

Central Administrative Tribunal
Principal Bench: New Delhi

**OA No.267/2015
MA No.2057/2016**

Reserved on: 02.09.2016
Pronounced on: 11.11.2016

**Hon'ble Mr. V. Ajay Kumar, Member (J)
Hon'ble Dr. B.K. Sinha, Member (A)**

Surinder Yadav (*Aged about 21 years*)
s/o Sh. Harender Yadav
R/o 185/D-1, 4th Floor, Railway Colony,
Basant Lane, Pahar Ganj,
New Delhi – 110 055. ...Applicant

(By Advocate: Sh. N.N.S. Rana)

Versus

1. Union of India through
General Manager,
Northern Railway HQ
Baroda House,
New Delhi-110001.
2. Secretary Ministry of Railways
and Chairman Railway Board,
Ministry of Railways,
Rail Bhawan, Raisina Marg,
New Delhi – 110 001.
3. Chief Personnel Officer,
Northern Railway HQ,
Baroda House (Annexe-1),
3rd Floor, Personnel Branch,
New Delhi – 110 001.
4. ADRM/O, DRM's Office,
Delhi Division, Northern Railway,
State Entry Road,
New Delhi – 110 055.
5. DRM/Delhi Division,
Northern Railway,
State Entry Road,
New Delhi – 110 055.

6. Mrs. Renu Yadav
Senior Divisional Personnel Officer-II,
DRM's Office, Personnel Branch,
State Entry Road,
New Delhi – 110 055.
7. Divisional Personnel Officer,
DRM's Office, State Entry Road,
New Delhi – 110 055.
8. Dy. Chief Personnel Officer/HQ,
Northern Railway HQ,
Baroda House (Annexe-1),
3rd Floor, Personnel Branch,
New Delhi – 110 001.
9. Assistant Personnel Officer/HQ
Northern Railway HQ,
Baroda House (Annexe-1),
3rd Floor, Personnel Branch,
New Delhi – 110 001.
10. Sh. Mahaveer Singh,
Husband of Mrs. Renu Yadav (*Sr.DPO-II/Delhi*),
House No.249-2/A, Panchkuian Road,
Railway Officers Colony,
New Delhi – 1110 055. ...Respondents

(By Advocates: Sh. VSR Krishna & Sh. A.K. Srivastava)

O R D E R

By Hon'ble Dr. B.K. Sinha, Member (A):

In the instant Original Application filed under Section 19 of the Administrative Tribunals Act, 1985, the applicant – a Telephone Attendance-cum-Dak Khalasi [hereinafter referred to as TADK] employed in the office of Senior Divisional Personal Officer-II, DRM's Office, Personnel Branch, State Entry Road, New Delhi [respondent no.6], is aggrieved by the order dated 02.09.2014, vide which his services have been terminated.

2. The facts of the case, briefly stated, are that the applicant, who is a Matriculate, was appointed vide appointment letter dated 21.03.2013 as fresh face substitute TADK. The appointment of the applicant, as per the conditions imposed in appointment letter, was purely contractual extendable from time to time on the basis of satisfactory working report by the controlling officer. In the eventuality of unwillingness to work as TADK/Bunglow Khalasi or being found unsuitable or performance being unsatisfactory, his services would stand to be terminated. The applicant, who became eligible for grant of temporary status on completion of 120 days of continuous satisfactory service and on completion of three years of such service, he would become eligible to be screened along with others for absorption in regular Group D appointment. The applicant was also required in terms of the Northern Railway HQ letter dated January, 1995 to finally perform the following duties:-

- “(i) *To carry official files/Dak to the Bunglows of the officers to whom they are attached;*
- “(ii) *to attend to official telephone calls at the officers Bunglows;*
- “(iii) *to deliver urgent messages to other officers;*
- “(iv) *to accompany the officers on tour at short notice;*
- “(v) *to carry telegrams in case of accidents;*
- “(vi) *to carry papers to officer’s Bunglow and bring them back to the office on the next day; and*

(vii) any other item of work as directed by the concerned officer to facilitate and in further official work”

The applicant was further required to give declaration in the following terms:-

“I hereby give my willing consent to work as a Bungalow Khalasi with any Railway Officer in Delhi/NDLS area initially for a period of 3 months only which may be extended in spells of 3 months each subject to good performance of my work. I also accept that, if in any eventuality, I am found unwilling to work as Bunglow Khalasi or am found unsuitable and my performance is considered unsatisfactory, my services shall be liable to be terminated without any notice and, further, that I will have no prescriptive eight/claim to an alternative class IV appointment on the railway.”

