

**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH**

OA No. 254/2018 & OA No. 351/2018

**Present: Hon'ble Mr.Gokul Chandra Pati, Member (A)
Hon'ble Mr.Swarup Kumar Mishra, Member (J)**

Utkal Keshari, aged about 56 years, S/o Late Hemanta Kumar Mohanty, At-Plot No. 8, Bapuji Nagar, Bhubaneswar, Dist. – Khurda, presently working as Dy. Director, I/C of State Office, Khadi & village Industries Commission, Odisha, Bhubaneswar, Dist. – Khurda, Odisha.

.....Applicant

VERSUS

1. Union of India represented through its Secretary, Ministry of Micro & Small Medium Enterprises (MSME), Udyog Bhawan, New Delhi.
2. Chief Executive Officer, Khadi & Village Industries Commission, 3 Irla Road, Vileparle West, Mumbai – 56.
3. Deputy Chief Executive Officer, Khadi & Village Industries Commission, 3 Irla Road, Vileparle West, Mumbai – 56.
4. P.K.Satpathy, Dy. Director, I/C, State Office, Khadi & village Industries Commission, J-16, Vimpur, Gandamunda, PO – Khadagiri, Odisha, Bhubaneswar-30, Dist. – Khurda.

.....Respondents.

For the applicant : Dr.J.K.Lenka, counsel

For the respondents: Mr.P.K.Routray, counsel (Resp. No. 2 & 3)

Mr.G.R.Verma, counsel (Resp. No.1)

Heard & reserved on : 14.1.2019

Order on :

O R D E R

Per Mr.Gokul Chandra Pati, Member (A)

Both the OAs have been filed by the applicant for two different cause of action arising out of his transfer vide order dated 16.3.2018 (Annexure A/1 to OA No. 254/18), for which both the OAs were heard together. This common order is passed for both the OAs.

2. The factual matrix of the case are that the applicant, an officer of the respondent-Khadi & Village Industry Commission (in short KVIC), was aggrieved by the order dated 16.3.2018 transferring him from Bhubaneswar to Itanagar. He submitted a representation dated 5.4.2018 for modification of

transfer order and also filed the OA No. 195/2018 challenging transfer order. This OA was disposed of by the Tribunal with a direction to the respondents to consider his representation and pending a decision, the applicant was directed to be continued at Bhubaneswar till one week after issue of the speaking order to dispose of the representation. Order dated 7.5.2018 was passed rejecting the representation of the applicant. The applicant submitted another appeal dated 9.5.2018 to KVIC stating that the fact about his earlier posting at Itanagar mentioned in the order dated 7.5.2018, was not correct and he requested for reconsideration of the matter. The OA No. 254/2018 was also filed challenging the order of rejection of his representation and his transfer, seeking following reliefs:-

- “(a) Quash/modify the transfer order dtd. 16.3.2018 at Annexure A/1 and rejection order dtd. 7.5.2018 at Annexure A/4 from I/C of S.O., Bhubaneswar to I/C, S.O. Itanagar so far as it relates to the applicant and respondent No.4 are concerned with all consequential and financial/service benefits.
- (b) Direct the respondents to transfer and post the applicant in any vacant post either in Odisha, Mumbai, Vishakhapatnam, Kolkata or Ranchi or even if Gauhati by modifying the transfer order dtd. 16.3.2018 at Annexure/A/1 and rejection order dtd. 7.5.2018 at Annexure A/4.
- (c) And pass any other order(s)/direction(s) which would afford complete relief(s) to the applicant in the facts and circumstances of the case.”

3. The Tribunal, while considering the OA No. 254/2018 on 16.5.2018, directed the respondents' counsel to obtain instructions and also directed to maintain status quo as on date till next date of hearing. The applicant's case is that he is continuing at Bhubaneswar by virtue of the order dated 16.5.2018 which is disputed by the respondents. While the matter stood at this stage, the respondents passed an order dated 2.7.2018 placing the applicant under suspension under the Regulation rule 8(1)(a) of KVIC E (CCA) Regulations, 2003, listing different allegations against the applicant in the order. Being aggrieved by the order of his suspension, the applicant filed OA No. 351/2018 seeking following reliefs:-

- “(a) Quash/set aside the order dtd. 2.7.2018 at Annexure A/10 with all consequential and financial benefits;
- (b) Direct the respondents to release the full salary of the applicant as due and admissible from the month of June 2018 onwards as the applicant had worked on and after 16.5.2018 on the strength of interim order dated 16.5.2018 in OA No. 254/2018;
- (c) And pass any other order(s)/direction(s) which would afford complete relief(s) to the applicant in the facts and circumstances of the case.”

