

7

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR**

ORDER SHEET

ORDERS OF THE TRIBUNAL

29.11.2011

OA No. 499/2011

Mr. S.K. Jain, Counsel for applicant.
None present for respondents.

List it on 20.12.2011 for final disposal.

Anil Kumar
(Anil Kumar)
Member (A)

ahq

20.12.2011

Mr. S.K. Jain, Counsel for applicant.
Mr. Mukesh Agarwal, Counsel for respondents

Heard. The OA is disposed of by a
separate order.

Anil Kumar
(Anil Kumar)
M (A)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH, JAIPUR.

Jaipur, the 20th day of December, 2011

ORIGINAL APPLICATION No. 499/2011

CORAM :

HON'BLE MR.ANIL KUMAR, ADMINISITRATIVE MEMBER

Shri Bhim Singh Meena son of Shri P.S. Meena aged 57 years, resident of 346-47, Kataria Sadan Kamla Nehru Nagar, Hasanpura, Jaipur now a days Superintendent, Circle Stamp Department, Jaipur.

... Applicant

(By Advocate : Mr. S.K. Jain)

Versus

1. Union of India through Secretary, Ministry of Communication & IT Dak Bhawan, Sansad Marg, New Delhi.
2. Chef Post Master General, Rajasthan Circle, Jaipur.
3. Director General (Post)/Secretary (Post), Government of India, Ministry of Communication & IT Department of Post Dak Bhawan, Sansad Marg, New Delhi.

... Respondents

(By Advocates : Mr. Mukesh Agarwal)

ORDER (ORAL)

The applicant has filed this OA thereby praying for the following reliefs :-

- "(i) That by an appropriate order or direction the impugned order of the No. 2 (Annexure A/2) dated 13.7.2011 be quashed and set aside.
- (ii) That the impugned charge sheet (Annexure A/1) dated 23.09.2010 issued by respondent no. 2 be quashed and set aside.
- (iii) That by an appropriate order or direction the appellate order (Annexure A/3) dated 10.10.2011 be quashed and set aside and the applicant be declared to have been absolved of the guilt and the charges levelled against him.
- (iv) Any other relief this Hon'ble Tribunal deems fit may also be granted to the applicant."

Anil Kumar

2. The brief facts of the case, as stated by the applicant, are that the applicant while working as Superintendent of Post Office, Dholpur, was issued a charge sheet dated 23.09.2010 (Annexure A/1). That the applicant filed the reply of the said charge sheet on 09.11.2010 (Annexure A/4). Prior to it, the applicant had demand documents for his defence vide letter dated 04.10.2010 and 28.10.2010 and also requested for supply of photocopies of the documents. The respondents rejected the prayer for the supply of the above documents except for six documents alleging that the said remaining documents were not relevant for the purpose. The copy of this order dated 29.10.2010 has been annexed as Annexure A/5. That respondent no. 2 held the applicant guilty and impose the penalty of recovery of a sum of Rs.1,46,580/- and directed the said amount to be deducted from the salary of the applicant to the extent of Rs.10,470/- per month. The said penalty order has been annexed as Annexure A/2. That while dealing with the defence of the applicant, respondent no. 2 acted in prejudicial manner. He did not deal with the defence at all and gave contradictory findings. This clearly shows non application of mind to the facts of the case and hence order of respondent no. 2 is vitiated.

3. That the applicant in Para No. 2 of the representation had prayed for the oral inquiry in this matter as per Rule 16(1)(b) and 16(2) of the CCA Rules. The above decision of the Government of India has been given vide

Anil Kumar

Government of India, Department of Personnel & Training
OM NO. 11012/18/85-Estt(A) dated 28.10.1985. That
from the above instructions, it is clear that the request of
the applicant could not be rejected solely on the ground
that the request is not acceptable as he did not mention
any ground to justify the oral inquiry.

4. That the respondent no. 2 has not taken cognizance
of the fact that after the transfer of the applicant, one Shri
Bhanwar Singh Meena was posted till August 2007 and he
too did not take any action of issuing the charge sheet to
the SPM and did not report the matter to the Police also.
Assuming that the applicant had failed in taking these
steps, the same misconduct had been committed by the
said Bhanwar Singh Meena and yet he has not been
proceeded with the departmental inquiry nor he has been
issued any show cause notice as to why the disciplinary
action be not taken against him. Thus, it is wholly a
discriminatory action against the applicant. There is no loss
to the Government in this case as the accused SPM, Shri
Inder Singh, has been released on bail on the condition of
deposit of the said amount and after his deposit, the said
employee has been released on bail. Therefore, if the
Department is able to prove the case in the criminal court,
the said amount shall be given to the government.
Moreover, no reason has been assigned as to how the
applicant is responsible for the alleged loss.

