

**CENTRAL ADMINISTRATIVE TRIBUNAL  
JAIPUR BENCH**

**Original Application No. 29 of 2005  
Jaipur, this the 23<sup>rd</sup> day of Feb., 2010.**

**Hon'ble Dr. K.S.Sugathan, Member (A)  
Hon'ble Dr. K.B.Suresh, Member (J)**

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Alok Kumar S/o Sh. Santiswaroop  
R/o H.No.134,JDA Colony,Sirsi Road,  
Bindayaka, Jaipur.

**Applicant**

**[By Advocate : Mr. P.V.Calla]**

**-Versus-**

- (1) Union of India through the Secretary  
to the Government, Ministry of Public Grievances &  
Pension Department, Government of India,  
New Delhi.
- (2) The Joint Director, West Zone,  
Central Bureau of Investigation  
Natha Lal Pareek Marg, Kolaba, Mumbai.
- (3) The Deputy Inspector General of Police,  
Jaipur Region, Special Police Establishment,  
Central Bureau of Investigation,  
1, Tilak Marg, 'C' Scheme, Jaipur.
- (4) The Superintendent of Police, Special Police  
E`The Chief General Manager,  
O/o CGM, Gujarat Circle, Navrangpura,Ahmedabad.

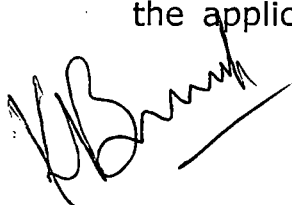
**Respondents**

**[By Advocate :Mr. Mukesh Agarwal]**

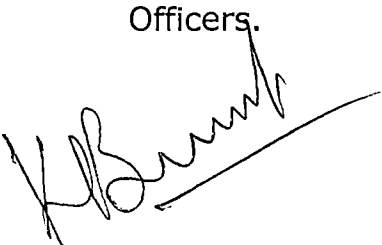
**: O R D E R :**

**[Per Dr. K.B.Suresh, Member (J)]**

A Lower Division Clerk who was working in the Central Bureau of Investigation (CBI), is the applicant herein and challenges his removal from service. In an earlier round of litigation, he had approached this Tribunal. The allegations against him is that on 17.5.2000 at about 11.00 AM one Sh. Darshan Singh who was Superintendent of Customs at Jaisalmer, apparently received a phone-call from his wife to the effect that the applicant had visited them at their house at Jaipur and is



issuing threats and dire consequences as he is in possession of a complaint made by a mighty person alleging corruption against Sh. Darshan Singh and that everything is written on the complaint regarding whatever domestic appliances, vehicles and other things in their possession and Sh. Darshan Singh complained that applicant wanted Rs. 15,000/- or else he will be jeopardised. Apparently, Smt. Darshan Singh had given the telephone to the applicant and Sh. Darshan Singh would say that the threat was repeated. Any how, Sh. Darshan Singh would say that he thereupon, directed his son Manmeet Singh who was also present to take a cheque to the SBI to withdraw the money and hand it over to the applicant. Sh. Darshan Singh would again say that on the next day at about 7.30 PM, the applicant came to the house and assured that the job undertaken has now been successfully completed and there is no need to worry any further. Sh. Darshan Singh on 22.5.2000 has started from Jaisalmer and having reached early in the morning, contacted the applicant at about 1.00 PM and asked for a meeting and apparently, the applicant failed to identify him nor recollect the conversation. He would say that his son has identified the applicant - Alok Kumar, at the CBI Office. As soon as the statement was given, the Superintendent of Police, CBI, at Jaipur, registered a regular case and entrusted investigation to Sh. Y.K. Sharma, Inspector of Police, SPE, CBI, Jaipur. On the same day at about 17:00 Hrs. Crime Case No.RC/JAI/2000(A)/0006 was registered and a copy was forwarded to the Special Judge, SPE, Jaipur and other connected Officers.



2- This was followed by a search of the house of the applicant and apparently, two Fixed Deposit Receipts of Rs. 35,000/- and Rs. 25,000/- bearing date of 22.3.2000 and 23.5.2000 were recovered. The search was conducted on the same day. Going through the list of documents of Case No. 6, the Pass Book of Alok Kumar (applicant) in Savings Bank A/c No. 7712 was also recovered but, no further mention is seen made. One Pay-in-Slip was recovered dated 23.5.2000 regarding deposit of Rs. 16000/- in the above said Savings Bank A/c No. 7712. The Pay-in-Slip for the FDR for Rs. 25,000/- dated 23.5.2000 was also seized.