4. The OA No. 351/2018 was considered by the Tribunal on 10.7.2018 and the following order was passed:-

"Heard Id. Counsels appearing for both the sides.

2. Admit. Issue notice to the respondents returnable within four weeks. Counter to be filed within a period of four weeks thereafter and rejoinder, if any, may be filed within a period of two weeks therefrom.

3. So far as interim prayer is concerned, we make it clear that the respondents should reconsider the headquarter fixed at Itanagar keeping in mind the orders passed by this Tribunal in OA No. 254/2018 by virtue of which the applicant is presently continuing at Bhubaneswar and give his reply/objection to the interim prayer within a period of four weeks and till such time no coercive action in respect of fixing of headquarter at Itanagar will be initiated by the official respondents and he be allowed to continue at Bhubaneswar.

4. Copy of this order be given to the Id. Counsels for both the sides. Applicant is granted liberty to bring this order to the notice of the authorities."

5. In the OA No. 254/18, the respondents filed their counter on 23.7.2018 taking the plea that the applicant had already been relieved from Bhubaneswar before 16.5.2018 was passed to maintain status quo of the applicant.

6. In the meantime on 23.7.2018, the respondents filed counter in OA No. 254/2018 stating that in compliance of the transfer order dated 16.3.2018 the reliever of the applicant had joined at State Office of KVIS Bhubaneswar on 2.4.2018 and the applicant handed over the charge of the Principal MD Training Centre, Bhubaneswar on 6.4.2018 to his reliever Mr.P.K.Satpathy as per copy at Annexure R/2 and R/3 to the counter. It is further stated that the applicant has not vacated the office of the State Director, Odisha, Bhubaneswar even after his successor has joined and assumed the office. The respondents also issued order dated 9.4.2018 (Annexure R/4) directing the applicant to join at the new place of joining. The applicant had submitted a representation on 5.4.2018 to transfer him either to Mumbai, Vishakhapatnam or Ranchi, which was received by the respondents after the order dated 12.4.2018 was passed by the Tribunal in the earlier OA. In compliance with the order dated 12.4.2018, the respondents issued the order dated 7.5.2018 (Annexure A/4 to the OA No. 254/18) rejecting the representation of the applicant and directing him to join at the new Headquarters.

7. It is further stated in the counter that the applicant moved the Tribunal and order dated 16.5.2018 was passed due to misrepresentation of the facts before the Tribunal for wrongful gain. It is further stated in the counter that the applicant was suitable to be in-charge of the office where he was posted and since there was no vacant post of Dy. Director at other places opted by him, he could not be accommodated at other places. It is further stated that the applicant had committed serious financial irregularities while functioning in the State Office, Bhubaneswar for which he has been placed under suspension and disciplinary enquiry against him has been initiated. The fact

that the applicant has misrepresented before the Tribunal has been stressed in the counter. The order of suspension dated 2.7.2018 has been enclosed at Annexure R/1 of the counter.

8. The applicant filed a rejoinder denying the fact that he was relieved from his post at State Office, Bhubaneswar. It was submitted by him that after joining of Mr.P.K.Satpathy (respondent No.4) on 2.4.2018, he was handed over the charge of MDTC, Bhubaneswar which was a separate unit from the State Office. Regarding the order dated 9.4.2018, it was stated that the applicant received the same on 17.4.2018 and before that Tribunal's order dated 12.4.2018 in first OA was passed. The submission regarding non-submission of the representation dated 5.4.2018 was denied. It was further submitted that as stated in the OA, he may be posted in any other place except Itanagar where he had earlier worked for 3 years 9 months. The applicant stressed on the point that he has not been relieved as on 16.5.2018 and he has received the salary for the month of May, 2018. He was functioning in the State Office by virtue of the interim order dated 16.5.2018.

