

Central Administrative Tribunal Principal Bench, New Delhi

O.A.No.2827/2014

Order reserved on 6th December 2017

Order pronounced on 20th December 2017

Hon'ble Mrs. Jasmine Ahmed, Member (J)
Hon'ble Mr. K.N. Shrivastava, Member (A)

J R Sakhare, Ex. LDC
Age 50 years
s/o Raghoji
r/o Mangalwari Ward at PO Tal Pauni
Distt. Bhandara (Maharashtra)

..Applicant

(Mrs. Harvinder Oberoi, Advocate)

Versus

1. Union of India through the Secretary
Govt. of India
Department of Revenue
Ministry of Finance
Nirman Bhawan, New Delhi
2. Director (Admn.)
Govt. of India
Department of Revenue
Ministry of Finance, North Block
New Delhi
3. Dy. Secretary (Admn.)
Disciplinary Authority
Govt. of India, Department of Revenue
Ministry of Finance, North Block
New Delhi
4. Secretary
Govt. of India, Ministry of Finance
Department of Revenue
Central Board of Excise & Customs
Room No.18 C, Jeevan Deep Building
New Delhi
5. Secretary
Govt. of India
Deptt. of Personnel & Training (DOPT)

Ministry of Personnel, Public Grievance & Pensions
North Block, New Delhi

6. Under Secretary
Govt. of India
Department of Revenue
Ministry of Finance, North Block
New Delhi

..Respondents

(Mr. Manjeet Singh Reen, Advocate)

O R D E R

Mr. K.N. Shrivastava:

Through the medium of this O.A. filed under Section 19 of the Administrative Tribunals Act, 1985, the applicant has prayed for the following main reliefs:-

- “i) The impugned order dated 10.06.2014, vide which a lower authority then the concerned authority has decided the representation of the Applicant, may kindly be quashed and set aside being illegal.
- ii) The impugned penalty order dated 22.10.2008 order may kindly be quashed and set aside being illegal. The impugned Appellate Authority’s order dated 14.05.2009 may kindly be quashed and set aside being illegal.
- iii) The impugned findings Dt. 12.3.2008 may kindly be quashed and set aside being illegal.
- iv) Applicant may reinstated in service with all consequential benefits.
- v) Direct the respondents to grant of seniority, arrears of pay and allowances at par with his batchmates.”

2. The factual matrix of the case, as is noticed from the records, is as under:-

2.1 The applicant was appointed as a Lower Division Clerk (LDC) on 26.08.1993 under a special recruitment drive undertaken by the

Government of India to fill up vacant SC/ST posts in the Government. He was posted in the Revenue Department (respondent No.1).

2.2 For alleged manipulation of words and figures in sanction order relating to payment of a bill, he was placed under suspension vide Annexure A-6 order dated 19.03.1993. Thereafter, on 24.03.1993, a charge memo was issued to him (Annexure A-8). The charge memo also contained a list of documents and a list of witnesses for proving the charge against the applicant. The charge reads as under:-

“That said Sh. J.R. Sakhare while working as a LDC in the Cash branch on Department of Revenue during February 1993, manipulated the words and figures in sanction order No.13012/18/92-GAR dated 03.02.93 and Bill No.280 dtd. 03.02.93 pertaining to M/s Janta Electrical, V&P.O. Darya Pur Kalan, Delhi and thereby tried to secure the excess amount of Rs.60,000/- (Rs. Sixty Thousand Only) from M/s Janta Electrical for his own benefit.

2. In the aforesaid manner, the said Sh. J.R. Sakhare failed to maintain absolute integrity and devotion to duty and acted in a manner unbecoming of a Government Servant.

3. Thus he contravened the Rules 3 (1) (i), (ii) & (iii) of Central Civil Services (Conduct) Rules, 1964.”

2.3 In the statement of imputation of misconduct, it was stated that the applicant, while working as LDC in the cash branch of the Department of Revenue, manipulated the words and figures in the sanction order No.13012/18/92-GAR dated 03.02.1993 from ₹3,412/- to read as ₹63,412/-. He had also changed the amount of the bill No.280 dated 03.02.1993 pertaining to M/s. Janta Electricals from ₹3412/- to ₹63412/- after manipulating the individual items as also the total of the bill before presenting it to the Pay & Accounts Officer (P&AO). It is further stated that

an excess payment of ₹60000/- was made to M/s. Janta Electricals and the applicant tried to secure the said amount for himself from the said firm.

