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

Commercial Complex(BDA)
Indiranagar
Bangalore - 560 038

Dated : 24 APR 1989

APPLICATION NO (S) 1658/88 (F)

~~W.P. NO~~ (S)

Applicant (s) Muthuswamy

Vs

Respondent (s) Post Master General Bangalore

To

1. Sh. Muthuswamy,
L.S.G Postal Assistant,
Mandi Sevanagar Post Office,
Bangalore.

2. Sh. M.R. Achar,
Advocate,
No: 1074-75, Banashankari
I Stage,
Bangalore - 50.

3. The Post Master General,
Karnataka Circle,
Bangalore.

4. Sh. M.S. Padmarajaiah,
Sr. Standing Counsel for Central Govt.,
High Court Bldgs
Bangalore-Steel.

Subject : SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith a copy of ORDER/~~STAY/INTERIM ORDER~~ passed by this Tribunal in the above said application(s) on 21-4-89.

Issued
26-4-89

o/c
DEPUTY REGISTRAR
(JUDICIAL)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: BANGALORE BENCH
BANGALORE

Dated the 21st day of April, 1989

present

THE HON'BLE MR.JUSTICE K.S.PUTTASWAMY, VICE CHAIRMAN

THE HON'BLE MR. L.H.A. REGO .. MEMBER(A)

APPLICATION NO.1658/88(F)

Shri Muthuswamy, Major,

L.S.G.Postal Assistant,

Marutisevanagar Post Office,

BANGALORE Applicant.

(By Shri M.R.Achar, Advocate for the Applicant.)

-Vs.-

Post Master General,
Karnataka Circle,
Bangalore.
...Respondent.

(By Shri M.S.Padmarajaiah, Sr.Standing Counsel for Central Government, for the respondent.)

This application coming on for hearing this day, HON'BLE MR. L.H.A.REGO,MEMBER(A), made the following:

ORDER

The applicant herein prays, that the impugned Order dated 2/4-3-1988(Ann.A), passed by the Postmaster General, Karnataka Circle, Bangalore, namely, the respondent, reducing his pay, by three stages, from Rs.1520/- to Rs.1400/- per mensem, in the time-scale pay of Rs.1400-40-1800-EB-50-2300, for a period of three years immediately, without cumulative effect, as spelt out in the

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concluding paragraph of the said Order, be set aside, and other directions given, as deemed appropriate in the circumstances of the case.

2. The following are the salient facts: The applicant was serving as Sub-Post Master (SBM), Air Force Station, Yelahanka, in the outskirts of Bangalore, when disciplinary proceedings came to be initiated against him, under Rule 14 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965 ('1965 Rules' for short), on 20/8/1986, for misappropriating the value of FPO 650, M.O.No. 0043 dated 19.6.1985, for Rs.500/- payable to one Shri K.Surendran of No.102, Battalion, B.S.F., Yelahanka, Bangalore, by forging the signature of the real payee and showing it as paid by him, as window-payment at the Sub-Post Office at Yelahanka, on 26.6.1985, in violation of Rule 263 of Posts and Telegraphs Manual, Vol.VI, Part-I, contravening thereby, the provisions of Rule 3(1)(i) and (iii) of the Central Civil Services (Conduct) Rules, 1964.

3. In the course of the disciplinary proceedings, the applicant is said to have admitted his guilt on 17.10.1986, before the Inquiry Officer('IO') namely, Shri K.N.Murthy Rao, Assistant Superintendent of Posts I/c, Bangalore East Sub-Division IIId. Accordingly, the I.O. held the applicant guilty of the charge framed against him and the Disciplinary Authority('DA'), namely,

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Director of Postal Services(S.K.)Bangalore, concurring with the findings of the IO and taking other relevant facts into account, by her Order dated 13.7.1987, imposed on him, the penalty of withholding his next one increment, for a period of six months, without cumulative effect. The applicant did not prefer any appeal thereon.

4.However, the respondent, in the course of the review of the case of the applicant suo motu, noticed, that the aforesaid punishment, imposed on the applicant was not commensurate with the gravity of his offence. He, therefore, informed the applicant, by his Memo dated 11.1.1988, that in exercise of the powers vested in him under Rule 29(1)(v) of the 1965 Rules, he proposed to revise the aforesaid Order dated 13.7.1987 of the DA. This Memo is seen to have been acknowledged by the applicant on 11.1.1988 itself. Pursuant thereto, the respondent by his Memo dated 21.1.1988, differing from the DA, informed the applicant, that he had provisionally come to the conclusion, to enhance the punishment meted out, as above by the DA(para 3 above), by reducing his pay, by three stages from Rs.1520/- to Rs.1400/- per mensem, in the time-scale of pay of Rs.1400-40-1800-EB-50-2300, for a period of three years immediately, without cumulative effect.

