REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Commercial Complex(BDA),
Indiranagar,
Bangalore- 560 038.

Dated: 17 FEB 1988

APPLICATION NO 873 /87 (F)

W.P.No.

APPLICANT Vs RESPONDENTS

Shri A.R. Purohit The Secy, M/o Railways, New Delhi & 2 Ors

To

1. Shri Anantha Raghavendra Purohit
   C/o Shri R.A. Purohit
   Advocate
   Sanmathi Road
   Dharwad

2. Shri K. Subba Rao
   Advocate
   128, Cubbonpet Main Road
   Bangalore - 560 002

3. The Secretary
   Ministry of Railways
   Rail Bhavan
   New Delhi - 110 001

4. The Divisional Railway Manager
   Hubli Division
   South Central Railway
   Hubli
   Dharwad District

5. The Senior Divisional Personnel Officer
   South Central Railway
   Hubli Division
   Hubli
   Dharwad District

6. Shri K.V. Lakshmanachar
   Railway Advocate
   No. 4, 5th Block
   Briand Square Police Quarters
   Mysore Road
   Bangalore - 560 002

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 12-2-88.

18-2-88

DEPUTY REGISTRAR
(JUDICIAL)

Encl: as above.

dc

CENTRAL ADMINISTRATIVE TRIBUNAL:BANGALORE

DATED THIS THE 12TH DAY OF FEBURARY,1988.

PRESENT:

Hon'ble Mr.Justice K.S.Puttaswamy, Vice-Chairman.

And:

Hon'ble Mr.P.Srinivasan, Member(A)

APPLICATION NUMBER 873 OF 1987

Anantha Raghavendra Purohit,
Aged about 51 years,
Head Clerk (under orders of
compulsory retirement) Hubli Division,
South Central Railway and
residing at Sanmathi Road,
Dharwad, Dharwad District. .. Applicant.

(By Sri K.Subba Rao,Advocate)

v.

1.The Union of India represented
by the Secretary to Government,
Ministry of Railways,
Rail Bhavan, New Delhi.

2.The Divisional Railway Manager,
Hubli Division, South Central Railway,
Hubli, Dharwad District.

3.The Senior Divisional Personnel
Officer, South Central Railway,
Hubli Division, Hubli,
Dharwad District. .. Respondents.

(By Sri K.V.Lakshmanachar,Advocate)

This application having come up for hearing, Justice K.S.Puttaswamy, Vice-Chairman made the following:

ORDER

This is an application made by the applicant under Section 19 of the Administrative Tribunals Act, 1985 ('the Act').

2. Sri Anantha Raghavendra Purohit ('Purohit'), who is the applicant with the educational qualification

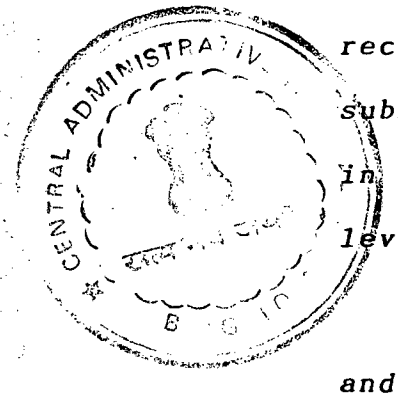
of a Bachelor of Arts, joined service on 16[redacted]-1958 as an office Clerk and was working as a Senior Clerk in the office of the Senior Divisional Personnel Officer, South Central Railway, Hubli ('DPO') at all material times and as on 7-1-1985. When so working, the post held by the applicant was upgraded to that of a Head Clerk from 1-1-1984. In the capacity he was working in the DPO's office, the applicant had to deal with the application of one Sri A.Subramanian, then working as an office Peon aspiring for an appointment as a Junior Typist in that very office.

3. Sri Subraminian is said to have contacted the applicant for his appointment as a Junior Typist. On that occasion, the applicant is said to have demanded from Subraminian Rs.400=00 as illegal gratification and had later agreed to receive a sum of Rs.200=00 from him on 7-1-1985. Sri Subramanian having agreed to pay that amount, however, reported the same to the Central Bureau of Investigation, Hubli ('CBI') who laid a trap on him, following the usual procedure followed in such cases. In that trap Sri Subramanian is said to have met the applicant on 7-1-1985 and offered him a sum of Rs.200=00 as bribe, which he said to have received by directing him to put the same in his plastic bag, with which he complied. On so doing, the raid party apprehended the applicant, seized that money from him and then sent a report thereon to the DPO.

4. On the above facts and report of the CBI, the Senior Divisional Personnel Officer,South Central

Railway, Hubli and the Disciplinary Authority ('DA') commenced disciplinary proceedings against the applicant under the Railway Servants (Discipline and Appeal) Rules,1968 ('Rules') and served on him Memorandum No.H/P 227/I/SPE/1/85/ARP dated 24-7-1985 (Annexure-B) in the prescribed form, annexing the articles of charge, the statement of imputation, lists of witnesses and documents as required by the said Rules. In answer to the same, the applicant filed his written statement of defence ('WS') before the DA on 19-8-1985 (Annexure-E) denying the charge levelled against him.

5. On that denial, the DA appointed one Sri M.M.-Walade, who was then working as SEO/HQ/Sc Rly/Secundarabad as the Inquiry Officer to hold a regular inquiry into the truth or otherwise of the charge and submit his report. In conformity with the same, Sri Walade commenced the inquiry, recorded the evidence of four witnesses before 31-3-1986, on which day, he retired from service. On the retirement of walade, the DA appointed one Sri C.B.Sundara Sastry who was then working as the SEO/HQ/Sc Rly/Secundarabad as the Inquiry Officer ('IO') who continued the inquiry, recorded the evidence of the remaining witnesses and submitted his undated report to the DA (Anneuxre-F) in which he held the applicant guilty of the charge levelled against him.



6. On an examination of the report of the IO and the records and concurring with the findings of the IO, the DA by his order No.H/P.227/I/SPE/1/85/ARP dated 31-3-1987 (Annexure-G) inflicted on the applicant, the penalty of compulsory retirement from service. Aggrieved by this order, the applicant filed

an appeal on 12-5-1987 under Rule 18 of the Rules before the Divisional Railway Manager, Hubli, the Appellate Authority ('AA') under the Rules, who by his order made on 3-8-1987 (Annexure-J) had dismissed the same. Hence, this application under the Act.

7. The applicant has challenged the orders of the AA and the DA on a large number of grounds which will be noticed and dealt by us noticing such further additional facts as are necessary to appreciate them.

8. In justification of the impugned orders, the respondents have filed their reply and have produced their records.

9. Sriyuths K.Subbarao and M.S.Ananda Ramu, learned Advocates had appeared for the applicant. Sri K.V.Lakshmanachar, learned Advocate had appeared for the respondents.

10. Sri Rao has contended that the charge framed by the DA was vague, general and unintelligible.

11. Sri Lakshmanachar has urged to the contrary.

12. The inquiry held and completed against the applicant was for imposition of a major penalty under the Rules. Rule 9(7) of the Rules requires the DA to serve the articles of charge and the statement of imputations of misconduct or misbehaviour. Both of them must be read together.

