shri Justice K.S. Puttaswamy, Vice-Chairman  
and  
Hon'ble Shri P. Srinivasan, Member (A)

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for promotion to the post of Head Clerk, along with other eligible officials, after 5 years from the date of imposition of the above penalty, subject to other conditions as are applicable to consideration to such promotion."

Hence this application challenging these orders on diverse grounds, one of them being that the punishment imposed by the Deputy, who was not her appointing authority to the post, ~~he~~ was unauthorised, illegal and impermissible and that jurisdictional defect had been glossed over by the Commissioner on appeal.

5. In justification of the impugned orders, the respondents have filed their reply and have produced the records. In their reply, the respondents asserted that on and from 30th January 1986, the Deputy had become the appointing authority to the post of HC and therefore he was authorised to impose the punishment of reduction in rank on the applicant, and the impugned orders were therefore legal and valid.

6. Dr. M.S. Nagaraja, learned Counsel for the applicant, contends that the applicant having been appointed as a HC by the Joint, the major penalty of reduction in rank could have been imposed either by him or any authority higher to him only and that it was not open to the Deputy to exercise that power even after 30.1.1986 and therefore the punishment imposed by the Deputy was unauthorised and illegal.

7. Shri M. Vasudeva Rao, learned Additional Standing Counsel appearing for the respondents, refuting the contention of Dr. Nagaraja, contends that under the notification



dated 30th January, 1986 issued by the President of India, the Deputy had become the appointing authority to the post of HC and therefore he was competent to impose the penalty of reduction in rank on the applicant.

8. The punishment of reduction in rank imposed on the applicant by the Deputy falls within the purview of 'major penalties' specified in rule 11 of the Rules. In deciding the competence of the Deputy to impose that punishment, the order made and the modification if any made by the Commissioner <sup>& which</sup> had not really altered the nature of punishment imposed on the applicant *is not very material.*

9. An answer to this question turns on the proper construction to be placed on Rule 2(a) of the Rules that defines the term 'appointing authority' and Rule 12 of the Rules.

10. Rule 2(a) which defines the term 'appointing authority' for purposes of the Rules reads thus:

"2. In the rules, unless the context otherwise requires,

(a) 'Appointing authority', in relation to a Government servant, means-

- (i) the authority empowered to make appointments to the Service of which the Government servant is for the time being a member or to the grade of the Service in which the Government servant is for the time being included, or
- (ii) the authority which appointments to the post which the Government servant for the time being holds, or

(iii) the authority which appointed the Government servant to such Service, grade or post, as the case may be, or

(iv) where the Government servant having been a permanent member of any other Service or having substantively held any other permanent post, has been in continuous employment of the Government, the authority which appointed him to that Service or to any grade in that Service or to that post.

whichever authority is the highest authority;"

This definition for purposes of the Rules is an exhaustive definition. Under this Rule, the appointing authority will be the very authority which appointed the concerned civil servant to the concerned post. In any case, the higher authority which appointed the civil servant will be the appointing authority of that civil servant. Explanation of sub rule (4) of the Rule 12 also provides for the same. On this definition itself, the joint who promoted the applicant to the post of HC will be the appointing authority of the applicant.

11. Rule 12 of the Rules reads thus:

"12.(1) The President may impose any of the penalties specified in Rule 11 on any Government servant.

(2) Without prejudice to the provisions of sub-rule (1), but subject to the provisions of sub-rule (4), any of the penalties specified in Rule 11 may be imposed on-

- (a) a member of a Central Civil Service other than the General Central Service, by the appointing authority or the authority specified in the schedule in this behalf or by any other authority empowered in this behalf by a general or special order of the President;
- (b) a person appointed to a Central Civil Post included in the General Central Service, by the authority specified in this behalf by a general or special order of the President or, where no such order has been made, by the appointing authority or the authority specified in the Schedule in this behalf.

(3) Subject to the provisions of sub-rule(4), the power to impose any of the penalties specified in Rule 11 may also be exercised, in the case of a member of a Central Civil Service, Class III (other than the Central Secretariat Clerical Service), or a Central Civil Service, Class IV-

- (a) if he is serving in a Ministry or Department of the Government of India by the Secretary to the Government of India, in that Ministry or Department, or
- (b) If he is serving in any other office, by the head of that office, except where the head of the office is lower in rank than the authority competent to impose the penalty under sub-rule(2).

(4) Notwithstanding anything contained in this rule-

- (a) except where the penalty specified in clause(v) or clause (vi) of Rule 11 is imposed by the Comptroller and Auditor-General on a member of the Indian Audit and Accounts Service, no penalty specified in clauses (v) to (ix) of that rule shall be imposed by any authority subordinate to the appointing authority.
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Service, is temporarily appointed to any other Service or post, the authority competent to impose on such Government servant any of the penalties specified in clauses(v) to (ix) of Rule 11 shall not impose any such penalties unless it has consulted such authority, not being an authority subordinate to it, as would have been competent under sub-rule(2) to impose on the Government servant any of the said penalties had he not been appointed to such other Service or post.