3- But, after detailed investigation, the CBI found that there was insufficient evidence to prosecute him on the point of demand, acceptance and recovery to lodge a prosecution of the accused in the Court. Even though, the Investigating Officer found that on the appointed day, the applicant was on half day Casual Leave. The final report under Section 173 of the CrPC was submitted and the prosecution case was closed leading to the commencement of the departmental inquiry against the applicant.

Therefore, the case against the applicant is twin pronged as detailed below :

1) Demanded and accepted bribe of Rs. 15,000/- for allegedly extinguishing a complaint pending against the complainant Sh. Darshan Singh at the house of Smt. Jatindra Kaur in the presence of Manmeet Singh, the son of the complainant.

2) He violated the Rule 3 (1) & (2) of the Central Civil Services (Conduct) Rules, 1964, by obtaining two FD

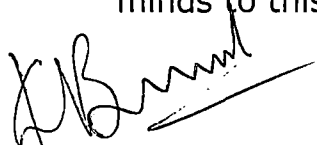


Receipts of the value Rs. 35000/- dated 23.2.2000 and Rs. 25,000/- dated 23.5.2000 and not intimating the CBI.

4- These two charges, it is submitted are independent of each other. There is no allegation nor any evidence regarding the entwining of the two. In this regard, our attention is drawn to Rule 18 Sub Clause 23, Sub Clause (4) which is quoted below :

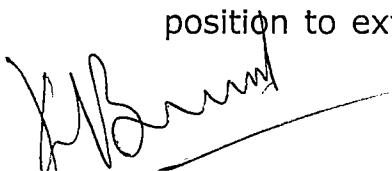
**"4. Regarding the point raised in Paragraph 1 (iii), it is clarified that a report should be made to the prescribed authority under Rule 18 (3) in regard to Fixed Deposits if the monetary limits laid down are exceeded. Deposits in a Savings Bank account made by a Government servant from out of his salary or accumulated saving would not come within the purview of Rule 18 (3) of the CCS (Conduct) Rules, 1964."**

5- It is pointed out that Bank Account Pass Book has been examined and nothing irregular has been found in it, and applicant's accumulated savings will not come within the purview of Rule 18 (3) of the CCS (Conduct) Rules. It is also pointed-out that even if Rule 18 (3) is to come into force 1/6<sup>th</sup> of the total emoluments per year is exempted even otherwise, regarding the first transaction of 23.2.2000. Regarding the second transaction, the Rule 18 (3) will not be operational as it provides for reporting the same only within a month as on the same day itself, it has become "custodia legis", and therefore, this Rule will not be operational. Therefore, it is submitted that the second charge against the applicant cannot even prima facie lie and the focus should be thrown only on the first limb of the charges and the consequence thereof. This appears to us, to be correct and valid after discussion at the Bar. It would appear that both the disciplinary and appellate authorities have not applied their minds to this crucial issue.



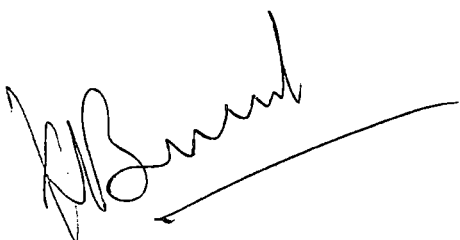
6- In relation to the first charge, it is pointed-out that more than the quantum involved the threat and duress implicit in it combined with the requisition for maintaining the purity of administration of an investigating agency like the CBI has to be very severally dealt-with, lest public trust be eroded. It is true that the CBI is an anti corruption agency and the standards they have apparently set for themselves, must be very high. If at all, there is any inadequacy on the part of its employees impeaching the integrity of its employees, it must need to be viewed seriously.