13. The Oxford Dictionary defines a charge thus:

...To censure; to accuse ...

Ramanatha Aiyar's 'Law Lexicon' Reprint Edition 1987

*defines that term thus:*

> *CHARGE: (AS FORMAL COMPLAINT). Charge signifies an accusation, made ina legal manner of legal conduct, either of omission or commission by the person charged.*
>
> *"As it is usually used and understood, 'charged with crime' means something more than suspected or accused of crime by popular opinion or rumour, and implies that the offence has been alleged against the party according to the forms of law".*

*Black's Law Dictionary (Fifth Edition) defined the said term thus:*

> *Charge, v. to impose a burden, duty, obligation, or lien; to create a claim against property; to assess; to demand; to accuse; to instruct a jury on matters of law. To impose a tax, duty, or trust. In commercial transactions, to bill or invoice; to purchase on credit. In criminal law, to indict or formally accuse.*
>
> *Charge,n. An incumbrance, lien, or claim; a burden or load; an obligation or duty; a liability; an accusation. A peron or thing committed to the care of another. The price of, or rate for, something. See also Charged; Charges; Floating charge; Rate; Surcharge.*
>
> *Charge to jury. The final address by judge to jury before verdict, in which he sums up the case, and instructs jury as to the rules of law which apply to its various issues, and which they must observe. The term also applies to the address of Court to grand jury, in which the latter are instructed as to their duties. See also Jury instructions.*
>
> > *General charge. The charge or instruction of the court to the jury upon the case, as a whole, or upon its general features and characteristics.*
> >
> > *Special charge. A charge orinstruction given by the court to the jury, upon some particular point or question involved in the case, and usually inresponse to counsel's request for such instruction.*
>
> *Criminal law. Accusation of a crime by a formal complaint, information or indictment.*
>
> *Public charge. An indigent. A person whom it is necessary to support at public expense by reason of proverty alone or illness and poverty.*

On these meanings that are apposite, an article of charge framed against a delinquent official must be clear, specific, definite, intelligible, can hardly be doubted.

14.The article of charge framed and supplied to the applicant along with the statement of imputations reads thus:

> That Sri A.R.Purohit, while functioning as Senior Clerk in the office of the Senior Divisional Personnel Officer, South Central Railway at Hubli, during the period September,1984 demanded a sum of Rs.400=00 as illegal gratification from Sri A.Subramanian, who is working as an office peon in the office of the Assistant Personnel Officer (Traffic) S.C.Railway, Hubli for getting him the post of Junior Typist on ad hoc basis and he demanded Rs.200=00 on 4-1-1985 to be paid on 7-1-1985 and demanded and accepted Rs.200=00 on 7-1-1985 from Sri A.Subramanian as bribe between 1-05 p.m. and 1-30 p.m. near the society shop located in the compound of the Divisional Office as a motive or reward for getting him the post of Junior Typist on ad hoc basis and thereby committed misconduct and failed to maintain absolute integrity, devotion to duty and acted in a manner of unbecoming of a public servant and thereby contravened rule 3(1)(i) to (iii) of R.S.(Conduct)Rules, 1966."

Paras 1 to 6 of the statement of imputations which set out the back drop to the incident are not necessary to reproduce. On the crucial incident of the offer of bribe and its acceptance by the applicant paras 7 and 9 which are material, read thus:

> "7. Sri Subramanian contacted Sri Ahamed, Police Inspector of CBI, Bangalore through RSO, Hubli at Ashoka Hotel and narrated his case. The Inspector recorded his statement and sent it to the Superintendent of Police, CBI,Bangalore through a messenger for registration. Sri Ahamed,-Police Inspector made preparation for laying a trap by securing two panch witnesses from the LIC office, Hubli. Sri Subramanian produced Rs.200=00 in the denomination of

one hundred rupee notee one, fifty note one, one twenty rupee note and three- ten rupee currency notes as bribe amount to be given to Sri Purohit when demanded. A pre trap proceeding was drawn in Room No.80 of Ashoka Hotel. The Police Inspector gave instruction to Sri Burjawale to follow Sri Subramanian, when the latter would go to meet Sri Purohit and to overhear the conversation and to witness the passing of money.

xx

9. Sri Ahamed enquired Sri Subramanian and Sri Burjawale. At the instance of the Inspector Ahmed Sri Naik opened the bag and he noticed a bunch of currency notes. The numbers of the notes tallied with the numbers of the notes in the mahazar recorded in the Hotel. Sri Purohit was asked how he came by with the currency notes. He showed his ignorance. The bag was emptied. The bag contained some papers. The person of Sri Purohit was searched. He was found in possession of Rs.223/- and a handkerchief. The inner portion of the bag was washed with sodium carbonate solution and it turned to light pink colour. Inspector took sample seals on two sheets of paper and the seal was given to Sri Naik. Inspector Ahamed seized the bribe money, bag and the bottles under a seizure memo. A proceeding was drawn narrating the events".

Then para 10 of the same concludes thus:

"10. Thus, Sri A.R.Purohit committed misconduct and failed to maintain absolute integrity, devotion to duty and acted in a manner unbecoming of a public servant and hence contravened Rule 3(1)(i) to (iii) of the Railway Services (Conduct) Rules, 1966."

15. In his WS, the applicant has not urged that the charge framed by the DA was vague, general and unintelligible. On this short ground itself, we must reject this contention.

16. The article of charge read by itself abundantly reveals that the same is clear, definite and intelligible. We, therefore, find it difficult to uphold this contention of Sri Rao.

17. The charge and the statement of imputations

reveal that they are very clear and do not suffer from any vegueness at all. The applicant had understood the definite and clear charge framed against him and had participated in the inquiry without any demur on that score.

18. On the foregoing discussion, we hold that there is no merit in this contention of Sri Rao and we reject the same.

19. Sri Rao has next contended that the order of the DA withdrawing the earlier permission granted by him to engage a legal practitioner to conduct the inquiry before the IO and denying that privilege or concession to the applicant, but at the same time allowing Sri Gopalakrishna, an Inspector of CBI, a legally trained person to conduct the inquiry for the department, was per se illegal, improper and unjust and was in contravention of natural justice now enbedded in the new dimension of Article 14 of the Constitution and without anything more; that by itself totally invalidates the inquiry and the punishment imposed on the applicant.

20. Sri Lakshmanachar refuting the contention of Sri Rao had sought to support the orders and actions of the DA on more than one ground.

21. In his memorandum dated 24-7-1985 the DA had stated that it was open to the applicant to take the assistance of a Railway servant to defend him. In conformity with the same, the applicant represented to the DA to permit him to be defended by Sriyuths S.Sundara and P.B.Mutalik who were Railway servants.