Anil Kumar

5. That an appeal was filed against the said order, which was decided by respondent no. 3 vide order dated 10.10.2011 (Annexure A/3). That the said order of the Appellate Authority is illegal and liable to be quashed and set aside. That the appellate order is wholly perverse and as a result of bias against the applicant for having made allegation against Shri Upmanya, the then DPS (HQ). That the Appellate Authority has failed to apply his mind before passing the order. That the applicant received the report of the SDI on 18.04.2007 and he was relieved from his posting on 24.04.2007. Thus the applicant had only six days including the date of relieving to act upon the said report. During this period, the applicant had sought clarification from the widow of the deceased i.e. complainant in this case. The death certificate of Shri Babu Singh has not been sent to the Post office till 24.4.2007 and hence no occasion arose to take action against the employee, Inder Singh, SPM. These facts have not been considered by the Appellate Authority as well as Disciplinary Authority and, therefore, the order of the Disciplinary Authority as well as the Appellate Authority are vitiated and be quashed and set aside.

6. The respondents have filed their reply. In their reply, that have stated that Shri Babu Singh and Smt. Asha Devi opened 6 joint MIS Accounts at Udaibhanganj Post Office Dholpur, which were prematurely closed by the SPM in the month of February, 2006 under forged signature of depositor, Shri Babu Singh, who expired on 07.11.2005.

Anil Kumar

Smt. Asha Devi submitted a complaint dated 10.06.2006 to the Superintendent of Post Office, Dholpur under Bula Ngar Registered letter No. 39 dated 10.06.2006 which was received in the office of the applicant i.e. Superintendent of Post Office, Dholpur on 12.06.2006 but no action was taken by the office of the applicant. When she did not receive any reply from the office of the applicant, she submitted another application on 26.02.2007 (Annexure R/1). On receipt of the application, the applicant directed to SDI (P) Dholpur to conduct the inquiry in the case. The SDI (P) Dholpur conducted the inquiry and submitted his report vide letter dated 16.04.2007 which was received in the office of the applicant on 18.04.2007. The report was submitted before the applicant on the same day but the applicant instead of taking action against the SPM and lodging FIR in the Police, ordered to obtain the explanation of the SPM regarding payment in cash more than Rs.20,000/- against the instructions of the department and sought unnecessary clarification from the complainant which was not required in the case of fraud as immediate action was to be taken to book the culprits but he neither reported the case to the Circle office nor lodged FIR in the police, which resulted the SPM Udaibhanganj to retire on 30.04.2007 without any action against him due to negligence of the applicant. Therefore, the Disciplinary proceedings was initiated against the applicant, Shri Bhim Singh Meena, Superintendent of Post office under Rule 16 of the CCS (CCA) Rules, 1965 vide its Memo of even number dated 23.09.2010. As per the report of the SDI

Anil Kumar

(P), Dholpur, the fraud of Rs.2,93,163/- was clearly established but the applicant neither reported the case to the Circle Office immediately nor lodged FIR in the police as required vide Rule 170, 175 and 176(A) of Postal Manual Vol. V (Fifth Edition) [Annexure R/2]. He did not take action to initiate disciplinary action against Shri Inder Singh Panwar immediately as he was due to retire on superannuation on 30.04.2007 and also did not take any action to recover the loss of Rs.2,93,163/- sustained by the department on account of fraudulent payment of the said MIS Accounts made by Shri Inder Singh Panwar. It is, therefore alleged that Shri Bhim Singh Meena by doing the above act has failed to maintain devotion to duty and thereby violated the provisions contained under Rule 3(1) (ii) of CCS (Conduct) Rules, 1964.