5.The respondent gave an opportunity to the applicant, to submit his representation if any, thereon, within a period of 15 days of receipt of the said Memo dated 21.1.1988. In response thereto, the applicant

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submitted his representation on 8.2.1988 to the respondent, pleading for leniency. After examining the case in its entirety, the respondent by his impugned Memo dated 2/4.3.1988(Ann.A), imposed the punishment, as indicated in his aforesaid Memo dated 21.1.1988, and as set out in para 1 above.

6.The applicant did not prefer any appeal thereon, but, has approached the Tribunal direct, for redress.

7. The respondent has filed his reply resisting the application.

8.Shri M.R.Achar, learned Counsel for the applicant, coursing along the beaten path of his written pleadings submitted, that the punishment imposed by the respondent on 2/4.3.1988, namely, that of reduction in pay by three stages, for a period of three years was far too severe, as compared to his guilt, if any, and that this was compounded, by subjecting him to double penalty, by retiring him, close on its heels thereafter, by retiring him compulsorily on 20.9.1988, invoking the provisions of Fundamental Rule(FR) 56(j). He further contended, that the respondent, who was actually the appellate authority, could not have acted as a revision authority as well, by acting <u>suo motu</u>, in enhancing the punishment imposed by the DA. It was thus manifest, he argued, that the action of the respondent in the above background, was patently illegal and unjust.

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9.Shri M.S.Padmarajaiah, learned Central Government Standing Counsel for the respondent, sought to support the action taken by the respondent, to revise the punishment imposed by the DA, on the basis of the provisions of Rule 29(1)(v) of the 1965 Rules. Compulsory retirement of the applicant, under the provisions of FR 56(j) he submitted, had no nexus or relevance with the same and was taken recourse to, independently, on the basis of the decision arrived at, by the High Power Committee, on examining the service record of the applicant in its totality. He contended, that the applicant had not challenged the action taken, to retire him compulsorily under FR 56(j) and therefore, he could not cite that event, as a ground to advance his prayer, to set aside the punishment imposed by the respondent, by his impugned order dated 2/4.3.1988(Ann.A).

10. Rule 29 ibid, which is the coping stone of the argument of Shri Padmarajaiah, is extracted below in toto, so as to facilitate appreciation of its true meaning and import, against the background of the case before us:

> "Revision:
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> 29(1) Notwithstanding anything contained in these rules:
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> (i) the President or
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> (ii) the Comptroller and Auditor-General, in the case of a Government servant serving in the Indian Audit and Accounts Department, or
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> (iii) the Member(Administration), Posts and Telegraphs Board, in the case of a Government servant serving in or under the Posts and Telegraphs Board, or
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> (iv) the head of a department directly under under the Central Government, in the case of a Government servant serving in a department or office (not being the Secretariat or the Posts and Telegraphs Board), under the control of such head of a department, or

(v)the appellate authority, within six months of the date of the order proposed to be revised, or

(vi) any other authority specified in this behalf by the President by a general or special order, and within such time as may be prescribed in such general or special order,

may at any time, either on his or its own motion or otherwise call for the records of any inquiry and revise any order made under these rules or under the rules repealed by Rule 34 from which an appeal is allowed, but from which no appeal has been preferred or from which no appeal is allowed, after consultation with the Comission where such consultation is necessary, and may-

(a) confirm, modify or set aside the order; or

(b) confirm, reduce, enhance or set aside the penalty imposed by the order, or impose any penalty where no penalty has been imposed; or

(c) remit the case to the authority which made the order or to any other authority directing such authority to make such further enquiry as it may consider proper in the circumstances of the case; or

(d) pass such other orders as it may deem fit:

Provided that no order imposing or enhancing any penalty shall be made by any revising authority unless the Government servant concerned has been given a reasonable opportunity of making a representation against the penalty proposed and where it is proposed to impose any of the penalties specified in clauses (v) to (ix) of Rule 11 or to enhance the penalty imposed by the order sought to be reviewed to any of the penalties specified in those clauses, no such penalty shall be imposed except after an inquiry in the manner laid down in Rule 14 and except after consultation with the Commission where such consultation is necessary:

Provided further that no power of revision shal be exercised by the Comptroller and Auditor-General, the Member(Administration), the Posts and Telegraphs Board or the head of department, as the case may be, unless-

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(i)the authority which made the order in appeal, or

(ii) the authority to which an appeal would lie, where no appeal has been preferred, is subordinate to him.