22. But, before Walade commenced the inquiry, the applicant on 27-12-1985 (Annexure-K) approached the DA to permit him to engage a legal practitioner of his choice on the ground that the department was represented by a CBI officer, which he allowed on 20-1-1986 (Annexure-L). On making this order, the DA on 6-2-1986 concelled his earlier order and on the same day, however, unnecessarily made a reference to the Chief Personnel Officer, South Central Railway, Secundarabad ('CPO') on the same to which he replied on 3-3-1986 thus:

> Sub: Rule 9(B) of the RS (D & A) Rules,1968 - Request of delinquent Railway Official for permission to engage a legal practitioner to defend his case before the Enquiry Officer.
>
> Ref: Your letter No.H/P.227/I/AKP dated 6-2-1986.
>
> --
>
> A close reading of Board's letter dated 25-11-1985 referred to in your letter cited above indicate that the Disciplinary Authority can allow the Railway Servant to represent his case by a Legal Practitioner, only in rare cases where the case is presented by a prosecution officer of the CBI/Government Law Officer/Legal Adviser.
>
> In this particular case it is seen that a Police Inspector of the CBI Department has been nominated to present the case. It is held in consultation with the legal organisation of this office that the Police Inspector cannot be equated to a prosecution officer of the CBI.
>
> Hence, I am afraid the facility envisaged in Board's letter cannot be extended in this case."

On the basis of this letter, the DA by his letter No.H/P.227/I/ARP dated 19/31-3-1986 (Annexure-M) directed the applicant not to engage a legal practitioner and the same reads thus:

> Sub: DAR enquiry in SPE case No.RC.1/85 Permission to engage legal practitioner to defend before the E.O.

Ref: This office letter of even number dated 6-2-1986.

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As advised in this office letter of even number dated 6-2-1986, the matter was referred to HQrs who has since advised that the facility of engaging legal practitioner cannot be allowed to you in terms of Board's letter dated 25-11-1985 (S.Circular No.181-/85).

You are, therefore, requested not to engage any legal practitioner to defend the case on behalf of you."

On their receipt, the applicant took no steps to challenge them but proceeded with the inquiry with the assistance of one Sri S.Sundara as his defence assistant.

23. Sri Sundara had cross-examined all the witnesses. On the completion of the inquiry, the IO had submitted his report. On all the hearing dates, the applicant was present and participated in the inquiry and conducted the same through Sri Sundara. On these facts that are not in dispute and are also found from the records, Sri Lakshmanachar has urged two preliminary objections.

24. Sri Lakshmanachar had ured that the applicant had acquiesced in the orders of the DA and that he should not be permitted to challenge them on that ground.

25. Sri Rao has refuted this contention of Sri Lakshmanachar.

26. Acquiescence means, to agree often unwillingly without raising an argument or accept quietly. Acquiescence estops a party from pleading to the contrary under certain circumstances. On facts, it can be reasonably held that the applicant had acquiesced

in the two orders made by the DA on 6-2-1986 and 3-3-1986 and therefore, he should not be permited to challenge them at this belated stage.

27. Sri Lakshmanachar had urged that the two orders made by the DA were independent final orders and had become final.

28. Sri Rao has urged that the orders made by the DA were only interlocutory orders whose validity can be examined in an application directed against the final orders.

29. Rule 18 of the Rules provides for appeals only against certain orders referred to in that Rule only. This Rule does not provide for an appeal against all and every order. The two orders made by the DA on 6-2-1986 and 3-3-1986 do not fall within the perview of that Rule, and therefore, they were not appealable. If they were not appealable orders then the applicant could not have challenged them under Rule 18 of the Rules and to this extent Sri Rao is undoubtedly right. But, this does not necessarily mean that the applicant could not have challenged them in a revision under Rule 25 of the Rules and that in any event in an application under Section 19 of the Act before this Tribunal. We are of the view that under those provisions it was open to the applicant to challenge them.

30. In similar circumstances this Tribunal had entertained applications and had even granted reliefs in appropriate cases. The only explanation offered by Sri Rao for the applicant not approaching this Tribunal was that the Courts and Tribunals generally

decline to interfere against interlocutory orders. We are of the view that this is not a sound explanation that can be accepted by us.

31. But, notwithstanding our above conclusions, we proceed to examine the contention on merits first recording a finding on the factual position.

32. The applicant has asserted that Gopalakrishna, a CBI Inspector who was the presenting officer (PO), who had conducted several enquiries was a legally trained person. But, on the qualifications of Sri Sundara that defended him, the applicant is silent. On this plea, the respondents in their reply have stated thus:

> The applicant was permitted to engage a legal practitioner to defend his case, dated 20-1-1986 and subsequently it was cancelled vide letter of even number dated 6-2-1986 on the plea that Inspector of CBI organisation is not prosecution officer or cannot be equated to the Prosecution Officer of the CBI, hence, his request was not considered after ascertaining the fact from the Hd.Qrs. As alleged by the applicant that his request for engaging legal practitioner was turned down by Enquiry Officer is not correct. Enquiry Officer is only an Enquiring Authority on behalf of Disciplinary Authority and whether the request for engaging legal practitioner or not is a matter that has to be decided by the Disciplinary Authority only as per Rules. The applicant's contention that the case of Railway Administration was represented by CBI Inspector who is legally trained is not correct. Whether the CBI Inspector is legally trained or not is immaterial so long as he is not holding the post of Prosecution Officer. Having availed the services of defence helper, the applicant cannot challenge the same now. In regard to the nomination of Presenting Officer the Railway Board have decided that in cases where Departmental action is initiated against non-Gazetted staff, at the instance of the SPE/CBI, there is no objection to appoint Presenting Officer by Disciplinary Authorities in exceptionally difficult cases, provided the Presenting Officers are nominated

by the SPE/CBI from their own personnel.

Accordingly, Sri A.P.Gopalakrishna, Inspector was, nominated as Presenting Officer in this case.

Sri Rao is right in his submission that there is no specific denial of the plea of the applicant. But, this by itself is not a sufficient ground to hold that the respondents had admitted that Gopalakrishna was a legally trained person in conducting the inquiries. On a fair reading of the reply, the respondents do not dispute that Gopalakrishna was only an inspector of CBI and nothing more than that.

33. We have carefully examined the proceedings of the inquiry before the IO, the examination-in-chief and cross-examination done by Gopalakrishna and Sundara. On their evaluation, we are inclined to hold that Gopalakrishna was not a legally trained person in conducting the inquiries at all. On the other hand, we are inclined to hold that Sundara was better qualified and more proficient in conducting the departmental inquiries under the Rules. We have no doubt that Sundara had conducted a number of inquiries before he conducted the inquiry on behalf of the applicant. On the facts of this case, we hold that Sundara was more proficient to Gopalakrishna in conducting the departmental inquries.