7- In fact, this matter was earlier pending and decided by a co-ordinate Bench of this Tribunal in OA No. 424/2002 decided on 31.5.2004, and the factual matrix was elaborately discussed therein, therefore, we are refraining from explaining it at length. It has come-out that the applicant had also given his own statement. His statement was that, on a particular day, Smt. Darshan Singh, who was apparently running a beauty parlour, had approached him at a petrol filling station and had apparently requested his friendship. The insinuation implicit in the defence statement of the party and the story put up by the defence is that Smt. Darshan Singh had tried to induce the applicant to help her husband who is facing an investigation by the CBI. Apparently, none of the concerned officers have taken serious note of this allegation of the defence. He would further say that repeated meetings had angered the complainant and further insinuation is that the compliant might be actuated by motives other than shown openly. But, it is difficult to understand why Smt. Sh. Darshan Singh could think that an LDC will be in a position to extinguish an investigation where a Senior Officer of

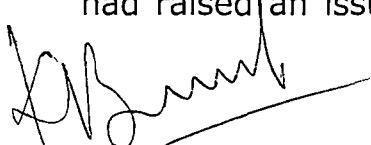


the Customs is involved, in all normal circumstances that would seem to be improbable. Out of decency or delicacy, neither the disciplinary authority nor the appellate authority had analyzed the situation of defence of the applicant, therefore, the questions which arise for our consideration are :

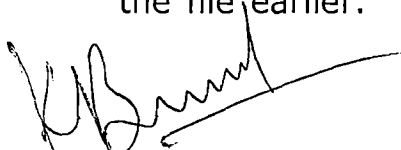
In the light of the findings and the directions contained in the earlier OA what ought to have been the analytical tool and methodology to be adopted by the appellate authority? The appellate authority, it is pointed-out had given the applicant a chance to be heard and have observed all notions of equity and fair play. It is also valid and worth-while to remember that the integrity in an investigating mechanism is a required must and any lapse on any of its employees, is to be viewed very seriously. As we have already seen that the twining of the two charges cannot lie in the eye of law for the reasons aforesaid. The disciplinary authority could, as well as the appellate authority, have considered only the first charge but, the first charge is a very serious one and if proved, would justify the applicant's removal from service without any doubt. Therefore, the question to be decided is, was it proved considering what is the extent of proof required in such matters. Therefore, we have to analyse the circumstances of the case to an extent to try and understand the prompting methodology of the appellate authority especially in the light of the fact that the colour of the 2<sup>nd</sup> charge seem to have permeated into the analysis of the first charge.

A handwritten signature in black ink, appearing to be 'R. B. S. S.', with a long horizontal line extending from the end of the signature.

In the circumstantial matrix why would an employee who is desirous of obtaining graft take half a days Casual Leave and go to somebody to induce him or her to part with the money. It is not part of reasonable behavioral pattern to be exhibited by any person. But, at the same time, it is also true that people act in many different ways depending on the moments impulses. But, why not he go in the morning as he could have also gone before the office hours or after the office hours. If he had decided to go and make a threat why not make it by telephone. Why go personally and invite the chance of being seen by witnesses. It is pointed-out at the Bar that there is something un-natural about the process of allegation. The applicant would say that he and Smt. Darshan Singh were previously acquainted and he had apparently refused to render any help and Sh. Darshan Singh, it is insinuated had engineered the complaint in order to seek revenge. But, that also does not seem to be probable as in such a situation, normally the son will not be pulled-in to be of assistance except in rare cases. Probably this im-probability would have weighed in the minds of the disciplinary authority and the appellate authority. But, at the same time, it is pointed-out that the CBI had already closed the investigation under Section 173 of the CrPC on the ground that the evidence as they gathered would not stand scrutiny in a trial and it is argued that the absolutism which is required in a criminal trial, is not required in a departmental inquiry as the civil probability is the yard-stick of measurement of evidence. But then, what is the measure of evidence that has been gathered and where does this probability lie? The complainant had raised an issue that on 17.5.2000, the applicant had come



