

**CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH**

**OA No. 269 of 2012**

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

Ajay Kumar Sahoo, aged about 49 years, S/o Keshab Chandra Sahoo, LD Clerk, Regional Institute of Education, Bhubaneswar.

.....Applicant.

VERSUS

1. National Council of Educational Research and Training, New Delhi, represented through its Secretary, Sri Aurobindo Marg, New Delhi – 110108.
2. Joint Director And Appellate Authority, National Council of Educational Research and Training, New Delhi, represented through its Secretary, Sri Aurobindo Marg, New Delhi – 110108.
3. Principal, Regional Institute of Education, Unit – IX, Bhubaneswar, Dist. – Khurda, Orissa.

.....Respondents.

For the applicant : None

For the respondents: Mr.B.Dash, counsel

Heard & reserved on: 7.1.2019

Order on : 16.1.2019

**O R D E R**

**Per Mr.Gokul Chandra Pati, Member (A)**

The OA has been filed seeking the following reliefs :

- “(i) To allow the original application.
- (ii) To quash the order of the Disciplinary Authority under Annexure A/7 dated 5.6.2009 and order of Appellate Authority under Annexure A/9 dated 12/15.7.2010.
- (iii) To direct the respondents to reinstate the applicant forthwith with all consequence service and financial benefits.
- (iv) And be further pleased to pass any other order/direction as deemed fit in the circumstance of the case.”

2. The facts in brief are that the applicant while working as a LD Clerk in the Regional Institute of Education, Bhubaneswar, was placed under suspension on 25.11.2004 and proceedings were initiated against him for a major penalty proceeding under Rule 14 of the CCS (CCA) Rules, 1965 (referred hereinafter as Rule), vide the charge-sheet dated 17.12.2004 with the allegation that he has submitted a false LTC claim. The applicant thereafter, submitted a reply dated 27.12.2004, stating that he had earlier submitted a representation

dated 6.2.2004 immediately on the next date of submitting the LTC bills on 5.2.2004, withdrawing the said claim. Thereafter, the enquiry was conducted by the respondents by appointing a retired Government officer as Inquiry Officer (in short IO).

3. After the IO submitted his report, the applicant filed the OA No. 792/2005 challenging the charge sheet as well as appointment of Inquiry Officer who was a retired Government officer. This Tribunal in that OA passed an interim order dated 10.10.2005, directing the Disciplinary Authority not to pass any final order. Then, vide order dated 28.6.2007 the OA was dismissed by the Tribunal and the interim order dated 10.10.2005 was vacated while granting liberty to the Disciplinary Authority to pass final orders in the proceedings in accordance with law.

4. Thereafter, the Disciplinary Authority passed the order of punishment dated 5.6.2009 (Annexure A/7), compulsorily retiring the applicant from service treating the period under suspension as such. The appeal was filed by the applicant against the punishment order, vide his appeal dated 7.7.2009 (Annexure A/8), which was also rejected by the Appellate Authority (respondent No.2) vide order dated 12/15.7.2010 (Annexure A/9).

5. This OA challenges the order of the Disciplinary authority (respondent No.3) and the Appellate Authority mainly on the following grounds :

- (i) The punishment of compulsory retirement is harsh.
- (ii) Prior to framing of charges, he had submitted a representation dated 6.2.2004 (just one day after preferring the claim for the LTC), withdrawing the said claim. This was brought to the notice of IO, but it was not considered appropriately by the IO.
- (iii) There are a number of deviations from the procedure prescribed under the Rule 14 and as stated in para 5.7, the IO did not allow the applicant to examine/cross examine the witnesses.
- (iv) A claim which has been already withdrawn by the applicant should not be termed as gross misconduct, warranting punishment of compulsory retirement.
- (v) The order of the Disciplinary Authority and Appellate Authority are cryptic and non-reasoned, which are not sustainable in the eye of law. Further an order of Disciplinary Authority is issued under signature of an incompetent authority.
- (vi) Action of the respondents violates Article 14, 16 & 21 of the Constitution of India and also the principles of natural justice.