34. Rule 9(13) of the Rules which exhaustively regulates the representation of a railway servant facing an inquiry under the Rules reads thus:

(13)(a) The railway servant may present his case with the assistance of any other railway servant (including a Railway servant on leave preparatory to retirement) employed

*on the same Railway Administration on which he is working. If the railway servant is employed in the office of the Railway Board, its attached office or subordinate office, he may present his case with the assistance of any other Railway servant (including a Railway servant on leave preparatory to retirement) employed in the office of the Railway Board, attached office or subordinate office, as the case may be in which he is working.*

*(b) The Railway Servant may also present his case with the assistance of a retired Railway servant, subject to such conditions as may be specified by the President from time to time by general or special order in this behalf.*

*Note:-*

*(1) A non-gazetted Railway servant may take the assistance of an officer of a Railway trade union, recognised by the Railway Administration under which the railway servant is employed, but shall not engage a legal practitioner. An official of a Railway trade union shall not be allowed to appear in a disciplinary case before an inquiring authority unless he has worked as such in a recognised railway trade union for a period of atleast one year continuously before he appears and subject to the condition that he takes no fees.*

*Note:-*

*(2) Nomination of an assisting railway servant or an offiial of a recognised railway trade union shall be made within 20 days from the date of the appointment of inquiring authority and it shall not be accepted if at the time of nomination the assisting railway servant or the official of a recognised railway trade union has more than two pending disciplinary cases in which he has to assist."*

*This was the rule that was in operation as on the dates the proceedings were initiated and completed against the applicant.*

*35. Clause (a) of sub-rule (13) provides for representation by another Railway servant whether in service or on leave. The right to be represented by another Railway servant under sub-rule 13(a) is an absolute right. The right conferred by sub-rule 13(a) is not subject to any restriction.*

36. Sub-rule 13(b) provides for a Railway servant being represented by another retired railway servant. But, that right is subject to such conditions as may be specified by the President from time to time by a general or special order made in that behalf. Note-I to this clause provides for a non-gazetted Railway servant to take the assistance of an official of Railway Trade Union recognised by the Railway administration. But, this very Note-I prohibits a non-gazetted Railway servant to engage a legal practitioner.

37. What emerges from an analysis of Rule 9(3) is that the services of a legal practitioner cannot be availed by a delinquent as of right under the Rules. If anything there is a prohibition for the same.

38. In UNION OF INDIA v. B.RAMAKRISHNA RAO (W.A.-No.112 of 1980 decided on 3-9-1981) a Division Bench of the Karnataka High Court consisting of Venkatachaliah,J. (as His Lordship then was) and one of us (Puttaswamy,VC) had occasion to examine a similar question on almost similar fact situation. On the very legal contention now urged by Sri Rao before us which had also been urged in that case, the Division Bench speaking through one of us (Puttaswamy,VC) expressed thus:

> "22. Earlier we have noticed that a prayer made by the respondent for the assistance of a counsel and its rejection by the Chairman of the PRL. Before the Enquiry Officer, the case of the organisation or the Department was presented by one Sri Narayanaswamy, a Superintendent of Police attached to the CBI is not also in dispute. On these facts, the respondent urged that there has been denial of opportunity and the same vitiated the enquiry and the punishment on the principle enunciated by the Supreme Court in C.L.SUBRAMANIAN v. THE

*COLLECTOR OF CUSTOMS,COCHIN (AIR 1972 SC 2178) and the same was accepted by the learned Judge in these words:*

> *"Sri U.L.Narayana Rao, Senior Standing Counsel for Central Government has not disputed that the petitioner was denied the services of a counsel when it was demanded in the course of the domestic enquiry. The domestic enquiry held against the petitioner by the PRL was, therefore, vitiated as violating the Rules of natural justice and is liable to be struck down on that ground also regard being had to the ruling of the Supreme Court."*

*Sri Sundaraswamy seriously contested this conclusion, which however, was sought to be supported by Sri Achar.*

*23. Before examining the contention, it is necessary to bear in mind certain facts that are not in dispute. Under the Fundamental Rules, in accordance with which the enquiry was completed except the submission of the report or under the C.G.A.Rules, the respondent had no right to be represented by a counsel. After the Chairman made his order refusing his prayer to be represented by a counsel, the respondent, a highly qualified man with no difficulty in understanding the accusations made against him or the language, actually conducted his own defence before the Enquiry Officer with conspicuous efficiency. At the enquiry, the respondent had not been denied an opportunity to defend and, very rightly, that has not been his complaint also before this Court. In his petition and I.A.No.III, the respondent had not even alleged much less established that the failure to be represented by a counsel has caused his prejudice. Lastly, Narayana Swamy was only a Police Officer working in the CBI with considerable experience in law. But, on that score it is difficult to say that he was a trained counsel.*

*24. On the above facts, the question that arose for determination was, whether the failure to permit the respondent to be represented by a counsel, by itself violated the principles of natural justice, vitiated the enquiry and the punishment and whether the matter was concluded by the ruling of the Supreme Court in Subramanian's case as urged by the respondent and accepted by the learned Judge.*

*25. Natural Justice referred to as 'ideal justice' by Roscoe Pound in his classic treatise of "Jurisprudence"(Vol.II) (Chapter-13) 'Justice According to Law' (page 359) or 'fair play in action' by Lord*

*Morris of Borth-y-Gest in WISEMAN v. BORNEMAN (1971 AC 297 at 309) evolved by Courts operates only an area where the law is silent and not otherwise. The right to be represented by a counsel cannot be claimed as a right except before regular Courts or where the relevant law itself permits the same. A 'fair hearing' in a proceeding does not necessarily depend on legal representation. By allowing legal representation 'fair hearing' is not ipso facto ensured. A 'fair hearing' is not necessarily denied solely on the ground that the disciplinary authority or the enquiry authority did not permit the respondent to be represented by a counsel. The fact that a Superintendent of Police of CBI was the presenting officer does not in any way alter this position. After all natural justice is not a mere dogma, ritual, magic incantation or only a form but is one of substance evolved by Courts for securing justice. Without any doubt, the principles of 'fair hearing' in a proceeding by whatever name it is called is more important then the principle of legal representation.*

*26. What has been urged by the respondent is that the right of legal representation was itself a basic component of natural justice and its violation without anything more, vitiates the entire proceedings. No such principle in such absolute terms has been ever considered to be a basic component or natural justice. We are of the view that this approach made by the respondent and accepted by the learned Judge is not sound and cannot be upheld. We will now examine whether the ratio in Subramaniam's case supports the contention urged and accepted by the learned Judge.*

*27. Subramaniam who was working as Customs Officer in the Customs Department of Government of India, was charged with committing various misconducts and a disciplinary proceeding was instituted against him under the C.c.A.Rules. Before the Enquiry Officer, the case for the department was presented by a trained prosecutor of the Police Department. An application made by Subramaniam to be represented by a counsel was rejected by the disciplinary authority and, thereafter his endeavour to be represented by another officer or another department did not also materialise. But still the enquiry was completed and punishment was imposed against Subramaniam which was unsuccessfully challenged by him before the High Court of Kerala. On appeal, before the Supreme Court, Subramaniam urged that he had no reasonable opportunity to present*

his case on the ground that his request to be represented by a counsel and thereafter to be represented by a departmental official had not been granted. Accepting the plea of the appellant, the Supreme Court found that the appellant had no reasonable opportunity. In accepting the plea of the appellant Hegde,J. speaking for the Bench examined the scope and ambit of Rule 15 of the C.C.A.Rules and found that the action of the authority in not permitting the appellant to be represented by a counsel or a departmental official had resulted in denial of reasonable opportunity to defend his case. A careful analysis of the ruling shows that it does not lay down any such principle. What is stated in paragraph 16 of the ruling in which the Court has referred to the earlier rulings dealing with the right of legal representation in domestic enquiries repels such a condition. We are of the view that the ratio in Subramaniam's case does not lay down that legal representation is one of the basic component of natural justice and its very denial, without more, is per se violative of the principles of natural justice and vitiates the enquiry.