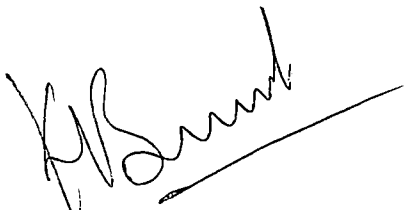
to his house showing a photo copy of a complaint against Shri Darshan Singh and according to Sh. Maneet Singh S/o the complainant, he also showed his identity card to prove his identity as a person connected with the CBI. It is also suggested that he also spoke at length to Shri Darshan Singh himself and continued the threats but, then would it not dawn on Sh. Darshan Singh at least that he is speaking to only a Lower Division Clerk and Shri Darshan Singh being a Superintendent of Customs would very well know that an LDC in the Establishment Section of even the CBI cannot in the normal course influence any investigation which has already commenced. The investigation against Shri Darshan Singh was apparently transferred to Jodhpur some time back itself and the alleged complainant turned out to be a non existent person. But, apparently, the complaint contained facts of a verifiable nature which apparently raised the level of trust in the veracity of the complaint in the mind of Sh. Darshan Singh. However, according to his complaint, it was sufficient to prompt him to direct his wife to part with Rs. 15,000/-. In between comes the curious case of Suresh Chand Sharma, Daftry, who allegedly tried to sneak the same complaint from the establishment file quite some time back. Some how or the other, he was caught but, treated leniently by the concerned authorities. So, the question arises as to for whom was he trying to pinch the file. It is not very clear whether the attempt to pinch the file was made before or after the closure. But, apparently, the CBI, had closed the file as the alleged information giver has professed ignorance about the complaint. We do not know whether the complainant knew about the file earlier. We are not sure at this juncture whether, it is



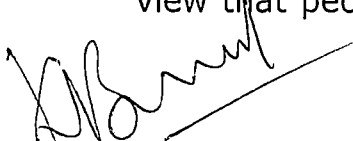


Om Prakash or Ex. M.P. himself, who professed ignorance, however, the complaint was dropped and the allegation is that an already dropped complaint was used as a ruse by the applicant to extract money. But, had it been so, one can expect that many other files also would have been closed. Was there any complaint relating to these? Since there is no such mention, we have to conclude that this is an isolated incident.

8- Corruption and graft has a way of repeating itself. Once a person learns that situations can be twisted to his advantage and money to be made out of it. It normally becomes a habit. It is pointed out that if these kinds of methodology is being used by the applicant then it would have a reflective effect on his whole career. Apparently, then this is the single instance and there is no such other allegation against the applicant. His Bank Pass Book was seized by the CBI, his house searched minutely and the two receipts of FD were unearthed. Therefore, the search must have been indeed searching. Had there been any irregularity in the earning pattern, it would have definitely been reflected in the spending pattern and nature of possessions of the applicant. But, apparently, none of real value other than these two instruments were squeezed out of the applicant in the search. Since nothing more is said about the Pass Book of the Bank, we will assume that it was found to be in order and was properly reflective of his own source of income. Therefore, on this ground also, the second charge will lose its evidence value and validity. Apparently, he had been in service for quite a number of years. It was also pointed out that his superiors had time and again appreciated his work.

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9- In this factual matrix, how are we to find out probabilities arising out in the allegations ? What is the nature of evidence alleged against him? Going through the pleadings and the papers, we find that apparently, the evidence of one maid was omitted in the proceedings. She was proposed as an eye witness. The applicant would focus on this as a lacunae from which an adverse inference has to be drawn. But, he had not been able to point out the significance or cognitive value of these lacunae. But, except for the evidence of three people all other statements may not be of any help in any direct evidential value but, the statements of the complainants seems to be taken as a corroborating incidence by the authorities. The applicant questions this methodology. He would say that they are all each of them jointly involved and their evidence should be drawn as one and not as separate entities corroborating each other. He would say that they have a joint purpose and a joint intent and they are not independent witnesses. Since they are not independent witnesses, he would assert that they cannot corroborate each other. He would say that for lack of corroboration, the evidential value of the statements are Nil in the face of its denial and also the defence he has set-up. But, as pointed out by the concerned authorities, he had not asked when he had the chance of Smt. Darshan Singh about his earlier friendship with her. Even though, he would say that decency and delicacy prevented him from doing so, we cannot lightly brush away this objection of the respondents. He says that he asked these questions to Sh. Darshan Singh, which was disallowed. Apparently, it was done as the inquiry officer was of the view that people should be cross-examined on the basis of their