2.4 The applicant replied the charge memo vide his Annexure A-8/A dated 29.03.1993 denying the charge. He also mentioned therein that his signature has been forged and that the foul play had happened either in GAR section or at the end of the Drawing & Disbursing Officer (DDO) in connivance with M/s. Janta Electricals whose proprietor is Mr. Bijender Singh.

2.5 Not satisfied with the reply of the applicant, the disciplinary authority decided to institute disciplinary inquiry and appointed an inquiry officer (IO) and a presenting officer (PO). Mr. S P Roy, Under Secretary (Ad-V) in the Revenue Department was appointed as IO.

2.6 The IO submitted his report on 12.03.2008 stating therein that the charge against the applicant stands proved. A copy of said IO's report was sent to the applicant vide Annexure A-3 O.M. dated 10.04.2008. The applicant was directed therein to submit his written representation or submission, if so desired, within 15 days. The applicant submitted his representation dated 07.05.2008 against the IO's report.

2.7 In the meantime, a CC No.16/2002 was also filed against the applicant under Sections 419, 420, 468, 471, 477A, 409 and 120B IPC in the Court of Metropolitan Magistrate, Patiala House Court, New Delhi for criminal conspiracy to make money by falsifying the accounts of Government of India and to cheat the Government by making additions and alterations in various vouchers. The trial in the criminal court

ultimately ended in the acquittal of the applicant vide the criminal court's judgment dated 30.11.2013. The relevant portion of the judgment is extracted below:-

“xi) PW12 is a formal witness and PW13 deposed regarding seizure of various sanction orders and bills. Most of the original documents are not on record as it had been reported by the IO that due to death of Inspector Ashok Hari, original documents could not be traced. Even otherwise, testimony of PW 13 was not complete & no opportunity was given to the defence to cross-examine the said witness, as such the same cannot be read for the purposes of evidence.

xii) No substantive evidence came on record regarding alleged receipt of misappropriated amount by the accused persons.

xiii) No substantive evidence came on record regarding alleged use of forged vouchers by accused persons for their own use.

xiv) Finally, no direct or circumstantial evidence is adduced by prosecution to show the complicity of accused persons to commit alleged illegal acts.

23. Keeping in view the facts, circumstances of the case and aforesaid findings, it is held that the prosecution has failed to prove the culpability of both the accused persons qua offences u/s 419/420/468/471/477A/411/120B IPC beyond reasonable doubts. **Both the accused J.R. Sakhre and Manohar Rastogi Sakhre are accordingly acquitted of aforesaid offences charged against them due to lack of evidence.”**

(emphasis supplied)

2.8 The disciplinary inquiry proceedings also parallely continued. The applicant participated in the proceedings. Finally, the disciplinary authority, vide impugned Annexure A-1 order dated 22.10.2008, imposed the penalty of “removal from service” under paragraph (viii) of Rule 11 of the CCS (CCA) Rules, 1965. The applicant preferred an appeal before the departmental appellate authority, who vide impugned Annexure A-2 order dated 14.05.2009, dismissed the appeal.

Aggrieved by Annexures A-1 & A-2 orders, the applicant has filed the instant O.A. praying for the reliefs as indicated in paragraph (1) above.

3. The main plea of the applicant in the O.A. is that the originals of certain listed documents, which have been relied upon by the IO for proving the charge against the applicant, were not made available to the applicant during the disciplinary inquiry proceedings and that the charge has been proved by the IO only on the basis of statements of prosecution witnesses (PW-2 & PW-8), and that the request of the applicant for calling for the original documents was wrongly rejected / neglected by the IO. It is further stated that the criminal court has acquitted the applicant of the criminal charge and while doing so, the statement of Mr. Bijender Singh, proprietor of M/s. Janta Electricals (PW-2) was completely discarded, as he could not withstand the test of cross examination in the criminal trial. It is specifically mentioned that the original bill presented to P&AO for ₹63,412/- was not produced in the departmental inquiry, and that the bill No.280 dated 03.02.1993, sanction order of GAR and fully vouched contingent bill No. CB/3211/92 dated 10.09.1993 were also not produced in the inquiry.