28. In H.C.SARIAN v. UNION OF INDIA AND OTHERS the Supreme Court had occasion to consider a similar question directly in the following circumstances:

H.C.Sarian, a senior officer of the Indian Railways was charged with various misconducts and an enquiry was held in accordance with the Railway Establishments Code regulating the same,in which he was found guilty and was dismissed from service. Before the Supreme Court Sarain, inter alia urged that the proceedings were vitiated as the services of a professional lawyer were not made available to him to conduct his defence. A note appended to Rule 1730 of the code expressly excluded the professional lawyers to be engaged in a departmental enquiry. As in this case, the appellant in that case also strongly relied on the earlier ruling of the Supreme Court in Subramaniam's case. The Court speaking through Untwalia,J. rejected the said contention in these words:

> "In face of the above note, treating it as a part of rule, the appellant was not entitled to the services of a provessional lawyer. Gottwald, as it appears, was a lawyer in name but actively in business. The services of a professional lawyer were not necessary to cross-examine him. The fact was a simple one as to whether he had paid money to the tune of about 24,000 D.M. to the appellant from time to

time. Even if we treat the note aforesaid as one based merely on the executive insturctions and not a part of the rule itself, we see no reason to say that the authority was obliged not to follow the note but to go against it. At the most it had a discretion in the matter. The question is whether the discretion was rightly exercised or was it exercised so arbitrarily as to lead to the conclusion that principle of natural justice were violated when the services of a professional lawyer were not made available to the appellant. We give the answers against the appellant.

Great reliance was placed for the appellant on a decision of this Court in C.L.Subramaniam v. Collector of Customs, Cochin (1972) 3 SCR 485 = (AIR 1972 SC 2178). In this case, the argument that rule or no rule, the services of a professional lawyer should be made available at the departmental enquiry when asked for was not accepted. What was held in that case was that the disciplinary authority brushed aside the request of the appellant before the Supreme Court on a wrong ground completely ignoring the circumstances which were relevant. It was, therefore, said at page 430 (of sCR)+(at page 2180 of AIR SC).

"Therefore that authority clearly failed to exercise the power conferred on it under the rule. It is not unlikely that the Disciplinary Authority's refusal to permit the appellant to engage a legal practitioner in the circumstances mentioned earlier and caused serious prejudice to the appellant and had amounted to a denial of reasonable opportunity to defend himself".

The ruling in Sarian's case rendered by a larger Bench expressly dealing with a similar contention noticing Subramaniam's case, has rejected the same. on the ratio in Sarian's case, the contention urged for the respondent has no merit and is liable to be rejected.

29. As we comprehend, the matter is concluded against the respondent by the rulings of the Supreme Court and that Subramaniam's case does not really assist him. In England also the position is not in any way different. O.Hood Phillips' Constitutional and Administrative Law by O.Hood Phillips and Paul Jackson (6th Edition at page 607) referring to various rulings of the English Courts very tersly states the principle in these words:

"Legal representation is not neces-

*sarily essential to a fair hearing".*

*This statement of the law represents the true position.*

*30. From the above discussion, it follows that the second ground urged by the respondent and accepted by the learned judge is not sound and we cannot persuade ourselves to agree with the same."*

*We have followed these principles in S.K.SRINIVASAN v. THE DIRECTOR GENERAL,EMPLOYEES STATE INSURANCE CORPORATION, NEW DELHI (A.No.1653 of 1986 decided on 30-1-1987). We are of the view that these principles enunciated in Ramakrishna Rao's and Srinivasan's cases squarely govern the question urged before us. For the very reasons stated in Ramakrishna Rao's and Srinivasan's cases, this contention of Sri Rao is liable to be rejected.*

*39. But, Sri Rao has urged that the principles enunciated in Ramakrishna Rao's case run counter to the principles enunciated by the Supreme Court in THE BOARD OF TRUSTEES OF THE PORT OF BOMBAY v. DILIPKUMAR RAGHAVENDRANATH NADKARNI AND OTHERS [1983 SCC (L & S) 61], KAPOOR v. JAGAMOHAN (AIR 1981 SC 136), JOHNEY D'COUTO v. STATE OF TAMILNADU [(1988) 1 SCC 116] and DR.P.C.JAIN v. INDIAN INSTITUTE OF TECHNOLOGY, BOMBAY [(1987) 71 FJR page 25] of the Delhi High Court.*

*40. Before considering the cases relied on by the counsel for the applicant, it is apt to recall the pregnent observations of Chinnappa Reddy,J. in AMAR NATH OM PARKASH AND OTHERS v. STATE OF PUNJAB AND OTHERS (AIR 1985 SC 218) on the law of precedents. On precedents and applying the ratio decidendi of a decided case, the learned Judge warned thus:*

11. There is one other significant sentence in Sreenivasa General Traders v. State of A.P.(Supra) with which we must express our agreement. It was said,"with utmost respect, these observations of the learned Judge are not be read as Eudlid's theorems nor as provisions of the statute. These observations must be read in the context in which they appear". We consider it proper to say, as we have already said in other cases, that judgments of courts are not to be construed as statutes. To interpret words, pharases and provisions of a statute, it may become necessary for judges to embark into lengthy discussions but the discussion is meant to explain and not to define. Judges interpret statutes, they do not interpret judgments. They interpret words of statutes; their words are not to be interpreted as statutes. In London Graving Dock Co.Ltd. v. Horton, 1951 AC 737 at p.761 Lord Mac Dermot observed:

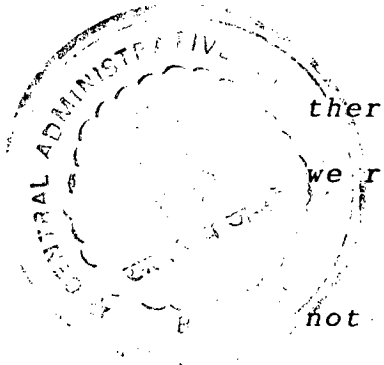
> The matter cannot of course be settled merely by treating the ipssimaverba of Willes,J. as though they were part of an Act of Parliament and applying the rules of interpretation appropriate thereto. This is not to detract from the great weight to be given to the language actually used by that most distinguished Judge. In Home Office v. Dorset Yacht Co. (1970) 2 All ER 294, Lord Reid said "Lord Atkin's speech.-..... is not to be treated as if it was a statutory definition. It will require qualification in new circumstances". Megarry,J. in (1971)1 WLR 1062 observed: "One must not, of course, construe even a reserved judgment of even Russell,L.J., as if it were an Act of Parliament". And, in Herrington v. British Railways Board, (1972) 2 WLR 537 Lord Morris said:
>
> "There is always peril in treating the words of a speech or judgment as though they are words in a legislative enactment and it is to be remembered that judicial utterances are made in the setting of the facts of a particular case."'.

