

**CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH**

OA No.3968/2014

Reserved on: 30.04.2019  
Pronounced on: 03.05.2019

**Hon'ble Mr.S.N.Terdal, Member (J)  
Hon'ble Mr. A.K.Bishnoi, Member (A)**

Harphool Singh  
Age 45 years Ex.Post HC  
S/o Sh. Ishwar Lal,  
Pahar Ganj, Distt. Line,  
Central Distt. Pahar Ganj,  
New Delhi.  
R/o Near St. Merry School,  
C/o Shri Ram Vatika,  
Dosa, Rajasthan.

... Applicant

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

**VERSUS**

Government of NCT of Delhi through

1. Chief Secretary,  
Government of NCT of Delhi  
Players Building, I.P. Estate,  
New Delhi-110002.
2. Commissioner of Police,  
Police Headquarter, MSO Building,  
I.P. Estate, New Delhi.
3. Additional Commissioner of Police,  
Police Control Room,  
Police Headquarter, MSO Building,  
I.P. Estate, New Delhi.
4. Dy. Commissioner of Police/FRRO,  
R.K.Puram, New Delhi.
5. Sh. Suresh Chandra,  
Inquiry Officer,  
C/o DCP, FRRO, R.K.Puram,  
New Delhi. ... Respondents

(By Advocate: Mr.Vijay Kumar Pandita )

**ORDER****Hon'ble Mr. S.N.Terdal, Member (J):**

We have heard Mr. S.K.Gupta, counsel for applicant and Mr. Vijay Kumar Pandita, counsel for respondents, perused the pleadings and all the documents produced by both the parties.

2. In this OA, the applicant has prayed for the following reliefs:

- "(i) quash and set aside the findings of the inquiry officer dated 25.07.2012 (Annexure A-1), impugned order of punishment dated 09.10.2012 (Annexure A-2) and also the order of the appellate authority dated 12.06.2013 (Annexure A-3);
- (ii). declare the applicant entitled for all consequential benefits;
- (iii). May also pass any further order(s), direction(s) as be deemed just and proper to meet the ends of justice."

3. The relevant facts of the case are that on the allegation that while having been posted as Duty Officer in Arrival Wing of the Airport, the applicant was found, on surprised check, that he was not attending to his duties but he was spending his time attending calls on his mobile phone and in sending messages. The detailed summary of allegation is extracted below:-

"It is alleged that on 28.12.2011, HC Harphool Singh, No. 69/F was detailed to perform duty as duty officer in arrival wing of Shift-A at IGI Airport, New Delhi. During surprise checking of presence of staff at their respective counters by Sh. Surinder Singh, AFRRO/A, HC Harphool Singh, No. 69/f was seen using his mobile phone in a room near detention cell in Arrival wing at about 12.50 hrs. On asking by the AF/A as to why and to whom he was talking on mobile phone, he could not reply satisfactorily. His mobile phone (make-spice, Model M-5100, Colour-Black, SIM capacity-2, SIM Nos.9868051004 (Dolphin Trump) & 9694296761 (Idea) and IMEI Nos. 911108356010487 & 911108356010495) was taken over by AF/A. On reaching in the office of AF/Arrival and on being again asked as to why and to whom he was talking on mobile phone, HC Harphool Singh told that it was a call from one SA/G Pardeep Kumar of FRRO Lines, New Delhi regarding courtesy of 02 dancers. He also told that one SMS sent by above SA/G Pardeep Kumar to this effect has also been received in his mobile phone. On checking of SMS incoming box of mobile phone of HC Harphool Singh , a SMS

sent from mobile No. 8860977874 (which according to HC Harphool Singh is mobile phone number of above-mentioned SA/G Pardeep Kumar) with message quote, "12.28.2011 12:48 (1) Nagmani Lingam PP No. F-9083765, (2) Lolakshi Palli Kota PP No. F-9712803, 2 artists Delhi to Dubai Kingfisher Airline", unquote, was found there in. On further checking of SMS incoming box of said mobile phone, 02 another SMS received from mobile No. 9013711693 (which according to HC Harphool Singh is mobile number of one Constable Ramesh Kumar) was found. The contents of these SMS were (Ist SMS) (Quote"12.28.2011 00:12 Amandeep Dhaliwal/H-0607648/Jet Airways" Unquote, (2<sup>nd</sup> SMS) Quote" 12.28.2011 12:53 (1) Amandeep (2) Shehnaz (3) Annu (4) Pratima PP No.4896761 "Unquote, respectively.