6. The respondents have filed counter, opposing the OA. It is submitted that after the Inquiry Officer submitted the report, the applicant approached the

Tribunal in OA No. 792/2005 which was dismissed. The applicant moved Hon'ble High Court in Writ Petition, challenging the order of this Tribunal and the said Writ Petition was also dismissed. Hence, the applicant cannot raise the pleas, which were already rejected by the Tribunal and Hon'ble High Court. During the enquiry, the applicant had submitted a bias petition against the IO, which was duly rejected by the Appellate Authority vide order dated 26.8.2005/9.9.2005. Thereafter, the enquiry under the IO proceeded. It is also stated that the applicant had drawn LTC advance amounting to Rs.15,430/- and on 5.2.2004 submitted a claim for Rs.10,530/- and when the matter was referred to Railway authorities, it was revealed that the journey as claimed by the applicant was not undertaken and the tickets were cancelled. Regarding the averment that the applicant had submitted a representation dated 6.2.2004, the respondents in their counter have stated in para 5.10 that the said application dated 6.2.2004 was never submitted by the applicant and that the applicant has taken the stand just to save his skin. The procedural lapses have also been denied by stating that the Tribunal has considered this aspect while adjudicating OA No. 792/2005 and has not found any lapses on the part of the respondents. It was further stated that the applicant was never denied any opportunity to defend himself and there was no violation of the principles of natural justice.

7. When the matter was taken up for hearing on 21.5.2018, the proxy counsel for the applicant sought time to argue this case. Accordingly, the matter was adjourned. Then it was then listed on 13.12.2018, when no one appeared on behalf of the applicant. Vide order dated 13.12.2018, last opportunity was granted to the applicant to proceed with the case. Accordingly the matter was listed on 7.1.2019, when again none appeared on behalf of the applicant. Therefore, it was decided to proceed with the hearing under Rule 15 of CAT (Procedure) Rules, 1987 in absence of the applicant's counsel and the learned counsel for the respondents Mr.B.Dash was heard in the matter. He reiterated the main averments in the counter and submitted that the misconduct/charge against the applicant of fraudulent LTC claim has been established. Although the applicant's counsel was given opportunity to submit a written note of submission within seven days, no such note has been submitted.

8. The charges framed against the applicant for preferring fraudulent LTC claim and for misappropriation are as under:

#### **"ARTICLE-I**

That Shri Ajaya Kumar Sahoo while working as L.D.Clerk in the Regional Institute of Educations (NCERT), Bhubaneswar had drawn a sum of

Rs.15,430/- as an advance towards LTC (Any place in India) for five of his family members for their journey from Bhubaneswar to New Delhi and back.

That Shri A.K.Sahoo preferred LTC final settlement bill for three of his family members. On enquiry, the final LTC claim of Shri Sahoo is found to be fraudulent as evident from the fact that his family members were neither travelled from Bhubaneswar to New Delhi nor returned from New Delhi to Bhubaneswar. Rather, the party consisting three members of the family of Shri Sahoo cancelled both the tickets (both onward and return) and got the refund from the railways.

The act of preferring a fraudulent claim which involves moral turpitude amounts to grave misconduct. By committing such grave misconduct, Shri A.K.Sahoo failed to maintain absolute integrity and thereby violated Rule 3(I)(i) of CCS (Conduct) Rules, 1964 as applicable to the employees of RIE (NCERT) Bhubaneswar.

### **ARTICLE-II**

That Shri Ajaya Kumar Sahoo while working as L.D.Clerk in the RIE (NCERT), Bhubaneswar had drawn a sum of Rs.15,430/- as an advance towards LTC (Any place in India) for five of his family members for their journey from Bhubaneswar to New Delhi and back. In his final bill, Sri A.K.Sahoo has indicated that only three of his family members were travelled though advance was drawn by him for five members.

That the family members of Sri A.K.Sahoo did not perform both onward and return journey and Shri Sahoo cancelled both the tickets and got refund from the railways. After cancellation of the tickets, Shri Sahoo did not refund the amount and rather made a false claim for Rs.10,530/- against the LTC advance drawn by him. Shri Sahoo has thus misappropriated the entire amount of Rs.15,430/- and has committed fraud on the department.

That by this misappropriation of government money which amounts to grave misconduct, Shri Sahoo failed to maintain absolute integrity and honesty and thereby violated Rule 3(I)(i) of CCS (Conduct) Rules, 1964 as applicable to the employees of RIE (NCERT) Bhubaneswar."