Also see the passage under the caption "Judgments must be read in the light of facts of the cases in which they are delivered" on pages 42 to 45 in 'Precedent in English Law' by Rupert Cross (II Edition). Bearing the above, we will now examine the cases relied on, for the applicant.

41. We have carefully read every one of the rul-ings relied on by Sri Rso in support of his contention that the principles enunciated in Ramakrishna Rao's case are no longer good law.

42. We are of the view that Nadkarni's case or the other rulings do not lay down the very broad proposition urged by Sri Rao. What had been expressed in Ramakrishna Rao's case does not run counter to any of the rulings rendered by the Supreme Court in general and Nadkarni's case in particular.

43. The principles of natural justice have been evolved by Courts as only a means to an end and not as an end in itself. Paul Jackson in his treatise 'Natural Justice' has also expressed the same view. The principles of natural justice have not been evolved by Courts to invalidate orders on legal quibles and technicalities only but to do substantial justice or to advance the cause of justice only. Section 22(1) of the Act which directs that the decisions of this Tribunal should be primarily guided by the principles of natural justice had been enacted for that purpose only.



44. On the foregoing discussion, we hold that there is no merit in this contention of Sri Rao and we reject the same.

45. Sri Rao had next contended that the AA had not afforded a real and effective opportunity of oral hearing to the applicant to represent his case before him and the hearing afforded by him was only a farce of an hearing and the same contravenes the principles

enunciated by the Supreme Court in RAM CHANDER v. UNION OF INDIA AND OTHERS (AIR 1986 SC 1173).

46. Sri Lakshmanachar had urged to the contrary.

47. On a request made by the applicant, the AA very rightly afforded him an opportunity of oral hearing is not disputed by the applicant. In his order, the AA had stated that he had afforded an opportunity of oral hearing to the applicant. When the AA states that he had afforded an opportunity of oral hearing to the applicant, he really states that he had afforded a full and fair opportunity of hearing and that we should not even unnecessarily doubt the same and hold to the contrary. We should not normally countenance such pleas on the basis of assertions made by defeated litigants. We have no reason to doubt on the accuracy of the statement made by the AA in his order. On these grounds themselves, we must reject this contention of the applicant.

48. In dealing with the factual assertion of the applicant on the opportunity of oral hearing, in para 28 of their reply, the respondents have stated thus:

> 28. The applicant was given personal hearing on 27-7-1987 by the Appellate Authority. He was heard in person for any new points to be added which were not covered in appeal etc. The applicant had not brought out any fresh point during the personal hearing and was reiterating the same points already available in the appeal. The applicant was given time for personal hearing till he exhausted his arguments. The contention of the applicant that he was hardly given five minutes time is not correct."

This statement is verified by one Sri S.A.Mallik who

heard the appeal of the applicant and decided. We unhesitatingly accept this statement of the AA. When this statement is accepted, then it is clear that the AA had afforded full and fair opportunity of oral hearing to the applicant and had then decided the same. If that is so, then no exception can be taken to the order made by the AA on this ground.

49. In deciding the appeal, the AA had complied with the law enunciated by the Supreme Court in Ram Chander's case.

50. On the foregoing discussion, we hold that there is no merit in this contention of Sri Rao and we reject the same.

51. Sri Rao has contended that the AA had not dealt with all the material contentions urged by the applicant in support of his appeal with due regard to the requirement of Rule 22 of the Rules and had not made a speaking order as enunciated by the Supreme Court in Ram Chander's case.

52. Sri Lakshmanachar has contended to the contrary.

53. A cursory or a careful reading of the order of the AA shows that he had examined all the crucial questions that arose in the appeal and had recorded his finding on all of them. In deciding the appeal, the AA had kept before him the requirements of Rule 22 of the Rules.

54. The fact that the appeal memo runs to 45 pages does not necessarily mean that the AA should have matched his order with that number of pages or

more number of pages. The AA had come to grips on all material questions, had adquately dealt them and had upheld the order of the DA. We find no ground whatsoever to hold that the order made by the AA is not a speaking order and does not conform with the law declared by the Supreme Court in Ram Chander's case.

55. On the foregoing discussion, we hold that there is no merit in this contention of Sri Rao and we reject the same.

56. Sri Rao has next contended that the DA had not genuinely examined the report of the IO and the evidence on record and had blindly and mechanically accepted his report which is illegal.

57. Sri Lakshmanachar has contended to the contrary.

58. On a consideration of the evidence placed before him, the IO had found that the applicant was guilty of the charge levelled against him with which the DA had concurred. When the DA concurs with the findings of the inquiry officer, as in the present case, then as ruled by the Supreme Court in STATE OF MADRAS v. SRINIVASAN (AIR 1966 SC 1827), the failure of the DA, if any, to overagain discuss the evidence and record his findings does not necessarily vitiate his order. On this short ground, this contention of Sri Rao is liable to be rejected.

59. A cursory or a careful reading of the order of the DA shows that he had independently considered the report of the IO, the evidence on record and had

reached his conclusion that the applicant was guilty of the charge levelled against him. We are of the view that the DA had made his order on a genuine application of his mind and the order made by him is a speaking order. We see no merit in this contention of Sri Rao and we reject the same.

60. Sri Rao has urged that Sri C.B.Sundara Sastry who was appointed as the new Inquiry Officer should not have relied on the evidence recorded by his predecessor and should have held a de novo inquiry and his failure to do so vitiates the proceedings.

61. Sri Lakshmanachar has contended to the contrary.

62. We have earlier noticed that Walade as the Inquiry Officer recorded the evidence of four witnesses and retired from service from 31-3-1986. On the retirement of Walade, the DA appointed Sundara Sastry as the new Inquiry Officer who continued the proceedings, recorded the evidence of the remaining witnesses and submitted his report on a consideration of the evidence recorded by him and his predecessor.

63. On the necessity and legality to appoint a new Inquiry Officer, no contention had been rightly urged before us. In such a situation, as to how the matter should be regulated is dealt in sub-rule (24) of Rule 9 of the Rules which reads thus:

> (24) Whenever any inquiring authority, after having heard and recorded the whole or any part of the evidence in an inquiry cease to exercise jurisdiction therein and is succeded by another inquiring authority which has, and which exercises, such juris-

> diction, the inquiring authority so succeeding may act on the evidence so recorded by its predecessor, or partly recorded by its predecessor, and partly recorded by itself:
>
> Provided that if the succeeding inquiring authority is of the opinion that further examination of any of the witnesses whose evidence has already been recorded is necessary in the interest of justice, it may recall, examine, cross-examine and re-examine any such witnesses as hereinbefore provided.