(2) No proceeding for revision shall be commenced until after--

(i) the expiry of the period of limitation for an appeal, or

(ii)the disposal of the appeal, where any such appeal has been preferred.

(3)An application for revision shall be dealt with in the same manner as if it were an appeal under these rules."

11. Resourcefully and with celerity, Shri Achar sought to turn the tables against the respondent, by invoking the very provisions of Rule 29 ibid,(relied upon by Shri Padmarajaiah) to the advantage of his client, his premium mobile, being the time-limit of six months stipulated in Rule 29(v) ibid, for the appellate authority, to revise the order passed by the DA. Developing his argument to a finesse, he argued, that the respondent had actually given notice to his client, as late as on 21.1.1988, that he proposed to enhance the punishment, imposed by the DA and had finally meted out that punishment, by his impugned order dated 2/4.3.1988(Ann.A).

12. He sedulously contended, that according to Rule 29(v) ibid,the respondent was statutorily required to revise the order of the DA, within a period of six months, from the date of that order and this period he asserted, had to be computed with reference to 2/4.3.1988, when finally the impugned order was passed by the respondent. The DA, he submitted, had imposed the punishment on his client, by her order dated 13.7.1987. The respondent he contended,

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could have revised that order latest by 12.1.1988, but he actually did so, on 4.3.1988(Ann.A), which entailed a delay of 53 days, beyond the maximum period of 6 months, stipulated under Rule 29(v) ibid. Even if for the sake of argument, the date namely, 21.1.1988(when the respondent initiated action to revise the punishment imposed by the DA, on the applicant) were to be taken into account, to compute the period, he submitted, the respondent had exceeded the maximum statutory limit of 6 months, by 10 days. In either case, he stressed, the respondent had exceeded the maximum statutory limit of 6 months, specified under Rule 29(v) ibid, on which ground alone, he pleaded with vehemence, the impugned order dated 4.3.1988(Ann.A) was illegal and therefore liable to be quashed.

13. Shri Padmarajaiah essayed assiduously, to interpret Rule 29(v) ibid, to show that the period of 6 months referred to above, was to be reckoned, not with reference to the date on which the impugned order dated 4.3.1988(Ann.A), was passed by the respondent, but with reference to the date, when action was initiated by him, to revise the order of punishment imposed by the DA. This date, he emphasised, was 11.1.1988, when the respondent clearly gave the applicant to understand for the first time, that he proposed to revise the order of punishment, imposed by the DA on 13.7.1987. In that event, he stressed, the respondent had initiated action, to revise the punishment, within the maximum period of 6 months, stipulated under Rule 29(v) ibid. Rule 29, he pertinaciously argued, did not contemplate completion but initiation of action by the respondent, to revise suo motu, the order of punishment imposed by the DA, on the applicant. The action taken by the respondent by his impugned order dated 4.3.1988(Ann.A), was only a follow-up, of what

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he had initiated on 11.1.1988, he stressed. He laid special emphasis, on the words "but from which no appeal has been preferred", appearing in that part of Rule 29, immediately below sub-rule 29(v) [See:para 10 above].

14.In computing the above period of 6 months, he sought to hone his argument finer, by invoking the provisions of Rules 23 and 25 ibid, more specifically the latter. According to him, Rules 23, 25 and 29, were to be read conjointly and not in isolation, in order to understand their true meaning and import. Rule 25 ibid, he pointed out specified , that no appeal was to be entertained, unless it was preferred within a period of 45 days from the date on which, a copy of the order appealed against, was delivered to the appellant. The logical corollary to this, he averred, was, that the period of 6 months would commence from the expiry of 45 days, from the date the order dated 13.7.1987, was delivered to the applicant and this would need to be related, he argued, to the date namely 11.1.1988, when the respondent had actually initiated action, to revise the order of the DA, as explained in para 13 supra.