9. In OA No. 254/2018, after receiving the counter, the matter was taken up on 25.7.2018 and in view of the submissions in the counter that applicant was already relieved from the post of Dy. Director, Bhubaneswar, the MA No. 234/2018 filed by the respondents (in OA No. 254/2018) to vacate the interim order dated 16.5.2018 was allowed by the Tribunal and the interim order dated 16.5.2018 to maintain status quo was vacated. The applicant thereafter moved Hon'ble High Court against the order dated 25.7.2018 of the Tribunal and vide order dated 30.11.2018, Hon'ble High Court passed the following order :

"Heard learned counsel for the parties.

By way of this writ petition, the petitioner has challenged the order dated 25.7.2018 under Annexure -15 passed by the learned Central Administrative Tribunal, Cuttack Bench, Cuttack in OA No. 260/254/2018 whereby the Tribunal has directed to list the original application for final hearing before the next available Division Bench.

Having heard learned counsel for the parties and considering the materials available on record, we are of the view that the earlier order dated 10.7.2018 of the Division Bench of the Tribunal in the matter of fixation of the Headquarter will prevail till the original application is disposed of by the Tribunal.

Otherwise we are not inclined to interfere with the impugned order dated 25.7.2018 under Annexure-15. However, we direct the Tribunal to hear the original application and conclude the same within two months from the date of receipt of a certified copy of this order. Till disposal of the original application, the order dated 10.7.2018 under Annexure-11 shall prevail.

The writ petition stands disposed of with the above observation.

Urgent certified copy of this order be granted on proper application."

As it would be seen from the above that by virtue of the order dated 30.11.2018 of the Hon'ble High Court, the order dated 10.7.2018 passed in OA No. 351/2018 where direction was given that no coercive action in respect of fixing of Headquarters at Itanagar will be initiated by the official respondents and he will be allowed to continue at Bhubaneswar. However, the order dated 16.5.2018, which was vacated vide order dated 25.7.2018, has not been restored.

10. We have heard Dr.J.K.Lenka, the learned counsel for the applicant, Mr.P.K.Routray, learned counsel for respondents No. 2 and 3 and Mr.G.R.Verma, learned counsel for respondent No.1. Learned counsels also filed written notes of submissions within three days from listing their submissions.

11. Dr. Lenka, learned counsel for the applicant while reiterating the averments in the OA, stressed on the point that the impugned transfer order is punitive in nature, in view of the contentions of the respondents in the counter. It was further submitted that the applicant had not handed over the charge of Odisha State Office of KVIC at Bhubaneswar, when the interim order dated 16.5.2018 was passed by the Tribunal. The other submission of Dr. Lenka was that there were vacancies available at different stations as stated in the OA, where the applicant can be posted and his posting at Itanagar office needs to be modified since he had already spent 4 years earlier at Itanagar. Due to persona difficulties, applicant wanted to be posted at a place where there is direct connectivity with Bhubaneswar. Regarding suspension order dated 2.7.2018, it was submitted by Dr. Lenka that it was issued after a gap from 20.3.2018, when the applicant submitted his reply to the letter calling for his explanation. It was also argued that the respondents acted arbitrarily while fixing headquarters of the applicant at Itanagar on suspension, when the applicant was continuing at Bhubaneswar by virtue of the interim order dated 16.5.2018 of the Tribunal. Lastly, Dr. Lenka cited following cases in support of his contention that punitive transfers are not sustainable :-

- (i) Santipriya Kar -vs- Director of Public Instruction (Schools) & Others [CLT Vol. 55 page 132]
- (ii) Somesh Tiwari -vs- Union of India & Others [(2009) 1 SCC (L&S) 411]

12. Mr.P.K.Routray, learned counsel for the respondents No. 2 and 3 opposed the arguments advanced by Dr. Lenka by referring to the averments made in the counter. It was pointed out that respondent No.4 (reliever of the applicant) had joined in the State Office on 2.4.2018 in response to the transfer order dated 16.3.2018 and hence, the applicant was relieved. As on 12.4.2018, when the order in the first OA was passed by the Tribunal and as on

16.5.2018, when interim order in OA no. 254/2018 was passed by the Tribunal, the applicant had already been relieved as on 2.4.2018 after joining of respondent No.4 who had also handed over the charge of MDTC on 6.4.2018. Mr. Routray, further argued that the transfer order was not punitive and for financial irregularities alleged against the applicant, disciplinary action has been initiated against the applicant. He also cited the following citations in support of his case :-