In the meantime, a call from mobile phone No. 9772586051 ( which according to HC Harphool Singh is mobile number of one Ram Khiladi, a plumber working at his residence) arrived in the mobile of phone of HC Harphool Singh AF/A gave the mobile phone to HC Harphool Sing to attend the call with in intention to know as to what was the call for. On finding that call regarding some construction activities. AF/A permitted HC Harphool Singh to attend it. While attending the call, HC Harphool Singh started moving towards door of the office of the AF/A. He was instructed by AF/A to not to go outside the office and attend the call in his presence only, but HC Harphool Singh, suddenly started running towards exist gate of the Airport through Duty Free Shop along with mobile phone. However, he was stopped with the help of shift staff and guards at the exist gate of the Airport. His mobile phone was seized and the matter was brought into the notice of FRRO, Delhi.

The above act on the part of HC Harphool Singh, No. 69/F amounts to gross misconduct, misuse of his official powers, negligence, carelessness and unbecoming of a police officer which renders him liable to be dealt with departmentally under the provisions of Delhi Police Act, 1978."

4. Alongwith the summary of allegation, list of witnesses and list of documents were served on the applicant. As the applicant did not admit the allegation, an Inquiry Officer was appointed to hold an enquiry. The Inquiry Officer following the principles of natural justice and also the relevant rules concerning the holding of departmental enquiry, examined PW1 to PW7 and taken on record the defence statement filed by the applicant and discussed the evidence and came to the conclusion that the charge leveled against the applicant was proved vide his inquiry report dated 25.07.2012. A copy of the inquiry report was served on the

applicant. The applicant filed representation against the inquiry report. The disciplinary authority considering the entire material brought on record in the inquiry report and considering all the aspects raised by the applicant in his representation and hearing the applicant in orderly room on 18.09.2012 imposed a penalty of forfeiture of one year approved service permanently on the applicant vide order dated 9.10.2012. The applicant filed an appeal. The appellate authority also after going through the entire material brought on record in the inquiry report and also considering the order passed by the disciplinary authority and also taking into account all the grounds raised in the appeal and also hearing the applicant personally in orderly room on 31.05.2013 rejected the appeal vide order dated 12.06.2013.

5. The counsel for the applicant vehemently and strenuously contended that the summary of allegation itself is baseless as there are no instructions preventing use of mobile phone when on duty and that he had requested for supply of CCTV footage which was not supplied or produced during the enquiry as such there is violation of principles of natural justice. The counsel for the respondents at the time of hearing as per the directions of the Tribunal produced an order No.745-68/SI/F(F-1) dated 1-2-2011 regarding specific instructions given to the employees who are posted in the Arrival Wing of the Airport. The same is extracted below:

"During the surprise inspection at IGI Airport, it has been observed that C.Os are leaving their counters without entering their name in register meant for the purpose. I/C Wings and AF/Shifts are not supervising properly, resulting in such activities.

Henceforth, any C.O willing to leave the counter on valid grounds shall make an entry in this regard and consent of the I/C Wing shall be taken. The entry should have details of the time of leaving the counter and proposed time of

arrival, which C.O. should strictly follow and by that time he/she should be back in the counter. Any C.O found missing from the counter without any entry in the register, shall be considered absent from duty. No action on the part of I/C Wing and AF/Shift will also invite disciplinary action.

It is the prime responsibility of the AF/Shift to ensure that no C.O is using mobile phone while on duty. It is because of the connivance or tacit approval of senior officers, C.Os are using mobile phone while performing duty for malafide reasons. AF/Shifts and I/C Wings are directed that they should observe the conduct of the C.Os in their shifts and take action against them and if required it should be brought into the notice of the undersigned. AF/Shifts are also directed to submit the names of dubious C.Os/G.D staff working in their shifts who is doing illegal activities, as AF/Shifts are closely involved in supervising staff working under them. They should also know the dubious conduct of the staff in their shift."

The counsel for the respondents further submitted that the CCTV footage is of no relevance in view of the fact that there is sufficient evidence which has come on record in the departmental enquiry by way of deposition of PW1 to PW7 and as such there is no violation of principles of natural justice.

6. We have perused the entire inquiry report. There is sufficient evidence as per the deposition of PW1 to PW7 and there is no violation of any rules governing the holding of departmental enquiry or principles of natural justice in holding the departmental enquiry. As submitted by the counsel for respondents, the order passed by the disciplinary authority is a reasoned and speaking order, which is evidence from the following extracts of the impugned order dated 09.10.2012.

"The defaulter HC submitted his representation against the findings of the EO on 04.09.2012 mentioning therein that (I) he moved an application on 23.03.2012 for supplying of additional relevant documents but these were not made available to him on one pretext or the other. (2) During PE a proper explanation should have been called from him. (3) PW-1 did not bother to collect the CDR of his mobile phone rather he put the onus thereof on E.O and surprisingly, E.O. did not take any pain to do so. (4) No such PE was ordered by the