4. The applicant was admittedly granted temporary status on 19.07.2013 on completion of 120 days of continuous and satisfactory service. The services of the applicant were extended every three months till 06.07.2014 on the certificate of satisfactory service submitted every three months as provided in the Railway HQ order dated 01.12.1997 (Annexure A-5 page 51 of the paper book]. The applicant, however, alleges that instead of being asked to perform his duties as per the duty chart contained in the communication of January, 1995 (Annexure A-6) and his declaration, the respondent no.6 [hereinafter referred to as R-6] was made him to perform all domestic chores for her and her two children and husband, who was not even a railway employee. The applicant alleges that he worked right from 6.00 a.m. upto 10.30 p.m. in the evening cooking food

for all the meals, serving it to whole family, washing utensils & clothes, cleaning toilets and commodes of bath rooms, taking her elder son to school bus and bringing him back, taking her two sons for evening walk/playing. The applicant further alleges that the husband of R-6 was not in employment of the railways but was carrying out his private business from the official residence allotted to R-6. The R-6 had ordered the applicant to attend her husband throughout the day. He further alleges that he has been physically assaulted by the husband of R-6 for no reason and the elder child of R-6, aged 9 years, used to grossly misbehave with him. It is the contention of the applicant that he was working without break even on holidays and no national holiday allowances or overtime had been paid to him as these practices were not permitted by the Indian Railway Act, 1989. The applicant submits that he never remained absent even for a single day from 21.03.2013 to 06.07.2014 as it is clear from his leave account [Annexure A-7 (colly)]. However, from 07.07.2014 to 02.09.2014, the applicant alleges that he was illegally marked unauthorisedly absent even though he was present and available for work as TADK.

5. The last straw on the camel's back, as submitted by the applicant, was loaded when the son of R-6, being apprehensive that the applicant would complain to R-6 for

his misbehaviour, complained to his mother in advance against him who ordered the applicant not to perform his duties w.e.f. 07.03.2014. The applicant submits that the real intention behind laying him off was to engage a lady named Urmila as her TADK by terminating the services of the applicant. The applicant alleges that R-6, vide an illegal and post decisional letter dated 04.07.2014, warned him to mend his conduct in future. This letter was forwarded to Dy. CPO HQ Office with a copy to the applicant at his home town address in Bihar on 08.07.2014. The applicant in the mean time was trying to meet R-6 on the advice of his father to beg apology from her but he was being turned away by the security guards. Finally, the impugned orders were issued vide communication dated 02.09.2014 informing the applicant that he had been warned several times in the past but had refused to accept the notice by hand and unauthorizedly absented himself. He had not even replied to the show cause notice. Finding that his work has been unsatisfactory, he remained continuously absent, and he had sent no reply to the show cause notice, his services were terminated with immediate effect.

6. The applicant has used a number of grounds for assailing the impugned orders both dated 02.09.2014, which are –

- (i) The R-6 had become an accuser and relied upon the decision of the Hon'ble Supreme Court in *Arjun Chaubey v. Union of India & Ors.* [1984 (2) SCC 578] which was similar to the case at hand;
- (ii) The applicant had never been given any warning, written or verbal, during his period of employment from 21.03.2013 to 03.07.2014 while R-6 mentions that he had been careless in performance of his duties and was used to back chatting whenever work was assigned to him. Thus, it was a post decisional warning being given to him and has relied upon the decision in *Shekhar Ghosh v. Union of India & Ors.* [2007 (1) SCC 331] and *K.I. Shepherd v. Union of India* [AIAR 1988 (SC) 686] providing that once an authority has already taken an action and made up its mind to take that action, no amount of persuasion in the form of representation will be of any use as the officer is unlikely to change its mind. The R-6 had already ordered the applicant on 03.07.2014 not to come to her residence to perform duties as TADK and thereafter the attempts of the applicant were blocked by the guards.
- (iii) The applicant further alleges that his father and two of his cousins employed in the railways also tried to approach R-6 but were not permitted by her husband.