(i) Ms. Shilpi Bose & Others -vs- State of Bihar & Others [AIR 1991 SC 532]

(ii) Union of India -vs- S.L.Abbas [AIR 1993 SC 2444]

13. Mr.G.R.Verma, learned counsel for respondent No.1 submitted (both orally and through written notes) that the averments in the OA are false since the reliever had joined on 2.4.2018 and applicant handed over charge on 6.4.2018 as vide order dated 9.4.2018 he was relieved finally. These facts were suppressed in the OA. After the stay order dated 16.5.2018 was vacated by order dated 25.7.2018, applicant filed WP(C) No. 15045/2018 in which it was directed that order dated 10.7.2018 would prevail. Mr.Verma in his written note has cited the judgment of Hon'ble High Court in the case of Netrananda Mishra -vs- State of Odisha & Ors. reported in 2018 (II) ILR-CUT-3990 in support of his submissions.

14. We have considered the matter based on the pleadings on record and the submissions made by the learned counsels for the applicant, for respondents No. 1, 2 and 3. The relevant issues to be considered in this case are as under :

(i) Whether the impugned transfer order dated 16.3.2018 is passed as a measure of punishment as argued by the applicant's counsel;

(ii) Whether the applicant was relieved from his post in State Office of KVIC, Bhubaneswar prior to 16.5.2018 as argued by learned counsels for official respondents;

(iii) Whether the impugned suspension order dated 2.7.2018 in OA No. 351/2018 can be sustained in the light of the interim order dated 16.5.2018 passed in OA No. 254/2018.

15. Regarding the issue (i) in para 14, it is seen that the applicant in his representation for modification of transfer order had requested for adjusting him in nearby states. In para 4.5 of the counter filed in OA No. 254/18, it is stated as under:-

".....Applicant was transferred from Bhubaneswar on account of several complaints against his functioning and it is in better interest of the Organization that the applicant was transferred from State Office,

Bhubaneswar to State Office, Itanagar, where the volume of work of the KVIC is very limited. Further, KVIC is undertaking more of training related activities at North-East, including Itanagar and as the Applicant basically belongs to Training cadre, his services can be better utilized there for training activities."

16. In para 4(vii) of the OA No. 254/18, it was submitted that the post of Dy. Director, Ranchi and another post at Kolkata would fall vacant due to retirement of the incumbents in July/August, 2018. In reply to above averments, the respondents No. 2 & 3 in para 4.8 of their counter did not say anything about the possible vacancies about which the applicant has mentioned. It is stated about serious financial irregularities allegedly committed by the applicant while functioning as State Director, Bhubaneswar. It is also mentioned that his claim for posting at Ranchi or Kolkata cannot be considered.

17. It is noted that the disciplinary proceeding against the applicant was started with the suspension order dated 2.7.2018 impugned in OA No. 351/18 and the said order has referred to the allegations of the applicant of posting an improper message, for which, his explanation was called for on 20.3.2018. The reply of the applicant was placed before KVIC meeting on 31.5.2018. Then some other financial irregularities have been also referred to in the order dated 2.7.2018 without specifying the same. The decision of KVIC in its meeting held on 26.6.2018 was also referred to in the impugned order. It is noted that the disciplinary action has been initiated after issue of applicant's transfer order dated 16.3.2018 impugned in OA No. 254/18.

18. From above discussions and particularly in view of averments in para 4.5 of the counter, we are of the view that the transfer order dated 16.3.2018 issued to the applicant is in the nature of a punishment for alleged irregularities and indisciplined behaviour allegedly committed by the applicant. Hence, the issue no. (i) of para 11 is answered in favour of the applicant.

19. Regarding the issue No. (ii) in para 14, it is seen that in the counter filed in OA No. 254/2018, it is stated that the new incumbent Mr.P.K.Satpathy has assumed the charge of State Office at Bhubaneswar on 2.4.2018 and forwarded the certificate of assumption of charge to the Central Office. On 6.4.2018 the applicant had handed over charge of MDTC to Mr.P.K.Satpathy (respondent No.4). The applicant in the rejoinder stated that after joining of Mr.P.K.Satpathy on 2.4.2018, he had only given the charge of MDTC to Mr.Satpathy. It was further stated that the applicant did not hand over the charge of the State Office KVIC Bhubaneswar, sub office Sambalpur and CST Chowdar. Subsequent order dated 9.4.2018 received by the applicant on 17.4.2018, as stated in the rejoinder and before that date, the interim order of