4. Pursuant to the notices issued, the respondents entered appearance and filed their reply, in which the following important averments have been made:-

4.1 The applicant manipulated the words and figures in the sanction order No.13012/18/92-GAR dated 03.02.1993 and bill No.280 dated 03.02.1993 pertaining to M/s. Janta Electricals, Delhi and, thereafter, tried

to secure the excess amount of ₹60,000/- for his own benefit. For this misconduct of the applicant, he has been subjected to disciplinary inquiry proceedings and finally punished under the CCS (CCA) Rules, 1965.

4.2 The charge against the applicant has been proved in the IO's report and on the basis of report, the competent authority imposed the penalty of removal from service on the applicant vide order dated 22.10.2008, which has also been affirmed by the appellate authority.

4.3 The original documents pertaining to the case were sent to Delhi Police in connection with the investigation in the criminal case. During the investigation of the criminal case, more cases of forgery of sanction orders/bills were found and an FIR was lodged in Parliament Street, Police Station. The Police took into custody a number of documents pertaining to deposits and acquisition of property made by the applicant allegedly by defrauding the Government.

4.4 As per the report received from Delhi Police, all the original documents to prove the forgery by the accused were deposited with the court of Metropolitan Magistrate, Patiala House, New Delhi. The criminal trial, however, ended in acquittal of the applicant due to lack of evidence.

4.5 In a catena of judgments, the Hon'ble Supreme Court has held that strict law of evidence does not apply in case of an inquiry and that unlike a criminal trial where the charges have been proved beyond any reasonable doubt, in case of disciplinary proceedings, preponderance of evidence is sufficient to take action against the delinquent government official. It is further stated that the scope of judicial review in disciplinary inquiry

proceedings is highly limited. Reliance has been placed in this regard on the following judgments of Hon'ble High Court and Hon'ble Supreme Court:-

Hon'ble Delhi High Court:

- (i) **D.K. Gupta v. Municipal Corporation of Delhi** (W.P. No.3623/2008).

Hon'ble Apex Court:

- (ii) **State of U.P. v. Man Mohan Nath Sinha**, (2009) 8 SCC 310,
- (iii) **Apparel Export Promotion Council v. A.K. Chopra**, JT 1991 (1) SC 61
- (iv) **State Bank of Bikaner & Jaipur v. Prabhu Dayal Grover**, (1996) 1 SLJ SC 145
- (v) **State of U.P. v. Harvinder Kumar**, (2004) 13 SCC 117
- (vi) **Union of India v. Alok Kumar & others**, 2010 (3) SCSLJ 1
- (vii) **U.P. Gramin Bank v. Manoj Kumar Sinha**, 2010 SCC (L&S) 861
- (viii) **S.B.I. v. Bidyut K. Mitra**, 2011 (1) SCC (L&S) 323
- (ix) **State of Punjab & others v. Dr. Harbhajan Singh Greasy**, JT 1996 (5) SC 403
- (x) **Union of India v. Alok Kumar & others**, 2010 (3) SC SLJ 1
- (xi) **Union of India & others v. Upender Singh**, (1994) 2 SCC 77
- (xii) **State of Orissa & another v. Sangram Keshari Mishra & others**, (2011) 1 SCC (L&S) 380.

- (xiii) **H.B. Gandhi, Excise & Taxation Officer-cum-Assessing Authority, Karnal & others. M/s. Gopi Nath & others, 1992 Supp. (2) SCC 312**
- (xiv) **Union of India & others v. S.L. Abbas, AIR 1993 SC 444**
- (xv) **Bank of India v. Jagjit singh Mehta, AIR 1992 SC 519**
- (xvi) **Union of India v. Naga Maleswara Rao, AIR 1998 SC 111**
- (xvii) **Calcutta Port Shramik Union of India v. Calcutta River Transport Association & others, 1988 (Supp.) SCC 768**
- (xviii) **Indian Overseas Bank v. I O B M Canteen Workers Union & another, AIR 2000 SC 1580**
- (xix) **Shri Parma Nand v. State of Haryana & others, (1989) 2 SCC 177**
- (xx) **Bank of India v. Jagjit Singh Mehta, AIR 1992 SC 519**
- (xxi) **K.L. Anand v. CSIR, 1992 (20) ATC 46**
- (xxii) **Union of India v. Naga Maleswara Rao, AIR 1998 SC 111**
- (xxiii) **B.C. Chaturvedi v. Union of India, (1995) 6 SCC 749**
- (xxiv) **Government of Tamil Nadu v. A. Rajapandian, (1995) 1 SCC 216**
- (xxv) **Administrator, Union Territory of Dadra & Nagar Haveli v. Ghlabhia M Lad, 2010 (3) AISLJ SC 28**
- (xxvi) **Uco Bank v. P.C. Kakkar, 2003 SCC (L&S) 468**