7. That the disciplinary action initiated against him ended with imposition of recovery of Rs.1,46,580/- in 14 instalments of Rs.10,470/- per month commencing from the pay of July, 2011 vide Memo of even number dated 13.07.2011. Aggrieved from the order of recovery, the applicant filed OA No. 333/2011 before the Hon'ble CAT, Jaipur Bench, which was decided at the admission stage by the Hon'ble CAT Bench Jaipur vide its order dated 29.07.2011 with the direction to the appellant to prefer an appeal before the Appellate Authority within 15 days from the date of order. The applicant submitted an appeal dated 11.08.2011 against the punishment order to the Appellate Authority. The Appellate Authority after considering all the

Anil Kumar

facts, grounds raised by the applicant in his appeal and record of the case, has rejected his appeal vide order No. 32-5/2011-Vig dated 10.10.2011 and the same has been delivered to the applicant on 20.10.2011. The order of the Appellate Authority is the well reasoned and speaking order and the same has been passed in consonance with the relevant provisions of rules. Thus, in view of facts submitted above, the OA of the applicant has no merit and liable to be dismissed.

8. The respondents have further submitted that the applicant vide his application dated 04.10.2010 requested for supply of some documents before submission of his representation. After examination of his request, the documents which were considered relevant to the case by the competent authority, were supplied to him vide office letter dated 29.10.2010. He again submitted an application dated 30.10.2010 for supply of some more documents. On examination of his request, the documents demanded by the applicant were not found relevant to the charges leveled against him, hence his request was rejected and he was informed accordingly. Thereafter, the applicant has also submitted his reply of representation on 09.11.2010. All the points raised by the applicant in his reply/defence has been discussed in the punishment order by the Disciplinary Authority and order has been passed after considering all the facts and record of the case as evident from the punishment order dated 13.07.2011. Therefore,

Anil Kumar

the allegation of the applicant that respondent no. 2 acted in prejudicial manner is totally wrong and misconceived.

9. The respondents have further submitted that the request of the applicant for holding oral inquiry under the provision of Rule 16(i) (b) as per rule 14 (3) to 14 (23) of CCS (CCA) Rules 1965 was considered by the disciplinary authority and found not acceptable as the charged officer did not mentioned any ground to justify oral inquiry. It was also observed that the allegation against the charged officer was only for not taking action against the SPM Udaibhangang after receipt of inquiry report from the SDI (P) Dholpur Sub Division on 18.04.2007. The copy of the inquiry report and other relevant documents had been supplied to the Charged officer and he did not challenge the validity of the said documents. Thus the Disciplinary authority after considering his request did not find any justification to hold oral inquiry. Therefore, the procedure followed by the Disciplinary Authority in this case is in accordance with Rule 16 of the CCS (CCA) Rules, 1965. In this respect the respondents have relied the judgment of the Hon'ble Supreme Court in the case of **U.P. State Sugar Corporation Ltd. vs. Kamal Swaroop Tandon**, 2008 (2) SCC 41.

10. The contention of the applicant that no action has been taken against Shri Bhanwar Singh Meena is not correct. It has been stated that Shri Bhanwar Singh Meena was a Group 'A' Officer. Hence draft charge sheet against

Anil Kumar

Shri Bhanwar Singh Meena has been submitted to the Directorate for initiating disciplinary action vide office letter No. Vig-2-2.2010/CLI dated 23.09.2010.

11. The respondents have stated that Shri Inder Singh Panwar has deposited the amount in the court as security to get bail and not against the said fraud committed by him. That the amount of loss cannot be recovered from the pension and gratuity without initiating disciplinary action before his retirement which was not done by the applicant. The respondents have further stated that the supplementary CLI was conducted in the case but the competent authority did not accept the contents mentioned regarding not available sufficient time with the applicant on the basis of documents produced before him. The competent authority i.e. Chief PMG has observed that six days' time was sufficient to lodge FIR in the police and issue of order for initiating disciplinary action besides placing the official under suspension keeping in view of the date of superannuation of the official on 30.04.2007. As such the action of the Disciplinary Authority to issue charge sheet and awarding punishment of recovery is legal and as per rules. The amount of loss to the Government could not be recovered due to the negligence of the applicant and the loss of amount is still outstanding. Therefore, the applicant has been correctly punished. The respondents have submitted that the OA has no merit and it may be dismissed with cost to the respondents.