#### 9. Findings of the Inquiry Officer are as under :

- “(1) That the charged employee has drawn LTC advance of Rs.15,530/- .
- (2) That he has submitted a LTC Bill of Rs.10,530/- to defray the expenses for tickets for three of his family members on dt. 5.2.2004, but has not refunded the balance amount till today.
- (3) That only three members of the charged employee family as per the bill undertook the journey.
- (4) The Railway Authorities have categorically stated that they have not undertaken the journey. The tickets were returned and took refund of the amount of the ticket.

The charged employee has no defence.

Therefore, he is guilty of submitting a false LTC bill. Therefore, he is certainly exhibited utter lack of integrity and honesty and misappropriated the entire LTC amount Rs.15,530/- taken by him. He has suppressed the entire fact and has no defence but prays to be excused.

Thus I hold that the charged employee as stated above has violated Rule 3(1)(I) of CCS Conduct Rule, 1964. The charge has been proved fully.

10. The Disciplinary Authority vide order dated 5.6.2009 has passed the following order :

"WHERE AS disciplinary proceedings were initiated against Sri A.K.Sahoo. LDC (under suspension) under Rule 14 of the CCS (CCA) Rules 1965 for misutilising the LTC money and preferring a fraudulent LTC claim vide letter No. RIEB-11297 dated 17.12.2004. Now the proceedings were finalized and the Principal, RIE, Bhubaneswar being the Disciplinary authority is pleased to pass the following orders as per the powers vested in him under Rule 12(2)(a) and 12(3) of the CCS (CCA) Rules, 1965 read with Rule 11(vi).

1. That Sri Sahoo, LDC (under suspension) is compulsorily retired with immediate effect.
2. The period of suspension spent by Sri Sahoo will be treated as such, but will count towards qualifying service for earning pensionary benefits only.
3. Sri Sahoo, LDC (under suspension) is further ordered to refund the LTC advance drawn by him immediately with penal interest as prescribed in GFRs. In case he fails to deposit the amount immediately the same will be recovered from his retirement benefits."

11. The appeal dated 7.7.2009 was filed by the applicant against the penalty imposed by the disciplinary authority, before the respondent No.2, stating the violations of the rules is as under :

"(c) Besides above, the course laid down in the following provisions of CCS (CCA) Rules were given a total go-by:

1. Sub-rule (16) of Rule 14 :- Stating defence, orally or in writing.
2. Sub-rule (18) of Rule 14 :- Mandatory Questions by the Inquiry Officer to the delinquent official enabling him to explain any circumstances appearing in the evidence against him.
3. Sub-rule (19) of Rule 14 :- Filing of Written Brief of the case.
4. That the Inquiry Officer submitted his report on 24.9.2005, with the finding that I was guilty of the charge framed against me.
5. That on the basis of the said Inquiry Officer, in his order No. 3735, dated 5.6.2009, the Disciplinary Authority imposed upon me the penalty of compulsory retirement from service. A copy of the said order is filed herewith marked as Annexure-4.
6. That the above order of punishment was void ab initio in as much as the procedure laid down in Rule 15 had not been adhered to before passing the order of the said punishment.

#### PRAYER

In view of the non-observance of the mandatory provisions of the law, it is humbly prayed that the order of punishment (Annexure-4) may kindly be set aside by the Appellate Authority in exercise of the powers as vested in him under Rule 27(2)(a) of the CCS (CCA) Rules, 1965."

12. After considering the appeal, the Appellate Authority passed the following order vide his order dated 12/15.07.2010:-

"Whereas Sri A.K.Sahoo vide his appeal dated 7.7.2010 raised the issue of non-observance of mandatory provisions in the Inquiry conducted against him by the Inquiry officer on the basis of which the penalty of compulsory retirement was imposed on him by the Disciplinary Authority vide RIE, Bhubaneswar's Order No. 3735 dated 5.6.2009.

Whereas, after examining the whole issue, Sri A.K.,Sahoo was given another opportunity to submit para-wise submission with reference to the findings of the Inquiry Report dated 24.9.2005.

Whereas, Sri A.K.Sahoo vide his letter dated 24.5.2010 reiterated his statement alleging bias against Inquiry Report dated 24.9.2005 of the Inquiry Officer and did not furnish any para-wise submission with reference to the findings of the Inquiry Report dated 24.9.2005.