(xxvii) **Union of India v. S S Ahluwalia**, 2007 (2) SCC (L&S) 627

(xxviii) **State of Meghalaya v. Macken Singh**, 2008 (2) SCC (L&S) 431

4.6 Mr. Bijender Singh, Proprietor of M/s. Janta Electricals, during the inquiry, had stated that when he went to collect the cheque, the dealing hand (the applicant) told him that the extra amount of ₹60,000/- belonged to someone else and the cheque had an error. The applicant told him to return the excess amount of ₹60,000/- to him. He handed over the cheque No. Jo76388 dated 18.02.1993 for ₹60,000/- drawn on Allahabad Bank, Tilak Nagar Branch, New Delhi to the applicant. The cheque could not be encashed and the applicant returned the same to him on 05.03.1993 and told him to issue another cheque without indicating the name of the drawee. He gave him another cheque bearing No.Jo76391 on 06.03.1993 drawn on Allahabad Bank, Tilak Nagar Branch, New Delhi without indicating the name of the drawee. The applicant made a self cheque and said that he would hand over the amount to the other party. Suspecting some foul play, Mr. Bijender Singh stopped the payment of said cheque. This statement of Mr. Bijender Singh has not been contradicted by the applicant, which would go to prove manipulation / forgery done by the applicant in the sanction order.

4.7 The applicant never insisted on seeing the original documents. As a matter of fact, on 06.03.2006, the applicant requested for attested copies of the documents, which were duly provided to him on 18.04.2006. The original documents were in the custody of the Delhi Police, who later submitted them in the criminal court in connection with the criminal trial.

The applicant began insisting on seeing the original documents knowing fully well that those documents were submitted in the criminal court and only with the intention to scuttle the disciplinary inquiry proceedings, the applicant kept insisting for the original documents.

5. The applicant has filed a rejoinder to the reply filed on behalf of the respondents, in which, by and large, he has reiterated the pleadings as in the O.A.

6. On completion of pleadings, the case was taken up for hearing the arguments of the parties on 06.12.2017. Arguments of Mrs. Harvinder Oberoi, learned counsel for applicant and that of Mr. Manjeet Singh Reen, learned counsel for respondents were heard.

7. Mrs. Harvinder Oberoi, learned counsel for applicant vehemently argued that the originals of the following vital documents relied upon for proving the charge against the applicant were not made available to the applicant during the course of inquiry:

- “(i) Contingency Register of 1992-93 where the Fully Vouched Contingent Bill No. CB/311/92 dated 10.9.93 was entered.
- (ii) Cheque issue Register where bill No.280 of M/s Janta Electrical for an amount of Rs.74,970/- is indicated.”

She stated that even in paragraph 6 of Annexure A-1 penalty order of the disciplinary authority dated 22.10.2008, it is acknowledged that the original documents were in the custody of the Court of ACMM, Patiala House, New Delhi. She further submitted that the respondents have miserably failed to substantiate the criminal charge against the applicant. In this regard, she drew our attention to sub-paragraphs (i) & (ii) of

paragraph 22 of the criminal court judgment dated 30.11.2013, relevant portion of which is extracted below:-

- “i) The prosecution has failed to produce any evidence on record to show / prove the alleged forgery committed by the accused persons in creating/altering the alleged forged sanction orders and vouchers.
- ii) PW1 B.S. Samkaria only deposed regarding handing over certain sanction orders and cheques to the IO and deposed nothing against the accused persons. It is pertinent to note that not a single office copy of sanction order so allegedly seized by the IO is found on record...”

She said that the applicant has been finally acquitted by the criminal court due to lack of evidence.

8. *Per contra*, Mr. Manjeet Singh Reen, learned counsel for respondents, at the very outset, raised the issue of limitation. He said that the impugned Annexure A-1 penalty order was passed by the disciplinary authority on 22.10.2008, which has been affirmed by the appellate authority vide Annexure A-2 order dated 14.05.2009. The applicant has filed the instant O.A. after a long gap of over 5 years on 22.07.2014. Thus, this O.A. is severely barred by limitation.

9. Mr. Reen argued that the period of limitation starts from the date of cause of action and not from the date of submission of last representation. In this regard, he placed reliance on the judgment of the Hon'ble Supreme Court in **State of Tripura & others v. Arabinda Chakraborty & others**, (2014) 6 SCC 460.