Anil Kumar

12. The applicant has filed rejoinder.

13. Heard learned counsel for the parties and perused the documents. Learned counsel for the applicant reiterated the facts as stated in the OA. He argued that the charge sheet has been issued on the basis of malafide against the applicant. The report of the SDI was submitted on 18.04.2007. He had only 6 days to act on the inquiry report. Since the death certificate of Shri Babu Singh was not available on record, therefore, the applicant considered it necessary that before lodging a FIR or before initiating departmental proceedings against Shri Inder Singh Panwar, all the documents be collected and, therefore, he sought clarification from the SPM Udaibhanganj and also from the complainant but the respondent no. 2 due to malice did not give weightage to these points and issued charge sheet against him. That after his transfer, his successor also did not initiate any action or lodged FIR but no action has been taken against him. Thus the applicant has been discriminated for the so called negligence on his part. The SPM made payment by cash instead of cheque. Had the payment been made by cheque, this loss of Rs.2,93,163/- would not have been sustained by the Department. The loss has been caused by the action of Shri Inder Singh Panwar, the then SPM Udaibhanganj and not by the applicant. Moreover, the applicant requested for oral inquiry but his request was rejected without assigning any reasons. He further argued that while assessing the amount of loss, no reason has been assigned as to how the

Anil Kumar

applicant is responsible for the alleged loss; as such no recovery can be made from him. The SDI (P) report dated 16.04.2007, which is at Annexure R/4 does not indicate any lapse on the part of the applicant. The report also suggested that the signature of Late Shri Babu Singh tallied with the signature of Babu Singh in From No. SB 7 with the signature on the MIS Ledger Account No. 8600715 and in view of these facts, it was necessary to have clear picture about these facts so that further action could be taken against the erring officer. He further argued that that there was withdrawal of Rs.3300/- as interest on the said amount of Account NO. 8600715 on 04.01.2006 by Smt. Asha, the widow of the deceased Babu Singh, yet the fact of death of the deceased has not been communicated to the Post Office till 29.05.2007. This clearly shows the malafide intention of the complainant. That the death certificate of Shri Babu Singh was not sent to the Post Office till 24.04.2007. Hence no occasion arose to take action against the employee, Inder Singh Panwar, the then SPM and these facts have not been duly considered by the Disciplinary Authority as well as the Appellate Authority. That the Appellate Authority committed serious illegality in brushing aside the complementary CLI which clearly held that the applicant had no sufficient time to take action against the erring officers as observed in Para 5.4 of the appellate order. No appeal was filed by the Department against the order of the District Consumer Forum inspite of the fact that Government counsel had advised to file appeal. He further

Anil Kumar

argued that since recovery could be made from retiral benefits and from the amount deposited on the bail order, hence there was no loss caused to the Government. That being so, recovery could not be made from the applicant at all. Therefore, no case has been made out against the applicant either of negligence or of omission. Therefore, the charge sheet, the punishment order and Appellate order may be quashed.

14. The applicant requested for 20 documents from the respondents but he was given only 6 documents vide Annexure A/5. The respondents have stated that the rest of the documents were irrelevant to the charges levelled against him and hence these documents were not supplied to him. One of the documents that the applicant requested was CLI carried by the then DPS (HQ.) and supplementary CLI by the DPS (HQ.) Jaipur. They were important documents because the departmental inquiry was based on these reports and non supply of these important documents vitiates the entire departmental proceedings. He also argued that as per Rule 11 of the CCS (CCA) Rules, 1965, penalty of recovery can be imposed on a Government servant - recovery from his pay of the whole or part of any pecuniary loss caused by him to the Government by negligence or breach of orders. He argued that in the present case, the alleged fraud has been committed by Shri Inder Singh Panwar, the then SPM. Therefore, the applicant is not responsible for the loss caused to the Government. Further the loss to the

Anil Kumar

Government has not been caused either by the negligence of the applicant or breach of orders by the applicant. Therefore, the recovery cannot be made from him.

15. Learned counsel for the applicant in support of his arguments referred to the following cases:-

- (i) Inspector Prem Chand vs. Govt. of N.C.T. of Delhi and others, 2007 (2) SCT 650
- (ii) Indian Railway Construction Co. Ltd. vs. Ajay Kumar, 2004 (1) ATJ 169
- (iii) Ashok Maganbhai Rathod vs. Union of India 2004 (1) ATJ 263
- (iv) Shri Dilip Kumar Rabidas vs. Union of India & Others, 2005 (1) ATJ 40

16. On the contrary, learned counsel for the respondents argued that the report of the SDI Dholpur dated 16.04.2007 was received in the office of the applicant on 18.04.2007 but the applicant instead of taking action against the SPM and lodging FIR to the police, ordered to obtain the explanation of the SPM regarding payment in cash of more than Rs.20,000/- against the instructions of the Department and sought unnecessary clarification from the complainant. The applicant should have immediately taken action and lodged FIR against the culprit. He also did not report the matter to the circle office. The inaction on the part of the applicant resulted in the retirement of the then SPM Udaibhanganj on 30.04.2007. The applicant remained posted till 24.04.2007 and that he had clear 6 days time to take action against the then SPM, who was mainly responsible to the loss to the Government.