Whereas from the records of the case, it is ascertained that Sri Sahoo did not appear before the Inquiry Officer to avail the opportunity given to him by the IO from time to time to defend his case even after disposal of OA No. 177/2003 filed by him.

Whereas Sri Sahoo was handed over a copy of the Inquiry Report dt. 24.9.2005 vide RIE, Bhubaneswar's Memo No. 7820 dated 30.9.2005 to make any representation or submission which he received on 3.10.2005. However, no representation with reference to the report of the Inquiry Officer was submitted by Sri Sahoo.

Whereas Sri Sahoo filed OA No. 792/2005 to set aside the report of the Inquiry Officer, Disciplinary Authority and Appellate Authority. While dismissing the OA, the Hon'ble CAT observed that the OA is not maintainable.

Now, I being the Appellate Authority, after going through the Inquiry report dated 24.9.2005, submission made by Sri Sahoo and all the other available record of the case, uphold the order of the Disciplinary authority imposing the penalty of compulsory retirement on Sri A.K.Sahoo vide Order No. 3735 dated 5.6.2009."

13. Under the CCS (CCA) Rules, 1965, the Appellate Authority has been entrusted with the responsibility to ensure that the disciplinary authority's findings including the order of punishment are based on evidence on record and the procedure as laid down under the rules has been followed, besides examining the quantum of punishment imposed vis-avis the charges proved against the charged officer. In this regard, the rule 27(2) states as under:-

**"27. Consideration of appeal**

(2) In the case of an appeal against an order imposing any of the penalties specified in rule 11 or enhancing any penalty imposed under the said rules, the appellate authority shall consider-

- (a) whether the procedure laid down in these rules have been complied with and if not, whether such non-compliance has resulted in the violation of any provisions of the Constitution of India or in the failure of justice;
- (b) whether the findings of the disciplinary authority are warranted by the evidence on the record; and
- (c) whether the penalty or the enhanced penalty imposed is adequate, inadequate or severe; and pass orders-
  - (i) confirming, enhancing, reducing, or setting aside the penalty; or

- (ii) remitting the case to the authority which imposed or enhanced the penalty or to any other authority with such direction as it may deem fit in the circumstances of the case : provided that-
  - (i) The Commission shall be consulted in all cases where such consultation is necessary;
  - (ii) ....."

14. The applicant in his appeal dated 7.7.2009 raised the issue that the punishment order dated 5.6.2009 is not in accordance with the rule 15. But the Appellate Authority failed to examine and record his finding on this issue in order dated 12/15.7.2010. Non-consideration of the points raised in the appeal by the Appellate Authority is a violation of the principle of natural justice. It was also the responsibility of the Appellate Authority under the sub rule (2) of the rule 27 (as extracted in para 13 above) to take into account the grounds/points raised in the appeal while considering the appeal under the rule 27 and to record his findings. But the order of the Appellate Authority dated 12/15.7.2010 is silent on this aspect.

15. Another point was raised by the applicant in his statement of defence dated 27.12.2004 in reply to the charge-sheet (Annexure-A/2) stating that vide his representation dated 6.2.2004, the applicant had stated to have withdrawn the claim on LTC submitted by him on 5.2.2004. The applicant had raised this point before the IO. The report of the IO at Annexure-A/6 refers about it by stating:-

"Exhibit P-5 is the explanation dt. 27.12.2004 in reply to the charge sheet. He has denied the charge framed against him and desired to be heard in person. He had stated that his representation dt. 6.2.2004 enclosed to the explanation may kindly be perused. In that representation he had prayed for recovery of entire amount of LTC advance in suitable instalments from the subsistence allowances that was being paid to him. He has further stated that the reason for this entire unhappy incident could take place due to extreme extraordinary circumstances under which he was passing his days due to suspension. Therefore he has prayed that a lenient view may be taken and the charge sheet dropped. He has expressed regret for the unintended mistake. It will not be legally possible for me to take cognizance of his exhibit No. P-6. Because it is a xerox copy without 'ink' signature. I would like to comment that the explanation is very cleverly worded. He has avoided to state in clear terms that the journey was not undertaken and the bill submitted is false which he states as unintended mistake."