10. Arguing on the merits, Mr. Reen submitted that the applicant has been totally non-cooperative during the inquiry proceedings and he even

refused to cross examine the prosecution witnesses. In this regard, he drew our attention to the averments made in reply to paragraphs 4.6 & 4.7 of the O.A. He vehemently argued that principles of natural justice have been scrupulously adhered to by the disciplinary authority during the conduct of the disciplinary inquiry proceedings against the applicant and that the penalty orders passed by the disciplinary and appellate authorities are reasoned and speaking ones.

11. Mr. Reen, however, conceded that the original documents, as sought for by the applicant, were not made available, as they were in the personal custody of the investigating officer, namely, Inspector Ashok Hari, who died during the course of the investigation of the criminal case and with his death the original documents could not be traced out. He strenuously argued that the applicant had always wanted the attested copies of the documents relied upon for proving the charge, which were duly provided to him.

12. Replying to the arguments of learned counsel for respondents, Mrs. Harvinder Oberoi, learned counsel for applicant submitted that the applicant has consistently been insisting on the production of the original documents, as could be borne out from the daily order sheets No.8 dated 18.04.2006 (Annexure A-15), No.9 dated 15.05.2006 (Annexure A-19) and No.10 dated 30.05.2006 (Annexure A-13). She further argued that the applicant has stated, in his Annexure A-27 letter dated 07.05.2008, addressed to Under Secretary to Government of India, Department of Revenue, that only photostat copies have been placed on record, whereas,

as per well established rule of procedure, the primary evidence has to be produced in original in any administrative, judicial or quasi judicial proceeding, as required under Section 62 of the Indian Evidence Act, 1872. She said that the investigating officer was well aware that the originals were not available, as could be seen from the following paragraphs of the IO's report:

“12. On modus operandi of the fraud, Sh. Nagi has stated that it appeared that the original copy of the sanction was sent directly to the PAO by the GAR Section and was not made available and as such it cannot be said with the certainty as to how and when such manipulation was made....”

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14. It was also observed that the Charged Officer though initially satisfied with the prosecution's documents as submitted by the PO but thereafter he insisted only on the production of the original documents and later on withdrew from the enquiry stating that until and unless the original documents are produced no useful purpose will be served as the department informed that the original documents cannot be produced the same being not available.

15. From the above, it appears that the Charged Office was fully aware that the original documents in the case are not available and his insistence on the production of the original documents and failing which his non-cooperation in the enquiry, despite the facts that the attested copies of the documents were presented before him, establishes to certain extent that he may have been influenced by the thought that non-production of the original documents would go in his favour and the disciplinary proceedings would be dropped.”

13. We have considered the arguments of learned counsel for the parties and have also perused the pleadings and documents annexed thereto. Admittedly, the applicant, for the charge of alleged manipulation of words and figures in the sanction order dated 03.02.1993, was subjected to departmental proceedings as well as to trial in a criminal court for criminal offence. He has been acquitted in the criminal case due to lack of evidence

vide criminal court's judgment dated 30.11.2013. However, departmental proceedings got concluded much earlier and he was removed from service vide disciplinary authority's order dated 22.10.2008, which was duly affirmed by the appellate authority vide Annexure A-2 order dated 14.05.2009.

14. Before examining the merits of the case, we would like to deal with the issue of limitation raised by Mr. Reen, learned counsel for respondents. He has relied upon the judgment of Hon'ble Apex Court in **Arabinda Chakraborty's** case (supra). The relevant portion of the said judgment is extracted below:-

“18. It is a settled legal position that the period of limitation would commence from the date on which the cause of action takes place. Had there been any statute giving right of appeal to the respondent and if the respondent had filed such a statutory appeal, the period of limitation would have commenced from the date when the statutory appeal was decided. In the instant case, there was no provision with regard to any statutory appeal. The respondent kept on making representations one after another and all the representations had been rejected. Submission of the respondent to the effect that the period of limitation would commence from the date on which his last representation was rejected cannot be accepted. If accepted, it would be nothing but travesty of the law of limitation. One can go on making representations for 25 years and in that event one cannot say that the period of limitation would commence when the last representation was decided. On this legal issue, we feel that the courts below committed an error by considering the date of rejection of the last representation as the date on which the cause of action had arisen. This could not have been done.”