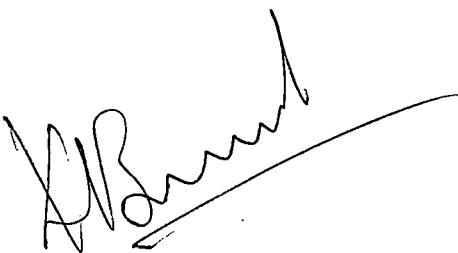


statements. This may not be a legally correct proposition and a wider latitude is to be given to a cross examiner. Therefore, the question would be raised is, the probability that have arisen in the matter and had it been rightly considered. In view of the fact that this is a second round of litigation, we had considered most anxiously every aspect which arises in this matter. On the one hand, we are moved by the prayer of the applicant that he is facing starvation along with his innocent family but, at the same time, the respondents' plea that they must maintain the highest sense of integrity in the discharge of duties is absolutely true. So, how to find out a way in between these two is the crux. From the ***Olga Tellis'*** case onwards, we had searched most anxiously and found that right to livelihood is an essential part of right to live which is also an essential element of constitutional process. In the ***Olga Tellis Vs. Bombay Municipal Corporation*** reported in AIR 1986 SC 180, Hon'ble the Supreme Court had said that the question which we have to consider is whether the right to life includes the right to livelihood. We see only one end to that question namely that it does. The equally important facet of that right is a right to livelihood because no person can live without the means of living and if the right to livelihood is not treated as a part of the constitutional right to live, the easiest way of depriving a person of his right to life would be to deprive him of his means of livelihood to the point of abrogation. In ***Delhi Transport Corporation Vs. DTC Mazdoor Congress***, reported in AIR 1991 SC 101, Hon'ble Justice Sawant observed that the right to life included the right to livelihood and the latter could not hang on fancies of individuals in authority.

**Employment was not a bounty for them and their survival**



**could not be at their mercy.** Hon'ble Supreme Court proceeded to extend the right to life to include the right to work via the right to livelihood by further observing that where work was the sole source of income of a person, the right to work became as much fundamental as the right to livelihood. In ***Shantistar Builders Vs. Narayan Khimalal Totane***, reported in AIR 1990 SC 630, Hon'ble the Apex Court expressed a view that right to life would take within its sweep the right to food, the right to clothing, the right to decent environment and a reasonable accommodation to live in. The difference between the need of an animal and of a human being for shelter was that in the case of an animal it was the bare protection of the body while in the case of a human being it had to be suitable accommodation which would allow him to grow physically, mentally and intellectually. In the case of ***State of Bihar Vs. Lal Krishna Advani***, reported in 2003 (8) SCC 361, it was observed that right to reputation, is a facet of right to life and, therefore, protected by the constitutional process. Needless to say the shame of being dismissed from service and which leave in the mind of the people around the applicant a stigma and will prejudicially affect his further life as well as those of his family. In the case of State of ***M.P. Vs. Kedia Leather & Liquor Limited***, reported in (2003) 7 SCC 390, the Apex Court observed that the right to live with human dignity becomes illusory in the absence of humane and healthy environment, thus human dignity is an implicit content of the right to live.



10- Therefore, it was found in the earlier O.A. that one 'Kam-wali-bai', was dis-allowed by the inquiry officer as a witness despite the fact that she was apparently the only eye-witness in that case. The applicant would point-out the failure to examine her and the attempt of the respondents to hold applicant guilty on the basis of conjectures and surmises is illegal and arbitrary. The applicant points out that it might be Sh. Suresh Chand Sharma, Daftry, who removed the complaint against Sh. Darshan Singh and was chargesheeted and apparently, was allowed to go with some minor penalty the concerned person. His case is that the complainant's story is destroyed by the fact that **even though the alleged incident took place on 17.5.2000, the date of cheque was 16.5.2000 i.e. is a day prior.** The appellate authority had found that it might be a mistake on the part of Mrs. Singh as she was highly stressed and had made a small mistake. In the closure report, **the investigating officer had clearly said that there is no direct evidence on the point of demanding, taking and accepting bribe.** It is pointed out that therefore, the finding of guilt is based on no evidence and as this matter is covered by more than hundreds of Supreme Court's rulings, no further illumination is required. In fact, by a Bench of this Tribunal, who heard the matter earlier, the factual matrix was considered in detail and, therefore, we do not want to go into lengthy analysis of the same. Suffice it to say that the analysis made by the earlier Bench seems to us to be proper and correct. In the earlier proceedings, this Tribunal had reason to direct a re-examination of the matter by the appellate authority after quashing the order Annex. A/2 in 2002. The appellate authority, having heard the