However, when they met R-6 in the office on 16.07.2014, she directed them to meet her husband. The husband of R-6 imposed three conditions namely (a) to sign an undated resignation letter and hand over the same to him; (b) to hand over all his original certificates and documents including the ATM card; and (c) to sign two blank papers. The applicant, apprehending that his salary would be withdrawn by the husband of R-6 and handed over to the newly recruited Urmila, he declined to abide by the orders of the husband of R-6. The father and cousins of the applicant met R-6 many times between 06.07.2014 and 31.08.2014 but she continued to mark the applicant absent and not to assign any duty to him despite the fact that he was very much present.

7. The applicant submits a long story of day to day grievances and that a false case was instituted with Pahar Ganj Police Station by R-6 accusing him of molestation of her son. The applicant was summoned by the SHO, PS Pahar Ganj and asked him to stay away from R-6, her younger son and maid servant Urmila.

8. The applicant further submits that since he had attained a temporary status, he could not have been removed from service without having followed the procedures

prescribed in the Railway Servants (Discipline & Appeal) Rules, 1968. He filed an appeal before the appellate authority that being the ADRM (Operating) stating the facts as detailed above and seeking quashing of the two orders both dated 02.09.2014 and his reinstatement as TADK. The applicant has relied upon the decision of Hon'ble High Court of Delhi in *Shri Lakhi Ram v. Union of India & Ors.* [145 (2007) DLT 483 (DB)] and the decision of this Tribunal in *Dharmindra Kumar's case* to contend that once temporary status has been granted to TADK, then for discharging/terminating him, a full-fledged enquiry by some higher officer is required to be conducted and R-6 cannot become a judge of her own cause. This appears to be the principal argument adopted by the applicant that having attained the temporary status, his services could not have been terminated and a full-fledged departmental enquiry was required to be held and also that R-6 could not have been a judge in her own cause. The applicant has, therefore, prayed for the following relief(s):-

"(i) That this Hon'ble Tribunal may graciously be pleased to set aside and quash the two illegal arbitrary and discriminatory orders dated 2.9.2014 of Sr. Divisional Personnel Officer, Mrs. Renu Yadav at Annexure A-1, and order dated 2.9.2014 (signed on 8.9.2014) by DPO/Delhi Division at Annexure A-2, whereby the service of the applicant as TADK of Mrs. Renu Yadav has been terminated by her w.e.f. 2.9.2014 by these two stigmatic orders, without issuing any chargesheet to applicant, and without holding any disciplinary enquiry as was required to be done as per Railway Rules and the law laid down by Hon'ble High

Court of Delhi and this Hon'ble Tribunal because applicant had attained temporary status on 19.07.2013. The applicant was always available for duty, but it is she only who was not taking work from applicant. By her order dt. 2.9.2014, Mrs. Renu Yadav has also become a judge of her own cause and has denied natural justice to applicant. She has also violated Articles 14, 16 & 21 of the Constitution of India.

- (ii) That the decision dated 30.10.2014 at Annexure A-3, in appeal dated 24.09.2014 of applicant to ADRM (O) Delhi Division should also quashed and set aside, being fully illegal and arbitrary.
- (iii) That the illegal post-decisional letters of Mrs. Renu Yadav dated 4.7.2014, 23.7.2014, 31.7.2014 and 14.8.2014 issued to applicant, in which she had also become a judge of her own cause, should also be set aside and quashed as all these are bad in law.
- (iv) That the applicant should be reinstated as TADK right from 7.7.2014 when Mrs. Yadav illegally started marking the applicant as unauthorisedly absent, even though applicant was available daily to perform his duty as TADK, but she was refusing to meet the applicant. Even after various appeals to the respondent no. 1, 3 and 5, he was not given duty.
- (v) That full salary of applicant should be paid to applicant right from 7.7.2014, till the date of his reinstatement, along with 18% interest from 7.7.2014, as applicant was all the time available to perform his duties, but it was Mrs. Renu Yadav only who malafide was not taking work from him as she wanted to illegally terminate the service of applicant as her TADK, with an intention to engage a lady named "Urmila" as her TADK in place of applicant.
- (vi) That if Mrs. Renu Yadav does not want to take work from applicant as TADK, the Hon'ble Tribunal may kindly order the appointing authority of applicant, Assistant Personnel Officer/HQ to give an alternative job as TADK or some other similar job to applicant, according to his qualification. Applicant is prepared to work as TADK of any officer.
- (vii) That all salary payments from 7.7.2014 along with 18% interest, if allowed by this Hon'ble Tribunal, should be recovered from the salary of Mrs. Renu Yadav, because of all her illegal actions, so that it can become an example to other Railway Officers, who employ similar tactics to terminate the services of their existing TADK/Bungalow Khalasi, at their sweet will and want to employ a new TADK.
- (viii) That if and when this Hon'ble Tribunal orders reinstatement of applicant on his post, the respondents

should also be ordered to take work from applicant as per Railway Servants (Hours of work and periods of rest) Rules, 2005 as given in Indian Railway Act, 1989, and also grant weekly rest to applicant as per these rules.