- (c) in respect of a probationer undergoing training in Lal Bahadur Shastri National Academy of Administration, the Director of the said Academy shall be the authority competent to impose on such probationer any of the penalties specified in clauses (i) and (iii) of Rule 11 after observing the procedure laid down in Rule 16.

Explanation 1- For the purpose of clause (c), 'probationer' means a person appointed to a General Central Civil Services on probation.

Explanation 2- Where a Government servant belonging to a Service or holding a Central Civil Post of any class, is promoted, whether on probation or temporarily to the Service or Central Civil Post of the next higher class, he shall be deemed for the purposes of this rule to belong to the Service of, or hold the Central Civil post of such higher class."


Rule 12(1) of the Rules that empowers the President to impose any penalty mentioned in rule 11 on any Government servant, or rule 12(2) and (3) of the Rules which provides for imposition of penalties specified in the Schedule to the Rules by general or special orders made by the President are not very material, for our purpose and therefore they are not analysed.

12. Sub-rule (4) of the Rule on the analysis of which the question hinges commences with a non-obstante clause. A non-obstante clause is generally employed to give full and complete effect to the provision contained in the provision following that clause. A non-obstante clause is also employed to give over-riding effect to the special provision made therein over the earlier general provisions preceding the same. On these principles we must give full and complete effect to Rule 12 (4) of the Rules.

13. Sub-clause (a) of rule 4 of the rule 12 of the Rules expressly stipulates that any of the major penalties shall not be imposed by any authority subordinate to the appointing authority. (emphasis supplied by us). On the terms of Rule 12(4) and in particular clause (a) of that Rule the <sup>to joint</sup> ~~insc~~ who had appointed the applicant to the post of Head Clerk and who had rightly initiated the disciplinary proceedings was competent to impose one or the major penalties specified in Rule 11 against the applicant. From this it follows that the Deputy who was sub-ordinate to the Joint ~~or~~ occupied a lower rank to that of the Joint was clearly incompetent to impose any of the major penalties against the applicant.

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15. The notification dated 30.1.1986 issued by the President relied upon by the respondents reads thus:



"NOTIFICATION

34(E) In exercise of the power conferred by sub-rule(2) of rule 9, clause (b) of sub-rule (2) of rule 12 and sub-rule (1) of rule 24, read with rule 33, of the Central Civil Services (Classification, Control and Appeal) Rules, 1965, the President hereby directs that the following further amendments shall be made in the Schedule to the Notification of the Government of India in the Ministry of Finance (Department of Economic Affairs) No. S.R.O. 627, dated the 28th February, 1957 namely:-

In the said Schedule, in part II, General Central Services, Group 'C', in the existing entries under the headings "(1) Office of the National Savings Commissioner" and "(ii) Regional Offices", for the words "Joint National Savings Commissioner", wherever these occur, the words "Deputy National Savings Commissioner" shall respectively be substituted."

In this notification, which, is prospective and takes effect from the date of notification the deputy had become the appointing authority in the place of the Joint . But this notification which governs and regulate appointments and orders on and after the issue of the same, has hardly any relevance on the orders of appointments <sup>made</sup> prior to the said date as envisaged by rule 12.(4) and rule 2(a) of the Rules. We are of the view that this notification does not in any way affect the case of the applicant. As far as the applicant is concerned the power conferred on the Joint or any authority higher to him is not taken away and conferred on the Deputy. If that is so, then also the Deputy was not competent to impose the penalty of reduction in rank against the applicant.

16. On the foregoing discussion, we hold that the order made by the Deputy and confirmed in appeal by the Commissioner with some modification, the nature of which does not require any examination calls for our interference.

17. We have earlier noticed that the applicant had been appointed by the Joint and that authority had rightly initiated disciplinary proceedings against her. From this it is even now open to the Joint to deal with the proceedings and pass his orders in accordance with law.

18. In the light of our above discussion, we allow this application, and quash the impugned orders of the Commissioner and the Deputy (Annexure A-6) and (Annexure A-4). But this order does not prevent the Joint from completing the disciplinary proceedings in accordance with law.

19. Application is allowed. But in the circumstances of the case, we direct the parties to bear their own costs.

Sd/-  
VICE-CHAIRMAN

11-4-1988

Sd/-  
MEMBER (A)

Kms/Mrv.

TRUE COPY

5/5/88  
SECTION OFFICER  
CENTRAL ADMINISTRATIVE TRIBUNAL  
ADDITIONAL BENCH  
BANGALORE