16. It reveals from the IO's report that the representation dated 6.2.2004 withdrawing the LTC claim in question, was simply brushed aside by the IO on the ground that it was a xerox copy without any ink signature and no effort was made by the IO to inquire whether the applicant's submissions in this regard was correct or incorrect. If the claim of the applicant about the representation dated 6.2.2004 was incorrect and no such representation was

actually received by the respondents (as stated in the counter in this OA), then the same should have been recorded in the report of the IO or in the order of the disciplinary/appellate authority to show that the applicant was taking a false plea to save his skin (as averred in para 5.10 of the counter). If his plea would have been found to be correct, then that could have been vital for the applicant to prove his bonafide. Hence, non-consideration of this point raised in the written statement of defence, has prejudiced the applicant in the disciplinary proceeding. This point was also not considered by the Appellate Authority, while considering the applicant's appeal under the rule 27.

17. It is noted that para 5.1 of the OA has mentioned that the punishment imposed is harsh. The Appellate Authority was required to examine this aspect while considering the appeal under the rule 27(2). But the order of the Appellate Authority dated 12/15.7.2010 has upheld the penalty imposed by the disciplinary authority without considering the severity/adequacy of the punishment. There is no discussion in the order of the Appellate Authority on whether the disciplinary proceedings are as per the rules and on the points raised in the applicant's appeal regarding the order of punishment passed by the disciplinary authority. Similarly, the order is also silent about the adequacy or severity of the punishment imposed by the disciplinary authority disregarding the rule 27(2) of the CCS (CCA) Rules, 1965.

18. Hon'ble Supreme Court in the case of **B.C. Chaturvedi vs. Union of India & Anr., reported in 1996 AIR 484**, while examining the scope of judicial review in disciplinary proceedings has held as under:-

"Judicial review is not an appeal from a decision but a review of the manner in which the decision is made. Power of judicial review is meant to ensure that the individual receives fair treatment and not to ensure that the conclusion which the authority reaches is necessarily correct in the eye of the court. When an inquiry is conducted on charges of misconduct by a public servant, the Court/Tribunal is concerned to determine whether the inquiry was held by a competent officer or whether the inquiry was held by a competent officer or whether rules of natural justice are complied with. Whether the findings or conclusions are based on some evidence, the authority entrusted with the power to hold inquiry has jurisdiction, power and authority to reach a finding of fact or conclusion. But that finding must be based on some evidence. Neither the technical rules of Evidence Act nor of proof of fact or evidence as defined therein, apply to disciplinary proceeding. When the authority accepts that evidence and conclusion receives support therefrom, the disciplinary authority is entitled to hold that the delinquent officer is guilty of the charge. The Court/Tribunal in its power of judicial review does not act as appellate authority to re- appreciate the evidence and to arrive at its own independent findings on the evidence. The Court/Tribunal may interfere where the authority held the proceedings against the delinquent officer in a manner inconsistent with the rules of natural justice or in violation of statutory rules prescribing the mode of inquiry or where the conclusion or finding reached by the disciplinary authority is based on no evidence. If the conclusion or finding be such as no reasonable person would have ever reached, the Court/Tribunal may interfere



with the conclusion or the finding, and mould the relief so as to make it appropriate to the facts of each case.

.....

A review of the above legal position would establish that the disciplinary authority, and on appeal the appellate authority, being fact-finding authorities have exclusive power to consider the evidence with a view to maintain discipline. They are invested with the discretion to impose appropriate punishment keeping in view the magnitude or gravity of the misconduct. The High Court/Tribunal, while exercising the power of judicial review, cannot normally substitute its own conclusion on penalty and impose some other penalty. If the punishment imposed by the disciplinary authority or the appellate authority shocks the conscience of the High Court/Tribunal, it would appropriately mould the relief, either directing the disciplinary/appellate authority to reconsider the penalty imposed, or to shorten the litigation, it may itself, in exceptional and rare cases, impose appropriate punishment with cogent reasons in support thereof."

19. As per the judgment of Hon'ble Apex Court in the case of **Deputy Commissioner KVS vs. J. Hussain, reported in AIR 2014 SC 766**, it was held as under :

"When the charge proved, as happened in the instant case, it is the disciplinary authority with whom lies the discretion to decide as to what kind of punishment is to be imposed. Of course, this discretion has to be examined objectively keeping in mind the nature and gravity of charge. The Disciplinary Authority is to decide a particular penalty specified in the relevant Rules. Host of factors go into the decision making while exercising such a discretion which include, apart from the nature and gravity of misconduct, past conduct, nature of duties assigned to the delinquent, responsibility of duties assigned to the delinquent, previous penalty, if any, and the disciplinary required to be maintained in department or establishment where he works, as well as extenuating circumstances, if any exist. The order of the Appellate Authority while having a re-look of the case would, obviously, examine as to whether the punishment imposed by the Disciplinary Authority is reasonable or not. If the Appellate Authority is of the opinion that the case warrants lesser penalty, it can reduce the penalty so imposed by the Disciplinary Authority."