(ix) That the litigation costs of this O.A. may also be kindly granted to applicant, as applicant has been forced by respondents to file this OA, by their illegal and arbitrary actions, without any fault of applicant.

(x) Any other relief which this Hon'ble Tribunal may deem fit and proper, may also be granted to applicant."

9. The respondents no.1 to 9 have filed a counter affidavit rebutting all the averments in the OA. The respondents state that the engagements of TADK are governed by their specific rules and guidelines and are different from any other temporary service. The respondents further state that the instant OA is not maintainable under Sections 20 & 21 of the A.T. Act but have not stated any ground for the same. The respondents state that the applicant has indulged in vilification game not even sparing the minor children of R-6. These statements appear to be self-contradictory as while on one hand he states that the R-6 has ill treated him grossly and has demanded the ATM card to withdraw money, on the other hand, he also states that he has been given satisfactory certificate by R-6.

10. Learned counsel for the respondents submits that the termination of the applicant has been made following due procedures set in the rules and guidelines. While admitting that satisfactory service certificates had been provided by R-

6 to the applicant, it has been stated that subsequently there was deterioration in his performance for which sufficient number of cautions and warnings were issued to him whenever failed to work. The services of the applicant were terminated as he had not been reporting for duty and the appeal submitted by him was rejected vide communication dated 30.10.2014 (page 182 of the paper book).

11. There is also a counter affidavit by respondent no.10, the husband of R-6, Mahaveer Singh for deleting his name on account of being a rank outsider which has been opposed in the form of a rejoinder by the applicant assailing that he is a necessary party and cannot be ranked outsider as there are series of allegations against him.

12. The applicant has also filed a rejoinder to the counter affidavit filed on behalf of respondent nos.1 to 9 reiterating his earlier submissions in the OA. It has been stated that the respondents have not followed the rules while terminating his services.

13. Principal reliance of the respondents is on the judgment of the Full Bench *Shyam Sunder versus Union of India & Ors.* [OA No. 896/1995 decided on 12.02.1999]

wherein a similar issue as the one at hand had been framed, which is being reproduced as follows:-

“Whether upon putting in 120 days continuous service, they acquire the status of temporary employees or not and if so whether upon acquiring such status, their services could be dispensed with for unsatisfactory performance only after conducting a departmental enquiry.”

It was decided in the following terms:-

“Yes. After acquisition of temporary status by a Bungalow Peon/Khallas, his services can be terminated on the ground of unsatisfactory work without holding a departmental enquiry as discussed in paragraph 14, 15 and 16 of this order.”

14. The respondents have also relied upon a decision of this Tribunal in *Smt. Raj Kumari v. Union of India & Ors.* [OA No.2456/2005 decided on 02.08.2006] wherein the Tribunal, relying upon *Shyam Sunder's case (supra)* held as under:-

“13. In view of above, both the contentions raised by the counsel for applicant in this case are already answered by the Full Bench. I respectfully agree with the decision of the Full Bench and hold that simply because applicant was conferred with temporary status, it is not necessary that inquiry should have been held in this case and so long, the officer with whom applicant was attached had given a reasoned note stating therein as to why applicants services were found to be unsatisfactory and services could have been terminating without holding an inquiry. The first argument of counsel for applicant, therefore, is rejected.”

15. In the case of *Ms. Madhuri v. Secretary, Railway Board* [OA No.1833/2010 decided on 09.11.2011], the Tribunal held as under:-

“12. Considering the totality of facts and circumstances of the case, taking note of the extant guidelines in the subject and guided by the trite law, we are of the considered opinion that the order dated 15.2.2010 terminating the applicants service is simple

and non stigmatic and the same is legally sustainable and procedurally tenable. Resultantly, finding no merits in the OA, the same is dismissed. No costs.”