15.Shri Padmarajaiah sought to buttress his argument, by relying on the Government of India(GOI) Instruction No.6, under the caption: "How to reckon the period of revision of six months", on page 133 of Swamy's Compilation of the 1965 Rules(XVth Edition) ('Swamy's Compilation', for short) and on the case law cited at S.No.3 on pages 134 and 135 ibid: 1976 KLT 172(JONEY vs. DIRECTOR OF TELEGRAPHS,KERALA). The relevant contents on all the above three pages, are reproduced below for ease of reference:

"(6)How to reckon the period of revision of six months.— According to Rule 29(1)(v) an appellate authority may within aperiod of six months of the date of the order proposed to be revised call for the records of any

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enquiry at any time either on his own mothion or otherwise and revise any order made under these rules. In D.G., P&T Letter No.15/10/67-Disc, dated the 22nd May, 1968(not printed) it was stated that the appellate authority, calling for the relevant records of the case with a view to revising an order already passed within six months of the date of the order to be revised would be acting well within this time-limit. It has now become necessary, however, to revise this order in view of a recent judgment of a High Court. Accordingly, it is hereby clarified that it will be incumbent upon the appellate authority to make a specific mention of the fact that it proposes to revise the order already passed, when calling for the papers. In other words, the appellate authority should clearly indicate in the order calling for the records of the case that it proposes to revise the order and it is in this connection the papers are being called for. At the same time, the Government servant should also be informed that the appellate authority proposes to revise the case. It is necessary to ensure that the intention of the appellate authority to revise the orders in this way is conveyed to all concerned within the stipulated period of six months from the date of the order proposed to be revised.[D.G., P&T Letter No.6/1/72 Disc.I, dated the 27th July, 1972]"

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(3) Date of calling for records relevant for determining prescribed time-limit.-- Prima facie, that the period of six months is the period within which not only the records are to be called for but the order on review should also be passed.

Even if it is sufficient to call for the records within the period of six months, it has not been averred, much less has it been shown, that the records were called for within a period of six months. This mere fact that the Director of Telegraphs might have taken a decision or had made up his mind will not make the date of his decision relevant

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for,going by the rule what is contemplated is the calling for the records of any inquiry and revising any order made and it is not shown that the records were called for within a period of six months. Any decision, tentative or final, reached by any appellate authority may not have any relevance. I fail to see how the date of issue of notice would be relevant, for the relevant rule does not refer to initiation of proceedings within the period of six months. The Rule refers to calling for records for the purpose of revision and the controversy, if at all, can be only whether it is necessary further to pass an order of review within the period of six months. Notice may be issued before calling for records, which latter event may be after the specified period. In that case the action cannot be pursued as it would be belated. The rule does not either expressly or impliedly, indicate that the date of initiation of the proceedings is relevant in the matter of fixing the time.[Joney v. Director of Telegraphs, 1976 K.L.T.172]."

16. Shri Achar invited our attention to para 24(2) on page 472, under the caption: "Review" in Chapter VI on: "Disciplinary Proceedings", of the treatise "Services under the State"(1987 Edition) by Justice M.Rama Jois, which reads as under:

"Review:

(1) No review unless power is conferred: In the absence of any specific rule authorising the authority to review an order passed in disciplinary proceedings it is not permissible for an authority to embark upon such a review.

(2) Review of proceedings must be initiated within the period of limitation Where the rules prescribe that a designated authority has the power to review an order passed in disciplinary proceedings within a specified period, such a power must be exercised by the authority within the time limit. The mere act of calling for records without anything more cannot

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certainly be equated with the initiation of the proceedings for review. The review proceedings commence only when the competent authority decides to review and directs the issue of notice to the delinquent officer, calling upon him to show cause as to why the punishment meted out to him should not be enhanced. It is not doubt open for the authority concerned to take a reasonable time for completing the process of review, and it is not necessary that it should be completed within a period of limitation. But it is imperative that the proceedings for review should commence before the expiry of the prescribed periodof limitation from the date of the order sought to be reviewed."

17.He stressed in the light of the foregoing, that action for revision, in a disciplinary proceeding, should commence within the statutory period of 6 months, prescribed in Rule 29(v) of the 1965 Rules, only when the competent authority decides to revise and directs the issue of notice to the delinquent, calling upon him to show cause, as to why the punishment meted out to him, should not be enhanced. Shri Achar submitted, that in the case before us, this action actually commenced on 21.1.1988 and not on 11.1.1988, as contended by Shri Padmarajaiah, as it was only on 21.1.1988, that a regular notice was issued by the respondent to the applicant, spelling out clearly, the nature and the quantum of punishment proposed to be enhanced. The letter dated 11.1.1988, addressed by the respondent to his client, he affirmed, was not specific in this regard but far too vague, in that, apart from not disclosing the nature and quantum of punishment proposed to be imposed, it did not even indicate, that the punishment imposed by the DA, was sought to be enhanced. While laying accent on the requirement under Rule 29(v) ibid, that the respondent should have revised the order