Anil Kumar

Therefore, due to the negligence of the applicant, the Government has sustained a loss. The penalty has been imposed on the applicant after following the due procedure and thus the order of the Disciplinary Authority as well as Appellate Authority are legal and has been passed after following the due procedure as per rules. As regards the disciplinary proceedings against the successor of the applicant i.e. Shri Bhim Singh Meena is concerned, the draft charge sheet was prepared on 23.09.2010 and it was submitted to the competent authority for approval. He further argued that all the relevant documents were supplied to the applicant and only those documents which were not relevant were not supplied to him and there is no irregularity on the part of the respondents in not supplying the documents which were not relevant for the inquiry. The applicant did not follow the Rule 170, 175 and 176 (A) of the Postal Manual Volume V (Fifth Edition) and because of the negligence of the applicant by not following these rules, the Government has suffered a loss of Rs. 2,93,163/-. The Disciplinary Authority has rightly imposed the penalty of 50% of the said amount from the applicant. In the charge sheet, the period of the applicant of his posting as Superintendent of Post Office, Dholpur Division, has been shown as 21.10.2004 to 24.04.2006. However, actually the applicant remained posted there from 21.10.2004 to 24.04.2007. According to the learned counsel for the applicant, this date could not be corrected by the Appellate Authority and a fresh charge sheet should have been issued after correcting the date but the

Anil Kumar

Appellate authority in his order in Para No. 5.2 has stated as under:-

"5.2 Shri B.S. Meena worked as Supdt. of Post Office Dholpur Division during the period from 21.10.2004 to 24.04.2007 but in the memo of chargesheet, the year was typed as 2006 instead of 2007 erroneously, which was a typographical error, not having the effect on the charges levelled against him."

17. Learned counsel for the respondents argued that the Appellate Authority has clearly given his finding about the correct date and he concluded that it was a typographical error and not having any effect on the charges levelled against the applicant. Learned counsel for the respondents also referred to the report of the SDI (P) Dholpur dated 16.04.2007 (Annexure R/4). According to the learned counsel, this documents clearly shows that there was a fraud committed by the then SPM, Inder Singh Panwar and instead of this clear report, no action was taken by the applicant in the next six days in which he was holding the charge of Superintendent of Post Office, Dholpur and, therefore, due to the negligence of the applicant, the Government has suffered a loss of Rs.2,93,163/-. In support of his arguments, learned counsel for the respondents referred to the judgment of the Hon'ble Supreme Court in the case of **U.P. State Sugar Corportion Ltd. vs. Kamal Swaroop Tandon**, 2008 (2) SCC 41 in which the Hon'ble Supreme Court by considering the provisions similar to Rule 11 of CCS (CCA) Rules, 1965, held as under:-

Anil Kumar

"34. It is, therefore, clear that so far as minor penalty is concerned, it is not necessary for the corporation to follow detailed and lengthy procedure laid down for imposition of major penalties. In the instance case, the proceedings had been initiated by the appellant corporation against the respondents employee for recovery of pecuniary loss caused to the corporation by negligence on his part. The proceedings, hence, could be instituted by issuing notice which was done on 13.01.2000. The said action, therefore, could not have been held bad, without power, authority or jurisdiction on the part of the corporation."

18. Learned counsel for the respondents argued that it was not necessary to conduct the oral inquiry, as requested by the applicant and, therefore, there is neither any illegality/irregularity in the issuance of the charge sheet dated 23.09.2010 (Annexure A/1), order of the Disciplinary Authority dated 13.07.2011 (Annexure A/2) and order of the Appellate Authority dated 10.10.2011 (Annexure A/3). Therefore, this OA has no merit and it should be dismissed with costs.