20. In the case of **Union of India Vs. P. Gunasekaran 2015 (2) SCC page 610**, Hon'ble Supreme Court has held as under:-

".....In disciplinary proceedings, the High Court is not and cannot act as a second court of first appeal. The High Court, in exercise of its powers under Article 226/227 of the Constitution of India, shall not venture into re-appreciation of the evidence. The High Court can only see whether:

- a. the enquiry is held by a competent authority;
- b. the enquiry is held according to the procedure prescribed in that behalf;
- c. there is violation of the principles of natural justice in conducting the proceedings;

- d. the authorities have disabled themselves from reaching a fair conclusion by some considerations extraneous to the evidence and merits of the case;
- e. the authorities have allowed themselves to be influenced by irrelevant or extraneous considerations;
- f. the conclusion, on the very face of it, is so wholly arbitrary and capricious that no reasonable person could ever have arrived at such conclusion;
- g. the disciplinary authority had erroneously failed to admit the admissible and material evidence;
- h. the disciplinary authority had erroneously admitted inadmissible evidence which influenced the finding;
- i. the finding of fact is based on no evidence."

21. In the light of the ratio of the judgment in the case of J. Hussain (supra), the factors including the past conduct of the applicant and previous penalty imposed, if any, on the applicant, are to be considered while deciding the penalty to be imposed on the applicant. In the present case, the Appellate Authority did not consider if there was any misconduct on the part of the applicant in the past or any previous penalty as there is no mention in the impugned order or in the counter. Further, the Appellate Authority did not consider the fact that the applicant's claim in his statement of defence about submission of the representation dated 6.2.2004, withdrawing his claim of LTC, was not verified or considered by the disciplinary authority while passing the impugned punishment order dated 5.6.2009. The Appellate Authority did not consider the point raised in the appeal regarding the violation of the rule 15 by the disciplinary authority's punishment order. Hence, there is a violation of the statutory rules as well as the principles of natural justice. Subsequent denial in the counter about submission of the letter dated 6.2.2004 by the applicant will not rectify the violations of the procedure in conduct of the disciplinary proceedings, since at the time of passing the punishment order, the contention of the applicant in his reply to the charge memo/statement of defence, was not considered by the IO or the disciplinary authority. Further the adequacy or severity on account of the punishment of compulsory retirement was not considered by the Appellate Authority, as the appeal order dated 12/15.7.2010 is silent about it.

22. In view of the factual circumstances and the case laws as discussed above, we are of the considered view that although there is limited scope for the Tribunal for interfering in the disciplinary proceedings, but in this case there are number of deviations from the rules, necessitating the Tribunal's

interference. Further, the impugned order dated 12/15.7.2010 (Annexure A/9) of the Appellate Authority is not in accordance with the law.

23. Accordingly, the impugned order dated 12/15.7.2010 (Annexure-A/9) passed by the Appellate Authority is quashed and the matter is remitted to the Appellate Authority (respondent No. 2) to reconsider the points raised in his appeal dated 7.7.2009 filed by the applicant against the order dated 5.6.2009 in the light of discussions in this order and dispose it of after considering the aspects of the case as specified under the rule 27(2) of the CCS (CCA) Rules, 1965, by passing a speaking and reasoned order as per law within three months from the date of receipt of a copy of this order. The Appellate Authority shall consider the factors like past conduct and previous penalty if imposed on the applicant, while deciding the quantum of punishment in this case.

24. Registry is directed to issue free copy of this order to the counsels of both the parties and also send a copy of this order to the applicant by Registered Post, since no one was present on behalf of the applicant at the time of hearing of the OA. The OA is allowed in part as above, with no order as to cost.

(SWARUP KUMAR MISHRA)  
MEMBER (J)

(GOKUL CHANDRA PATI)  
MEMBER (A)

I.Nath