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of punishment, within a period of 6 months from the date of receipt by the applicant, of the order of punishment imposed by the DA on 13.7.1987 i.e., by 12.1.1988, Shri Achar contended, that even if for the sake of argument, the date of initiation of revision proceedings, was to be taken into account for this purpose, that date for the reasons aforementioned, would be 21.1.1988, in which event, it was beyond the statutory period of 6 months and therefore, he vehemently urged, the impugned order dated 4.3.1988, was illegal and invalid.

18. Shri Padmarajaiah while holding on tenaciously to 11.1.1988, as the date, when the respondent initiated action, to revise the order of punishment imposed by the DA, culled out the portion, favourable to him, from the above excerpt in the treatise by Justice Rama Jois (para 16 above), asserting, that it was open to the respondent in this case, to avail of reasonable time, to complete the process of revision and that it was not incumbent on him, to adhere strictly to the period of limitation in this regard.

19. We have bestowed careful thought, on the averments of both sides and have also examined the relevant material placed before us. The jugular vein in this case, appears to be Rule 29(v) of the 1965 Rules, on which either side strongly rely. It is the proper interpretation of this Rule which should clinch the issue. The cardinal rule of interpretation of a statute or rule is, that the words should be read in their ordinary, natural and grammatical meaning and that the most liberal construction should be placed upon the

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words, so that their effect spans the widest amplitude. Further, a syllogistic or mechanical approach of construction and interpretation, has always to be avoided and one has not to rest content with the mere grammarian's role, in order to ascertain the true scope and meaning of the statute or rule. The rule must be interpreted in the light of the well-established rule of construction, that if the words of a statute are in themselves precise and unambiguous, no more is necessary, than to expound the words in their natural and ordinary sense, the words themselves in such a case, best declaring the intention of the legislature. The ultimate aim and object is, that the interpretation must subserve and help implement the intention of the rule.

20. Bearing in mind, the above salutary principles of interpretation, let us read Rule 29 of the 1965 Rules, carefully, in its entirety(vide para 10 above), focussing attention at the same time, on Rule 29(v) ibid, which has a direct bearing on the case before us, as significantly, only that sub-rule, enjoins a specific and determinate time-frame, on the appellate authority, as distinct from other sub-rules under Rule 29 ibid, to confirm, modify or set aside the order of the DA in revision.

21. We notice, that the phraseology of Rule 29 ibid, read plainly as a whole, and sub-rule 29(v) in particular, is precise and unambiguous, as to lead to an inference, that the time-limit of six months specified in the latter, relates to not mere initiation of action by the appellate authority, to revise the order of the DA, as contended by Shri Padmarajaiah(para 13 above), but to actual effectuation(emphasis added) of the order of revision.

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22. In this context, we should understand the rationale of fixation of this time-limit of 6 months. In our view, it bears analogy to the principles, on which the edifice of the adjectival law of Limitation is built and that is:

> (i) an individual should not live under the threat of action for an undetermined period.
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> (ii) the indolent should be deprived of the power of enforcing cause of action and
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> (iii) a defendant should be protected from action, which he would not be in a position to safeguard himself, because of loss of evidence with inordinate lapse of time.

23. The span of 6 months allowed to the appellate authority, under Rule 29(v) ibid, is reasonably long, to enable him to revise the order of the DA suo motu, in justifiable circumstances. In this context, it is relevant to note, that according to Instruction No.11 of the GOI, under the caption: "Time-limit for passing final orders on the Inquiry Report" appearing on page 102 of Swamy's Compilation; the normal time-limit is stipulated as 3 months. It is learnt, that the total period for completion of the disciplinary proceedings, culminating with the orders of the DA, stipulated by the GOI, is normally 6 months. The bulk of the spadework, in disciplinary proceedings, entailing recording of evidence and examining and cross-examining of witnesses and drawing up of the Inquiry Report and imposing the order of punishment, relates primarily to the role of the IO and the DA. The task of the appellate authority is comparatively easier, as it mainly relates to, only sifting and appreciation of evidence, already placed before him. Viewed in this background and on conjoint reading of Rules 23, 25 and 29 of 1965 Rules, it is clear, that the time-limit of 6 months specified in Rule 29 ibid, relates to, not mere initiation of action, by the appellate

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authority, to revise the order of the DA but to actual effectuation of the order of revision. We are not persuaded by the submission of Shri Padmarajaiah, that this reasonably long time-limit, is confined only to initiation of action as above, by the appellate authority i.e., merely to come to a decision to that effect and communicate the same, to the delinquent.