the Tribunal dated 12.4.2018 was passed, with direction that pending disposal of the representation, the applicant is to continue at Bhubaneswar, for which it is claimed by the applicant that he is continuing at Bhubaneswar. We take note of the fact that after the relieving officer (Mr.P.K.Satpathy) reported for duty, the applicant has handed over only the charge of MDTC Bhubaneswar to him and did not hand over the main charge of State Office KVIC as stated by him in the rejoinder. The reason for not handing over the charge of State Office, KVIC to the reliever, has not been mentioned in the pleadings of the applicant. Generally if the relieving officer reports, then the transferred officer should hand over the charge to the relieving officer unless there are some specific reasons or instructions of authorities or there is Court's order. On 2.4.2018, there was no interim order in favour of the applicant. But the applicant chose to continue in the State Office even after reporting of Mr.P.K.Satpathy on 2.4.2018, who is his relieving officer. Clearly the applicant waited to have the interim order against his transfer. It is seen that the fact that Mr.P.K.Satpathy had joined on 2.4.2018, has not been disclosed by the applicant in the OA, which amounts to suppression of relevant fact. Hence, we are of the view that the applicant would be deemed to have been relieved from State Office after reporting of Mr.P.K.Satpathy, although the applicant might not have handed over the detailed charges. Hence, issue No. (ii) is answered against the applicant.

20. Regarding issue No. (iii) in para 13, the plea of the applicant regarding order dated 2.7.2018 is that it is not legally valid, since by the time the said suspension order was passed, the interim order dated 16.5.2018 for maintaining status quo was already in force. We are unable to accept this contention of the applicant. The status quo order dated 16.5.2018 was passed by the Tribunal with reference to the order of transfer dated 16.3.2018 transferring the applicant from Bhubaneswar to Itanagar which was challenged in OA No. 254/2018. Hence, the status quo order dated 16.5.2018 would be in the context of the impugned transfer order dated 16.3.2018 implying that the applicant would be permitted to continue in Bhubaneswar without being relieved. The interpretation of the applicant that it will also mean that the applicant cannot be suspended or no disciplinary proceeding cannot be initiated against the applicant because of the interim order dated 16.5.2018 is not tenable. The respondents were competent to initiate appropriate disciplinary action as per the rules and regulations and the interim order dated 16.5.2018 was not a bar against taking any disciplinary action, since no stay on any possible disciplinary action can be implied by virtue of the interim order dated 16.5.2018. Accordingly, the issue No. (iii) in para 13 is replied against the applicant. The suspension order would be legally sustainable, if it is in

accordance with the rules applicable for disciplinary proceedings. Hence, the prayer in OA No. 351/2018 to quash the order dated 2.7.2018 is not acceptable.

21. It is noted that the respondents vide the order dated 2.7.2018 have fixed the Headquarter of the applicant at Itanagar, knowing fully well that the applicant had not joined at Itanagar due to his pending representation and subsequent interim order of the Tribunal. The applicant's plea is that he is yet to be relieved from the State Office Bhubaneswar. The applicant admittedly had not joined at Itanagar and was at Bhubaneswar when the order dated 2.7.2018 was passed. In such a situation, fixing his Headquarter at Itanagar would not be appropriate and if implemented it may amount to harassment of the applicant if he will not be allowed reasonable opportunity as per law to defend the charges framed against him.

22 . As discussed above, we are of the opinion that the transfer order dated 16.3.2018 is issued as a punitive measure. Learned counsel for the applicant has cited the judgment in the case of Somesh Tiwari (supra) and Shantipriya Kar (supra) in which it is clearly laid down that the transfer order issued as a punitive measure is not sustainable. In the case of Shantipriya Kar (supra), Hon'ble High Court has held as under :

"12. When the order of transfer is read along with the aforesaid D.O. letter of the Block Development Office^{3r} and the confidential report of opposite party No.2 it is manifestly clear that the order of transfer was made on account of the alleged acts of misconduct of the petitioner and as such it was made as a measure of punishment and not purely on administrative grounds. In the counter affidavit filed by opposite parties 1 and 2 averments have also been made about the past misconduct of the petitioner. The facts and circumstances disclosed by the counter affidavit and the aforementioned correspondence would warrant disciplinary proceedings against the petitioner but the power of transfer was used as a disciplinary measure and it was made with motive to circumvent disciplinary action and to bypass the disciplinary machinery. It was improper to transfer the petitioner merely because the Block Development Officer wanted it without the administrative authority going into the merits of the complaint made against the petitioner. Such transfer would, in our opinion, amount to punishment of the petitioner. A punishment can be only inflicted in accordance with the relevant rules. Nor could the punishment be noted out without affording the petitioner sufficient opportunity to meet the case against her.