16. In *Amit Kumar Patel v. Union of India & Ors.* [OA No.2377/2013 decided on 05.02.2016], the facts were different as the applicant therein had not attained the temporary status.

17. We have carefully gone through the pleadings of the parties as also the documents adduced and the case laws cited. We have also patiently heard the oral submissions made by the learned counsel for both the parties. The only two issues are germane to the facts of the case, which are as under:-

(1) Whether the prayer in this OA ought to be allowed for the reasons that R-6 has been a judge in her own cause?

(2) Whether a departmental enquiry as provided in the Indian Railways (Discipline & Appeal) Rules, 1968 would be necessary for dispensing with the services of an employee who has acquired temporary status?

18. Before embarking on a discussion in this case, we would like to state that the applicant has indulged in levelling allegations of personal and foil nature upon R-6 and members of her family. However, the allegations have been

denied by the respondents stating them to be false. It must be made plain that enquiry into the allegations of the applicant is neither feasible nor within the scope of the instant OA. Many of the allegations have been made on oath against oath basis and will not have any corroborative evidence or witnesses to support or deny the same. Therefore, we consider it unnecessary to devote ourselves to an enquiry in the matter.

19. What sways us here is that the order of termination dated 02.09.2014 had been passed by R-6 in capacity of Senior Divisional Personal Officer-II. The applicant had been admittedly working as TADK with R-6. She had found his services unsatisfactory and, therefore, terminated him after having issued number of warnings and cautions.

20. The applicant has relied upon the decision in *Arjun Chaubey* (supra). In that case, the appellant was working as a Senior Clerk in the office of Chief Commercial Superintendent, Northern Railway, Varanasi, whose services had been terminated on the ground that he was not fit to remain in service after show cause. The Hon'ble Supreme Court found that had an enquiry been held into the charges framed against the appellant, the principal witness for the departmental enquiry would have been respondent no.3 himself as the main accuser and target of appellant's

misconduct. However, to the contrary, the explanation submitted by the appellant had been considered on merit by R-3 himself thereby the accuser has become the judge in his own cause. The Hon'ble Supreme Court held as under:-

"5... No person can be a judge in his own cause and no witness can certify that his own testimony is true. Any one who has a personal stake in an inquiry must keep himself aloof from the conduct of the inquiry. The order of dismissal passed against the appellant stands vitiated for the simple reason that the issue as to who, between the appellant and respondent 3, was speaking the truth was decided by respondent 3 himself.

6. In State of Uttar Pradesh v. Mohammad Nooh, 1958 SCR 595 at p. 609: (AIR 1958 SC 86 at p. 94), S. R. Das, C. J., observed, while speaking for the majority, that the roles of a judge and a witness cannot be played by one and the same person and that it is futile to expect, when those roles are combined, that the judge can hold the scales of justice even. We may borrow the language of Das, C. J., and record a finding on the facts of the case before us that the illegality touching the proceedings which ended in the dismissal of the appellant is "so patent and loudly obtrusive that it leaves an indelible stamp of infirmity" on the decision of respondent 3."

21. This has been further reiterated by the Hon'ble Supreme Court in *Supreme Court Advocates-on-Record Association v. Union of India* [2015 (11) SCALE 1] which invoked the doctrine of *nemo iudex in sua causa* or *nemo debet esse judex in propria causa* i.e. no one can be judge in his own cause.

22. In the instant case, no matter how vile & distrustful may be the allegations, the fact remains that R-6 has alone been acted as a judge in her own cause. Had a departmental

enquiry been held, she would have been an accuser. Hence, she cannot become a judge in her own cause. This issue is thus decided against the respondents and in favour of the applicant.

23. Insofar as the second of the issues is concerned, it is an admitted position that this Tribunal has held in a number of cases relying upon *Shyam Sunder's case* (supra) that a departmental proceeding is not necessary in case of TADK/Bungalow Khalassi despite the fact that they might have attained temporary status. In case of *Shri Lakhi Ram v. Union of India & Ors.* (supra), where the services of the appellant had been terminated under similar circumstances as in the present case, the Hon'ble High Court held as under:-

"8. It is not in dispute that upon the grant of temporary status the petitioner acquired the right of being dealt with under the Discipline and Appeal Rules of the Railways. Therefore, if it is held that the order of termination is stigmatic and therefore punitive, and not one of termination simplicitor, it would follow that the order of termination is bad since, admittedly, no departmental enquiry has preceded the passing of the said order of termination. It would also be in violation of the principles of natural justice.