24. We are fortified in the above view, by the following observation of P.SUBRAMONIAN POTI,J. of the High Court of Judicature, Kerala, in 1976 K.L.T. 172(JONEY v DIRECTOR OF TELEGRAPHS,KERALA):

> "It appears that the stand taken by respondents - the authorities who passed Exts. P6 and P8 orders respectively - is that the period of 6 months is not one within which the order under review itself should be passed but it is sufficient to initiate proceedings by way of review within the period of 6 months. The words of the relevant rule (i.e., Rule 29 of the 1965 Rules) indicate, that the appellate authority within six months of the date of the order proposed to be reviewed, may call for the records of any inquiry and review any order made under the rules. Prima facie, it appears to me, that the period of 6 months is the period within not only the records are to be called for, but the order on review should also be passed. But I am not finally deciding that question here as it may not be necessary for the purpose of this case. ....."

25. For the reasons aforestated, we respectfully differ from the decision of the High Court of Judicature of Andhra Pradesh on this question, in SLR 1972 AP 875(SHOUKATA KHAN v. DIRECTOR OF POSTAL SERVICES, A.P.)

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26. We find no merit, in the contention of Shri Padmarajaiah (para 14 above), that the period of 6 months specified in Rule 29(v) ibid, would commence from the expiry of 45 days, from the date of the order of the DA, imposing punishment on his client, on the premise, that this period of limitation for appeal is statutorily allowed under Rule 25 ibid. This would imply, that the appellate authority, cannot revise the order of the DA suo motu, within this period of 45 days. We find no rationale in this submission of Shri Padmarajaiah, as the appellate authority is bound, under the rules of natural justice, to afford reasonable opportunity to the delinquent, to explain his case, before revising the order of punishment imposed by the DA. Prolonging /the issue of revision order, despite the above, would only imply, that the delinquent would be subjected to unduly longer suspense, which for the reasons stated in para 22 above, would be positively to his detriment.

27. The next contention of Shri Padmarajaiah, that the period of 6 months, stipulated in Rule 29(v) ibid, should commence from 11.1.1988 i.e., the date, when the applicant was clearly first given to understand by the respondent, that he proposed to revise the order of punishment, imposed by the DA, on 13.7.1987(para 13 above) does not appeal to us, on the simple premise, that the communication addressed by the respondent to the applicant as above, on 11.1.1988, was vacuous and did not spell out, either the nature of punishment sought to be imposed on revision, or the reasons therefor. The applicant could not therefore in this background, effectively represent his case to the respondent, not to revise to his disadvantage, the punishment imposed by the DA. We are of the view, that this was possible for the applicant, only when the respondent served /him on

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a notice on 21.1.1988, when essential details as above, were made known to him. We therefore hold, that the time-limit of 6 months specified in Rule 29(v) ibid, would commence from 21.1.1988 and not from 11.1.1988.

28. The view taken by us as above, is strengthened by the following dicta of the High Court of Judicature, Andhra Pradesh in SHOUKATA KHAN's case:

> "6. ....It is only when the authority competent to review, decides upon proceeding further and issues a notice to the delinquent officer calling upon him to show cause why the punishment meted out to him should not be enhanced, that proceedings for review can reasonably be said to have been commenced. ....."

29. It is thus evident, that the respondent has not adhered to the statutory limit of 6 months, either in initiating action to revise the order of punishment imposed by the DA or in effectuating the order of revision.

30. As the applicant succeeds on this ground alone, we do not deem it necessary, to examine the other contentions urged by both sides, before us. The GOI Instruction No.6 on page 133 of Swamy's Compilation and Case Law No.(3)on pages 134 and 135 ibid, relied upon by Shri Padmarajaiah, are of little avail to him, in view of what we have discussed above.

31. In fine, we ALLOW this application and QUASH the impugned order dated 2/4.3.1988(Ann.A) of the respondent, with no order however, as to costs.

Sd —

(K.S.PUTTASWAMY)
VICE CHAIRMAN. 21-4-89

Sd —

(L.H.A.REGO)
MEMBER(A)