13. We are conscious of the fact that normal orders of transfer ought not to be interfered with by courts. But after appreciating the circumstances of the case we are of the view that the impugned order though apparently innocuous was meant really to punish and harass the petitioner. It appears to us to be a colourable exercise of powers and is liable to be struck down."

23. We are of the view that the respondents' averment in the counter that the applicant has been transferred from Bhubaneswar due to allegations of financial irregularities, for which disciplinary action has also been initiated

after issuing his transfer order, the judgments cited by learned counsel for the applicant would be squarely applicable in this case, for which, the impugned transfer order will be treated as punitive and it will not be sustainable. In the OA No. 351/2018, there is no valid grounds to interfere with the impugned suspension order dated 2.7.2018, but fixing the applicant's headquarters at Itanagar would not be sustainable in view of discussions at para 21 above.

24. Learned counsels for the official respondents have cited the judgments in Mrs. Shilpi Bose (supra) in which it was held that the Court should not interfere with transfer orders which are made in public interest or administrative reasons unless it is made in violation of statutory rules or on the ground of malafide. In the case of S.K.Abbas (supra), it is held that the guidelines issued by Government for transfer is not a legally enforceable right of the employee to contest his transfer. In the case of Netrananda Mishra (supra), it was held by Hon'ble High Court that if a party plays fraud by giving false statement, then he/she will not be entitled for any relief. In the present OA, the circumstances clearly point out to the fact that the transfer order dated 15.3.2018 is punitive in nature and such transfers are not sustainable as per the judgment cited by the applicant's counsel. In the case of Shilpi Bose (supra) and S.L.Abbas (supra), the transfer was not punitive. Hence, the present OA is factually distinguishable. Further, although the applicant failed to mention that respondent No.4 had joined on 2.4.2018, it cannot be stated to be a fraud as alleged by the respondents, since the applicant had not actually handed over the charge of the State Office to the respondent No.4. But as discussed in para 19, the applicant will be deemed to have been relieved w.e.f. 2.4.2018, even if the applicant did not hand over the charge. Hence, the judgment in the case of Netrananda Mishra (supra) will not be applicable to the present OA.

25. Taking into consideration of the facts and circumstances of this case as discussed above, following orders are passed in respect of both the OAs:-

- (i) The OA No. 254/2018 is allowed in part and the impugned transfer order dated 16.3.2018, being unsustainable as it is punitive, is quashed. But the applicant will not be entitled to be posted at Bhubaneswar State Office in view of the suspension order dated 23.7.2018 and he will be deemed to have been relieved from State Office, Bhubaneswar w.e.f. 2.4.2018. The respondents shall issue a fresh order of posting to the applicant on his reinstatement after the suspension order dated 2.7.2018 is revoked as per the provisions of law, after considering on merit the representation of the applicant regarding his choice/option for the place of posting, if filed by the applicant before the competent authority.

(ii) The OA No. 351/2018 is disposed of with direction to the respondents to fix the applicant's headquarter at Bhubaneswar till the order dated 2.7.2018 is in force, keeping in view the interim order dated 10.7.2018 passed by this Tribunal in this OA. The respondents are also directed to complete the disciplinary proceedings initiated against the applicant in pursuance to the suspension order dated 2.7.2018 as per law, within a period of four months. It is also made clear that the applicant will be entitled for subsistence allowance as per law from the date of his suspension i.e. from 2.7.2018. In view of the final order passed in this OA, the interim order dated 10.7.2018 is treated as merged with this order.

26. The OA No. 254/2018 and OA No. 351/2018 are disposed of in terms of para 25 above. There will be no order as to costs.

(SWARUP KUMAR MISHRA)
MEMBER (J)

(GOKUL CHANDRA PATI)
MEMBER (A)

I.Nath