Under this Rule it was undoubtedly open to the new Inquiry Officer to continue the proceedings, act on the evidence already recorded by his predecessor and submit his report. This is what had been rightly done by the IO.

64. The proviso does not require the IO to examine the necessity or otherwise of a de novo inquiry and make an order before proceeding with the further inquiry before him. Evidently with due regard to this rule, Sundara Sastry, the new IO continued the proceedings, recorded the evidence of all the remaining witnesses and relying on the evidence recorded before him and his predecessor, had submitted his report. We see no infirmity whatsoever in the new Inquiry Officer continuing the inquiry, completing the same and submitting his report to the DA.

65. On the foregoing discussion, we hold that there is no merit in this contention of Sri Rao and we reject the same.

66. Sri Rao has urged that the prosecution had deliberately kept back and had not examined Sriyuths Rahaman Khan, Varghese, R.Madhava Naidu, B.V.Kulkarni, and S.Somasundaram in general and Sri S.C.Manchanda

in particular, who were cited as witnesses to be examined and their non-examination completely vitiates the proceedings.

67. Sri Lakshmanachar has urged to the contrary.

68. In the list of witnesses furnished to the applicant, the prosecution had proposed to examine Sriyuths Rahaman Khan, Varghese, R.Madhava Naidu, B.V.Kulkarni, S.Somasundaram and S.C.Manchanda but did not examine them is not in dispute also.

69. The Rules do not compel the PO or the prosecution to examine all those persons mentioned in the list of witnesses on that score only. The prosecution is free not to examine any of the persons cited in the list of witnesses. If the prosecution decided not to examine Sriyuths Rahaman Khan, Varghese, R.Madhava Naidu, B.V.Kulkarni and S.Somasundaram in general and Sri Manchanda in particular, no exception can be taken for their non-examination and the proceedings cannot be invalidated on that score.

70. On more than one occasion, the IO issued summons to Shri Manchanda to appear before him for recording his evidence. But, on all those occasions Sri Munchanda was absent for reasons which are not necessary to examine. On the third or the fourth occasion also Manchanda was absent and therefore, the PO stated that he does not propose to compel his attendence and examine him as a witness in support of the prosecution case. On these facts themselves, it is clear that the prosecution had not made a deliberate attempt to keep back Manchanda. Even otherwise,

we are of the view that the non-examination of Manchanda, who was not an eye witness to the incident would not have made any difference to the decision at all.

71. When the appeal was pending before the AA, at the instance of the applicant Sri Manchanda wrote him a letter on 30-7-1987 which reads thus:

> Dear Shri Mallick,
>
> I happened to get a letter from Sri A.R.Purohit, who used to work as Sr.Clerk under me when I was Sr.DPO on Hubli Division in the year 1984. A photo copy of the letter is also enclosed. It is seen that he has been compulsorily retired in March,1987 and he has asked me to confirm certain oral orders which were given by me in regard to the case of Shri Subramaniam, Substitute Bungalow Peon for being appointed as Adhoc Typist in some future vacancies. I remember that I had passed orders that Sri Subramaniam Substitue Bungalow Peon should be consiered for promotion as Ad hoc Typist during the future vacancies. I recollect that after my passing orders Shri Purohit who was a dealer in this case had come to my room and had apprised me of the rules pertaining to the filling up of the post of Typist i.e., promotion of Class IV employes and had explained that Shri Subramaniam was not eligible for promotion as Typist because he was a Substitute Bungalow Peon and Substitue Class IV employees do not get eligible for promotion till they are regularised as Class IV servant and also completes 3 years of continuous service as Class IV from the date of absorption etc. On this I had given him oral instructions that in that case he should not consider the promotion of Sri Subramaniam as Typist because he was a Substitue Bungalow peon.
>
> I do not think this thing was put in black and white on the file and in the mean while I perhaps got transferred from Hubli. I am, therefore, sending this letter to you so that at the time of considering appeal of Sri Purohit, the above position may be helpful in disposing the appeal of Sri Purohit. While during my posting in Secunderabad I had been advised by Enquiry Officer at Secunderabad to come for an enquiry once or twice (which never materialised) but in the mean time I again got transferred to Northern Railway and, therefore, I did

not know the fate of this enquiry. I am presently posted in Moradabad for the past 8 months or so."

We are distressed on what Sri Manchanda did. The AA had rightly ignored this somewhat improper letter written to him by Sri Manchanda. We do hope and trust that Sri Manchanda will not do so in future.

72. On the foregoing discussion, we hold that there is no merit in this contention urged by Sri Rao and we reject the same.

73. Sri Rao has next contended that the failure of the DA/IO to furnish a copy of the report of the CBI and the statement of the applicant recorded before the CBI which were necessary for his defence, would constitute a denial of reasonable opportunity guaranteed to him under Article 311 of the Constitution, the Rules and the principles of natural justice. In support of his contention Sri Rao has strongly relied on the ruling of the Supreme Court in STATE OF MADHYA PRADESH v. CHINTAMAN SADASHIVA WAISHAMPAYAN (AIR 1961 SC 1623).

74. Sri Lakshmanachar contended to the contrary.

75. In support of its case the prosecution did not rely on the documents sought by the applicant.

76. The report of the CBI conducted for its own purpose, and stating that it was open to the DA to initiate departmental proceedings under the Rules, was a preliminary investigation report and the applicant was, therefore, not entitled for its supply at all.

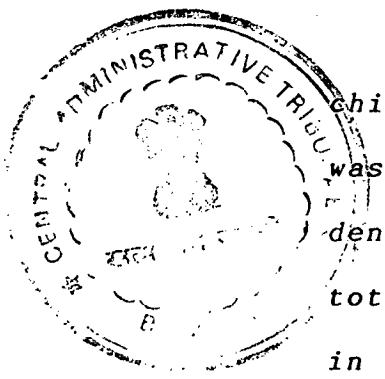
77. We have however perused that report also

and showed it Sri Rao also. We are of the view that its supply or non-supply would not have made any difference to the defence of the applicant before the IO.

78. What is true of the report of the CBI is more true of the statement of the applicant recorded by the CBI which he was well aware also.

79. In Waishampayan's case an application made by complainant and the statements recorded thereto on the same, which were the basis for initiation of departmental proceedings had not been supplied to the delinquent official and it is on those facts that the Court expressed its views. But, that is not the position in the present case. Hence, the ratio in Waishampayan's case does not really bear on the point.

80. On the foregoing discussion, we hold that there is no merit in this contention of Sri Rao and we reject the same.



81. Sri Rao has urged that the examination in chief of all the witnesses examined before the IO was not really 'substantive evidence' and their evidence if any in their cross-examination had to be totally ignored and if so held, it was really a case in which the findings were based on 'no evidence'. In support of his contention,Sri Rao has strongly relied on the ruling of the Supreme Court in MAJOR SOM NATH v. UNION OF INDIA AND ANOTHER [AIR 1971 SC 1910 = 1971 Crl.L.J.1422].