matter and found sufficient in itself to confirm the order of the disciplinary authority, the applicant had come again to this Tribunal. A reading of the order of the appellate authority indicate that it is guided by the requirement of the investigating authority to be above suspicion and thereby to protect the purity of administration of the institution at whatever cost. While the intention behind this methodology is appreciated the converse is also true. The investigating authority has also the responsibility of finding of the truth and stick to the truth. However, unpalatable it may be. One cannot, for a moment assume that a Superintendent of Customs should be so ignorant of the methodology of a Government department. An LDC cannot be expected to have the power to order closure of any pending investigation. At best, it can only be assumed that he is acting as an agent of any Senior Officer but, that is not the focus of the allegations made and the amount involved is too petty for anybody to be persuaded that a senior officer would have been running a racket in such an institution. The methodology adopted allegedly by the applicant, is a repeatable procedure even if we were to be persuaded that this might be successive incidence. Going by the version of the complaint and normal human prudence it seems a bit far fetched, unless it is a part of a regular operation. Then, it would be reflected in the search made on the very same day and on the date when regular charge had been filed. The appellate authority would say that the written brief after recording of the evidence and the subsequent representation is not reflective of the defence of the applicant. He would say that the standard of proof required in a departmental inquiry is different and he would say that based on

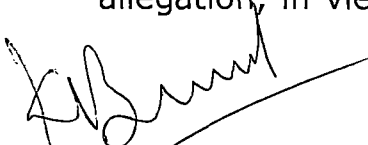


the gravity of the charge proved against the applicant that there cannot be any other order than the dismissal. They would say in the reply that the inquiry officer had based his findings on the evidence of Jatindra kaur, Manmeet Singh and Sh. Darshan Singh and other materials available on record but, it is pointed out that there is no other material available on record. Therefore, there is only the evidence tendered by the complainant themselves which we have already found that is to be treated to be one and not corroborating each other. The respondents would say that the appellate authority has passed a reasoned order on the basis of evidence available on record but, still there is no mention about the statement the applicant had given in which, he had explained his acquaintance with Mrs. Darshan Singh. Had a Civil Court of first instance, being a trial court considered this matter. In the light of the frailty of the cheque, improbability of the allegations and the lack of corroboration of evidence, when taken together, it is pointed out, would have exonerated the applicant.

11- We were also taken to the statement of Shri Niranjana Godara, Inspector of Central Excise and the way in which the applicant was called for identification. The procedure adopted for identification was absolutely incorrect. There is also a complicating matter of Shri Suresh Chand

Sharma, Daftry, who, it is said, was involved in the same matter which was received by the file No. 6992 dated 4.10.1999 which was handed over to one Sh. Raj Kumar, LDC of CBI on 5.10.1999 for further action. Therefore, the investigation on this matter against Sh. Darshan Singh having had seed of genesis atleast on 5.10.1999 itself, one cannot presume that the nature of inquiry would not have reached Sh. Darshan Singh also. It is after this that Sh. Suresh Chand, who is a Daftry, had allegedly removed the complaint from the file and got caught in the event. Therefore, before the advent of applicant on 17.5.2000, the matter of Sh. Suresh Chand, Daftry, being caught for pinching the same file would have been the subject matter of discussion in any Government office. When one person is caught on proceedings on a file one cannot likely presume that the applicant would try to create gains out of the same file. Atleast his methodology would have been more careful and intentions of concealment would have been more apparent. In the present case, the allegation is that he went straight and therefore had got money. Therefore, the methodology as suggested by the complainant and accepted by the respondents lacks probity and probability. It is brought to our notice that the CBI had disposed of the file relating to Sh. Suresh Chand Sharma, Daftry pertaining to the complaint against Sh. Darshan Singh with very lenient punishment. Why is this, is the question raised by the applicant.