19. Having heard the rival submissions of the parties and after perusal of the documents on record, I am of the opinion that the applicant is not responsible for the loss of Rs.2,93,163/- caused to the Government. Though it was not necessary for the respondents to initiate oral inquiry, as requested by the applicant, but the respondents should have supplied all the relevant documents to the applicant. The applicant had requested for the supply of CLI carried out by the then DPS (HQ) and supplementary CLI by the DPS (HQ.) Jaipur. It cannot be said that these reports were not relevant for the departmental inquiry. Denial of giving

Anil Kumar

these documents by the respondents to the applicant has denied the applicant a fair chance to make his defense. These are important documents connected with this case. Learned counsel for the applicant had referred the decision of the Ahmedabad Bench of the Tribunal in the case of **Ashok Maganbhai Rathod vs. Union of India** in which CAT Bench Ahmedabad has held that custodian of documents could not be disallowed on the ground of relevancy – where inquiry officer disallows documents the reasons must be recorded. The ratio laid down by the CAT Bench Ahmedabad is squarely applicable in this case. A bare perusal of Annexure R/4 submitted by the respondents shows that Inquiry Officer has clearly stated that signature of Babu Singh of SB-7 tally with signature of Account No. 8600715 of MIS Ledger. The report was that since the payments were made by cash but not by cheque, which is against the provisions of law, therefore, the integrity of the then SPM, Panwar, is doubtful. The supplementary CLI report dated 21.07.2010 also does not fix any responsibility on the applicant for the loss caused to the Government. In fact, it fixes some responsibility on his successor Shri Bhanwar Singh Meena, who returned the file with the order that since the employee has retired, there is no need for further action. The relevant file was put up to the then SPM on 27.04.2007 and this file was returned by him on 01.05.2007. Thus he kept the file for four days and it was returned only after the retirement of the then SPM, Shri Bhanwar Singh Meena. It has been admitted during the course of arguments that so far no

Anil Kumar

charge sheet has been served to Shri Bhanwar Singh Meena, who was posted in place of the applicant from 25.04.2007 onward. It was informed by the learned counsel for the respondents that Shri Bhanwar Singh Meena has since retired. It was also admitted during the course of arguments by the learned counsel for the respondents that pensionary benefits and other retiral benefits have not been sanctioned to Inder Singh, the then SPM and a criminal case is pending against him. Even for the sake of arguments, if it is admitted that the applicant should have lodged FIR immediately and should have reported the matter to the higher authorities as per the provisions of Rule 170, 175 and 176 A of the Postal Manual Vol. V, even then how could the immediate recovery was possible from the then SPM, Inder Singh Panwar. The Rule 11(iii) of the CCS (CCA) Rules, 1965 clearly states that recovery from the pay of the Government servant can be affected either in whole or in part for any pecuniary loss caused by him to the Government or by negligence or breach of orders. In this case, it is admitted that pecuniary loss has not been caused by the applicant. Merely by lodging the FIR, the recovery could not have been immediately affected by the Government. It is possible only after conclusion of the criminal trial. Similarly, even if he had reported the matter to the superior authority, the immediate recovery from the then SPM was not possible as per rules. It has also been admitted by the learned counsel for the respondents that till date, no disciplinary proceedings has been initiated against the then SPM, Inder

Anil Kumar

Singh Panwar. There was no bar in initiating disciplinary proceedings alongwith the criminal proceedings. It is not disputed that now FIR has been filed against the then SPM by the respondents and he has deposited the security amount in the court. If the case succeeds, the recovery can be made from him even now. The learned counsel for the respondents informed that no retirement benefits have been released to the then SPM, Shri Inder Singh Panwar. Therefore, recovery can also be made from the then SPM if charge against him is proved from his unpaid retiral benefits. In my opinion no loss to the government has been caused either by the negligence or breach of order by the applicant, hence no recovery can be made from the applicant as per the provisions of Rule 11(iii) of the CCS (CCA) Rules, 1965. Therefore, charge sheet dated 23.09.2010 (Annexure A/1), order of the Disciplinary Authority dated 13.07.2011 (Annexure A/2) and order of the Appellate Authority dated 10.10.2011 (Annexure A/3) are quashed and set aside and if any recovery has been made from the applicant, it may be returned to him.

20. Consequently, the present OA is allowed with no order as to costs.

Anil Kumar
(Anil Kumar)
Member (A)

AHQ