15. We are of the view that the above judgment of the Hon'ble Apex Court has no applicability to the instant case. The applicant was acquitted by the criminal court vide judgment dated 30.11.2013, *albeit* his removal from service was affirmed by the appellate authority on 14.05.2009. The

applicant could not have approached the respondents seeking his reinstatement prior to knowing his fate in the criminal case. His acquittal in the criminal court, for lack of evidence, was pronounced only on 30.11.2013. Therefore, we do not find any flaw in the applicant moving application dated 22.10.2013 (Annexure A-3) to respondent No.3 seeking his reinstatement in service. In view of these facts, we are of the view that the O.A. is not hit by limitation.

16. Coming to the merit aspect of the case, it is not in dispute that the original documents, referred to in paragraph (7) above, were never produced during the course of inquiry as they were in the possession of Inspector Ashok Hari, investigating officer in the criminal case and with his death during the course of investigation itself, original documents were lost. For non-availability of the original documents, the case of the applicant has definitely got prejudiced. The applicant has stoutly claimed that his signature was forged in the bill for manipulating the words and figures in it. This assertion of the applicant could have been got examined by a competent technical authority only if the original documents were available. No doubt, the applicant had been given photocopies of these documents but the same was not sufficient for conduct and conclusion of the disciplinary inquiry proceedings as per law. In this regard, we would like to refer to the following judgments of the Hon'ble Apex Court:

(i) **Chandrama Tewari v. Union of India through General Manager, Eastern Railways**, 1988 AIR 117, wherein it has been held as follows:-

"However, it is not necessary that each and every document must be supplied to the delinquent government servant facing the charges, instead only material and relevant documents are necessary to be supplied to him. If a document even though mentioned in the memo of charges is not relevant to the charges or if it is not referred to or relied up by the enquiry officer or the punishing authority in holding the charges proved against the government servant, no exception can be taken to the validity of the proceedings or the order. If the document is not used against the party charged the ground of violation of principles of natural justice cannot successfully be raised. The violation of principles of natural justice arises only when a document, copy of which may not have been supplied to the party charged when demanded is used in recording finding of guilt against him. On a careful consideration of the authorities cited on behalf of the appellant we find that the obligation to supply copies of a document is confined only to material and relevant documents and the enquiry would be vitiated only if the non- supply of material and relevant documents when demanded may have caused prejudice to the delinquent officer."

(ii) **Syndicate Bank & others v. Venkatesh Gururao Kurati,**

(2006) 3 SCC 150, wherein it has been held as follows:-

"18. In our view, non-supply of documents on which the Enquiry Officer does not rely during the course of enquiry does not create any prejudice to the delinquent. It is only those documents, which are relied upon by the Enquiry Officer to arrive at his conclusion, the non-supply of which would cause prejudice being violative of principles of natural justice. Even then, the non-supply of those documents prejudice the case of delinquent officer must be established by the delinquent officer. It is well settled law that the doctrine of principles of natural justice are not embodied rules. It cannot be put in a straitjacket formula. It depends upon the facts and circumstances of each case. To sustain the allegation of violation of principles of natural justice, one must establish that prejudice has been caused to him for non-observance of principles of natural justice."

17. The main thrust of the pleadings of the applicant in the O.A. & rejoinder as also the arguments of his counsel, Mrs. Harvinder Oberoi, has been that due to non-production of the original documents during the inquiry, the applicant could not contest his case properly, nor could he

examine the prosecution witnesses in a meaningful manner. This contention definitely merits consideration.

18. In the conspectus of discussions in the pre-paragraphs and taking cognizance of the fact that originals of some of the vital documents relied upon were not produced during the course of inquiry as also the ratio of law laid down by the Hon'ble Apex Court in **Chandrama Tewari & Venkatesh Gururao Kurati** (supra), we have no option except to quash and set aside the impugned Annexures A-1 & A-2 orders passed by the disciplinary and appellate authorities. Accordingly, ordered.

19. As a consequence of the quashment of Annexures A-1 & A-2 orders, we direct the respondents to reinstate the applicant in service within eight weeks from the date of receipt of a copy of this order. We further direct that the respondents shall pay 50% of his back-wages without interest to the applicant subject to the applicant furnishing non-employment certificate by self for the period when he remained out of service due to the removal order.

20. With these observations/directions, the O.A. is allowed. No order as to costs.

(**K.N. Shrivastava**)
Member (A)

(**Mrs. Jasmine Ahmed**)
Member (J)

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