82. Sri Lakshmanachar has contended to the contrary.

*83. In his application, which runs to 30 pages and grounds which run from pages 12 to 29, the applicant had not urged this as a specific ground at all. As a matter of fact, this ground was urged only in the reply. Even before the AA and DA, the applicant had not urged this ground. On this short ground, we must reject this contention urged for the applicant without further examining the same in any detail. But, we do not propose to do so and proceed to examine the same in full.*

*84. Before the IO, the PO did not examine the witnesses as is generally done before civil and criminal courts and their evidence had not been recorded in a narrative form. The witnesses have been asked to speak to their earlier statements recorded in the preliminary investigation to the contents of which they have sworn. The defence assistant had cross-examined them on that basis. Even though this procedure was not very satisfactory, that does not necessarily mean that there was no substantive evidence before the IO and all the basic principles of evidence had been thrown overboard and this is a case in which we can hold that there is 'no evidence' to sustain the finding of guilt against the applicant at all. When we read the entire evidence of all the witnesses as that should be, it is clear that there was substantive evidence and the findings of all the authorities are based on evidence. We are of the view that the ratio in Som Nath's case does not really bear on the point.*

85. On the foregoing discussion, we hold that there is no merit in this contention of Sri Rao and we reject the same.

86. Sri Rao has lastly contended that the findings of the authorities were so perverse that no reasonable man would have ever reached those conclusions on the guilt of the applicant at all.

87. Sri Lakshmanachar has contended to the contrary.

88. We have earlier held that this is not a case in which we can hold there is 'no evidence' to sustain the guilt of the applicant.

89. On an examination of the evidence on record, all the authorities have concurrently found that the applicant was guilty of the charge levelled against him. Every one of the authorities have considered the somewhat unnatural defence pleaded by the applicant and have rejected the same. When one scrutinises the entire evidence on record, it is impossible to hold that the findings of the authorities are so perverse that no reasonable man would have ever reached those conclusions.

90. On the foregoing discussion, we hold that there is no merit in this contention of Sri Rao and we reject the same.

91. As all the contentions urged for the applicant fail, this application is liable to be dismissed. We, therefore, dismiss this application. But, in the circumstances of the case, we direct the parties to bear their own costs.

TRUE COPY

DEPUTY REGISTRAR (JDL)
CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE

Sd---
VICE-CHAIRMAN.

Sd---
MEMBER(A)

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

....

Commercial Complex(BDA),
II Floor, Indiranagar,
Bangalore- 560 038.

Dated: 17 FEB 1988

To

1. Shri.Sanjeev Malhotra,
   All India Services Law Journal,
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   New Delhi- 110 009.

2. ~~Shri.R.Venkatesh Prabhu, Member,~~
   ~~Editorial Committee,~~
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   Nagpur.

6. Services Law Reporter,
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   Chandigarh- 160 019.

Not attached to Journal
Copy retained in Section R.

Sir,

I am directed to forward herewith a copy of the under mentioned order passed by a Bench of this Tribunal comprising of Hon'ble Mr. Justice K.S. Puttaswamy Vice-Chairman/ ~~Member(J)~~ and Hon'ble Mr. P.Srinivasan Member(A) with a request for publication of the order in the Journals.

Order dated 12-2-88 passed in A.Nos. 873/87 (F)

Yours faithfully,

Sd/-
(B.V.VENKATA REDDY)
DEPUTY.REGISTRAR(J).

18-2-88

Copy of the order handed over to Shri M.S. Ananda Ramu Advocate by Smt Bhat, SO on 13-5-88. K.M. for

Copy with enclosures forwarded for information to:

1. The Registrar, Central Administrative Tribunal, Principal Bench, Faridkot House, Copernicus Marg, New Delhi- 110 001.

2. The Registrar, Central Administrative Tribunal, Tamil Nadu Text Book Society Building, D.P.I.Compunds, Nungambakkam, Madras- 600 006.

3. The Registrar, Central Administrative Tribunal, C.G.O.Complex, 234/4, AJC Bose Road, Nizam Palace, Calcutta- 700 020.

4. The Registrar, Central Administrative Tribunal, CGO Complex(CBD), First Floor, Near Konkon Bhavan, New ~~Delhi~~ Bombay- 400 614.

5. The Registrar, Central Administrative Tribunal, 23-A, Post Bag No.013, Thorn Hill Road, Allahabad- 211 001.

6. The Registrar, Central Administrative Tribunal, S.C.O.102/103, Sector 34-A, Chandigarh-

7. The Registrar, Central Administrative Tribunal, Rajgarh Road, Off Shilong Road, Guwahati- 781 005.

8. The Registrar, Central Administrative Tribunal, Kandamkulathil Towers, 5th and 6th Floor, Opp.Maharaja College, M.G.Road, Ernakulam, Cochin- 682 001.

9. The Registrar, Central Administrative Tribunal, CARAVS Complex, 15, Civil Lines, Jabalpur(MP).

10. The Registrar, Central Administrative Tribunal, 88-A, B.M.Enterprises, Shri Krishna Nagar, Patna-1.

11. The Registrar, Central Administrative Tribunal, C/o.Rajasthan High Court, Jodhpur(Rajasthan).

12. The Registrar, Central Administrative Tribunal, New Insurance Building Complex, 6th Floor, Tilak Road, Hyderabad.

13. The Registrar, Central Administrative Tribunal, Navrangpura, Near Sarder Patel Colony, Usmanpura, Ahmedabad.

14. The Registrar, Central Administrative Tribunal, Dolamundai, Cuttak- 753 001.

Copy with elclosures also to:

1. Court Officer(Court I)

2. Court Officer(Court II)

(B.V.VENKATA REDDY)
DEPUTY REGISTRAR(J).

D. No. 3600/88/Sec- IV.A

SUPREME COURT OF INDIA
NEW DELHI

Dated 28th October, 1988

From:

The Additional Registrar,
Supreme Court of India,
New Delhi

To

The Registrar,
Central Administrative Tribunal
B.D.A.Complex, Indira Nagar,
Bangalore - 560 038.

PETITION FOR SPECIAL LEAVE TO APPEAL (CIVIL) NO 10161 OF 1988

(Petition under Article 136 of the Constitution of India, for Special Leave to Appeal to the Supreme Court from the ~~Judgment~~ Order dated 12.2.88 of the ~~High~~ Central Administrative Tribunal, Bangalore in Application No.873/87.)

A.R.Purohit. .....Petitioner.

vs

Union of India & Ors. .....Respondents.

Sir,

I am to inform you that the Petition above-mentioned for Special Leave to Appeal to this Court was filed on behalf of the Petitioner above-named from the ~~Judgment~~ Order of the High Court noted above and thqt the same was/~~were~~ dismissed/ ~~dismissed~~ by this Court on the 26th day of October, 1988.

Yours faithfully,

for ADDL. REGISTRAR.

AS/hs/14.9.1988/ivA*