12- Having anxiously considered all the aspects which would arise in this matter and after having heard the counsel in detail, we have come to a conclusion that among the two prongs of the allegation, in view of the discussion above, the second prong of





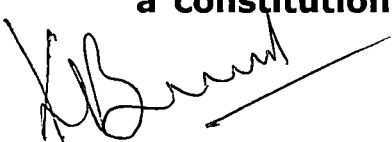
concealment of income as reflected in two FDs will not lie. There need not be any intertwining of these two as there is no evidence at all nor any supportive allegations on it. Therefore, we hold that the second prong do not exist at all. Relating to the first prong of the charge, we have already found that the evidence tendered by the complainants forms one set which is not distinguishable from each other and each cannot lend credence to each other so as to be corroborative. There is no further corroboration of evidence and in view of the lacunae of non examination of Kankali the alleged eye witness, it have been become more so. We also take note of the fact that the prosecution had been closed on the very same ground of the evidence not capable of not surviving the scrutiny of a trial. It is stressed that the gravity of the offence is very high. But, it is also pointed out as that gravity of the punishment imposed is very high and, therefore, assessment of evidence must be of a higher degree. In between the competing ideology a rationale and logical consequence has to be evolved out of this. We have already found that the complainants allegations lacks veracity, probability and is unverifiable by direct corroboration. It is also not corroborated by circumstantial evidence. Further, it suffers the lacunae of a different story when on examination in the light of the date of the cheque even though the appellate authority had given a different version and had accepted it. It is more pertinent and trite that when the applicant has given a version, the correctness or not of that version is impeachable but, then not even an attempt against the version is made and probably and in all probability the lack of impeachment must be the reason for closure of prosecution case as well, it is pointed out.



Therefore, we have to hold that there is no probability which is evolved out of the solitary value of the evidence of complainants and based on such evidence, no judicial body can allow the life of a man to be trampled. This Tribunal had given enough opportunity for the appellate authority to revisit the situational matrix if in its considered opinion, it is required so. But, without any fresh inputs that has been rejected.

13- At this juncture, we are reminded of our own jurisprudential parameters and the extent of judicial control over administrative action. Are we to sit in judgement over both the manner and matter of the decisions of administrative authorities or should we restrict ourselves to analyzing the manner in which they decide.

14- Normally, such administrative decisions need not be further interdicted by judicial forums. But, when administrative decisions, which must be based on concrete factual and statutory matrix, which again is required to be within constitutional parameters, is inadequate and wanting a jurisdiction is imposed upon the judicial forums to intervene. **As observed by the Hon'ble Supreme Court in *O.P. Gupta Vs. Union of India and Ors.*, reported in AIR 1987 SC 2257, in Paragraph 15 that, "there is no presumption that the Government always acts in a manner which is just and fair". We also take note of the decision of the Hon'ble Supreme Court in *State of Maharashtra Vs. Chandrabhan*, reported in AIR 1983 SC 803, which held that a civil servant under the disability of a trial court conviction has a constitutional right of continued existence and that he**

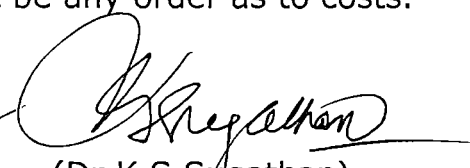
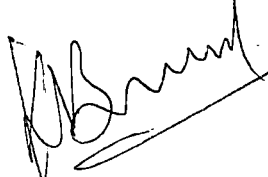


**requires it to fight his case in the appellate forums. It held that subsistence allowance cannot be denied to him.** To use the same analogy, it is pointed out that with the efflux of time, the capacity of the applicant to seek redressal of his grievance would proportionately come down, but, whereas, administrative machinery has no such constraints. This matter has been in existence for a decade by now.

Therefore, we hold that this is a case of no evidence and incorrect appreciation of evidence leading to great prejudice amounting to extinguishing human lives, and, therefore, the order of the appellate authority dated 2.9.2004 up-holding the order of the disciplinary authority as well as the order of the disciplinary authority dated 1.11.2001 are quashed and the respondents are directed to reinstate the applicant back in service with all future consequences including back wages, but, since we are sure that there was no malafides in the hearts of the respondents other than the intense desire to protect the purity of their service, there would not be any order as to costs.

15- The OA is allowed as above.

(Dr. K.B.Suresh)  
JM

  
(Dr.K.S.Sugathan)  
AM