*16. The decision rendered by this Court in WP(C) No.18407/2006 is squarely applicable in the facts of the present case. That case also pertains to a Bunglow Khallasi whose services had been terminated after he acquired temporary status. In that case the termination notice accused the employee, *inter alia*, of remaining absent from duty without intimation. The relevant extract from the aforesaid decision is to the following effect:*

"No doubt, if a person is holding temporary status or is a temporary employee, his service can be dispensed with by passing an order of discharge simplicitor under Rule 5(1) CCS Temporary Service Rule. In case the Respondent's conduct was not satisfactory, this rule could have been invoked. However, a perusal of the impugned order shows that it is stigmatic in nature, inasmuch as, allegations have been leveled against the Respondent that his working report was found unsatisfactory, he was not able to perform his duties, he remained unauthorized absent from duty, and was found unsuitable.

The Railway Board has itself issued instructions, which are contained in letter No.803E/I/Pt.X/EIV, issued in January 1995, which are to the following effect:

i) Person who has attained temporary status cannot be discharged from service without applying full procedure as described in the D and A Rules. The grant of temporary Status to Bungalow peons before 2 years service will create problems for the officer in case Bungalow Peon indulge in unwarranted activities. No officer will allow his family members to be dragged in official D and A enquiring etc. Thus, condition of two years service for grant of ty. Status to Bungalow Khallasi is a must.

ii. The above conditions are not included in the IREC or IREM as Bungalow peons is a special category as they are neither casual labour nor substitute. Their service conditions, until they attain Ty. Status after completion of two years continuous service, are governed by the administrative orders issued from time to time with the approval of competent authority on Zonal Railways.

Thus, in a case like this, as per the aforesaid instructions, procedure as contained in Disciplinary and Appeal Rules was required to be followed. In another case which arose in similar circumstances, a Division Bench of this Court upheld the order of the Central Administrative Tribunal vide judgment dated 8th March 2006, titled as UOI v. S. Dharmender Kumar Yadau, in W.P. (C) No. 3263/2006 and C.M. No. 2828-29/2006.

17. The termination order dated 14.2.2005 therefore could not have been issued without affording an opportunity to the petitioner to meet the accusations of indecent behavior/misbehaviour in a departmental enquiry. In fact, the respondents had themselves, at

one stage, warned the petitioner that they would initiate disciplinary action against him. However, instead of resorting to the same, they adopted the short cut method of terminating his services by issuing the impugned order of termination, which is illegal.”

24. In view of the above, we find that R-6 has been an accuser as also the judge in her own cause and that departmental proceedings are mandatory as per the case of *Shri Lakhi Ram v. Union of India & Ors.* (supra). Here, it could have been argued that since the applicant had not replied to the notices, no departmental proceedings could have been conducted. However, we find that the applicant had undertaken a series of correspondence including the appeal before the competent authority against the impugned order. Therefore, there is no reason as to why departmental proceedings could not have been conducted. Even if the applicant was not present the proceedings could have been initiated and undergone including examination of witnesses. Hence, we are of the considered opinion that the instant OA succeeds on both these scores and the same is allowed in the following terms:-

(i) Impugned order dated 02.09.2014 passed by Sr. Divisional Personnel Officer, Mrs. Renu Yadav (Annexure A-1); Order dated 02.09.2014 assed by DPO/Delhi Division (Annexure A-2); Order dated 30.10.2014 (Annexure A-3); and post decisional

letters issued by Mrs. Renu Yadav [Respondent no.6] dated 04.07.2014, 23.07.2014, 31.07.2014 and 14.08.2014 are quashed and set aside

- (ii) The respondents are directed to reinstate the applicant as TADK w.e.f. 07.07.2014 with all consequential benefits except arrears of salary for the period against which he has not worked.
- (iii) In case the respondent no.6 (Mrs. Renu Yadav) is not prepared to accept him, the applicant may be given an alternative job as TADK or some similar job befitting his classification and status with whom so ever, who is prepared to accept him.
- (iv) In case the respondents are desirous to initiate department enquiry against the applicant on the charges made by R-6, they are at liberty to do so following due process of rules & regulations.
- (v) There shall be no order as to costs.

(Dr. B.K. Sinha)
Member (A)

(V. Ajay Kumar)
Member (J)