competent authority. (5) Ct. Ramesh Kumar and SAG Pardeep Kumar, whose SMS allegedly received on his mobile phone were never examined either in PE or in DE. (6) No CISF personnel was examined in the PE or DE. (7) The statement of the defaulter HC was taken forcibly. (8) Charge is verbatim of summary of allegation and it is in violation of para 14.2 of Chap X. Vigilance Manual, Vol.-1 G.O.I. (9) The defaulter HC made a request to summon his defence witness but he was denied on one pretext or the other. (10) On 27.10.2010, his father suffered a cardiac arrest and he could hardly save, so with the consonance of AFRRO, he made kept the mobile phone with him so that he could remain in touch with his family to know the condition of his father. (11) Shri Ramesh Jha, AFRRO/Shift-A (Departure) verbally allowed him to keep the mobile. (12) Shri Surender Singh, AFRRO manhandled and twisted his arms. He twisted the facts and made a concocted story. (16) There was fear in his mind of taking a harsh action against him for having a mobile in his possession while on duty. He apologized to the AFRRO and returned to his office on his own. (17) No CISF staff stopped him at the gate. (18) The defaulter HC cited court ruling with regard to denial of natural justice etc.

I have carefully gone through the findings of the E.O. depositions of PWs, written defence statement of the defaulter HC together with other material documentary evidence brought on record during DE proceedings. He was also heard in O.R. on 18.09.2012. During oral submission, he has nothing to add except the pleas put forth in his representation submitted by him. The plea that he was not supplied additional documents is not correct as the defaulter HC had requested additional documents during the course of DE and a detailed reply was given to him. As regards CD containing video footage, it was shown to the defaulter HC. The defaulter HC was found using mobile phone in contravention of this office order No 745-68/SI/F (F-1)dated 01.02.2011. He was asked by PW-1 as to why he was using the mobile phone and to whom he was talking but he failed to reply satisfactorily. On enquiry he himself admitted before AFRRO/A (PW-1) that he was talking to SAG Pardeep Kumar of FRRO Lines regarding courtesy of 2 dancers. This fact was proved during the course of departmental enquiry. In the instant case, no PE was initiated. The defaulter HC himself admitted that one SMS was received from mobile phone of SAG Pardeep Kumar and two SMS from Ct. Ramesh Kumar. It has not been proved that the statement of the defaulter was recorded forcibly or without his willingness. As regards charge, it was made out on the basis of statements of PWs. The plea that DWs were required to be summoned by the EO is not tenable as no list of DWs was produced by him. The allegation against PW-1 that he manhandled and twisted his arm was not supported by anyone during the course of departmental enquiry. The court ruling cited by the defaulter HC is not attracted in this case as he was given ample

opportunity to cross examine the PWs but he did not disprove the allegations. It has been established that he violated the instruction contained in order No. 745-68/SI/F (F-1)dated 01.02.2011 that no C.O. shall use mobile phone while on duty.

Assessing the facts and circumstances of the case, it has been conclusively proved that the charge levelled against the defaulter HC has been proved in toto during the course of departmental enquiry and therefore, I award a penalty of forfeiture of one year approved service permanently entailing reduction in his pay from Rs.13,040/-(including G.Pay Rs.2800/-) to Rs. 12,660/- (including G.Pay Rs.2800/-) upon the defaulter HC (Exe.) Harphool Singh, No. 69/F (PIS No. 28900428). His suspension period from 29.12.2011 to 07.05.2012 is also decided as period not spent on duty for all intents and purposes."

The counsel for the respondents also took us through the order passed by the appellate authority dated 12.06.2013 which is extracted below:

"The appellant has taken the pleas:

(1) That the disciplinary authority did not visualize the evidence properly and inflicted very harsh punishments upon the appellant vide impugned order.

The plea advanced by the appellant is not tenable. The plea put forth in his representation by the appellant were considered at length by the disciplinary authority and found untenable. Therefore, assessing all the facts/evidences on record the disciplinary authority awarded the such punishment which is commensurate with the misconduct of the appellant.

(2) That the appellant's father suffered heart attack and his health deteriorated causing him great weakness. Thus, he needed continuous attention. As such the appellant had to remain in constant touch with the family to know his father's condition. Thus, keeping mobile phone was utterly under compelling circumstances and nothing else. The appellant brought the above facts to the notice of Shri Raman Jha, AFRRO, who after hearing properly shifted the appellant from Departure Wing to Arrival Wing and verbally allowed the appellant to keep mobile.

The plea advanced by the appellant is not tenable. According to the appellant, his father had a cardiac arrest on 27.12.2010, i.e. approx. one year before the incident. If the mobile phone was so necessary for him, he had to take permission to keep mobile phone with him from the competent authority but he did not do so. In emergent case, there are telephones installed at the D.O. desk (the appellant

was also deployed as Duty Officer) and could get in touch with the member of his family to contact them. But he had kept the mobile phone with him without seeking permission and indulged in illegal activities and violated the lawful instructions issued vide No.745-68/SI(F)/F-1 dated 01.02.2011. The perusal of SMS in his mobile phone and attended a call, he had run away towards exist gate from the office of AFRRO/F. It can be inferred that he had a bad intention.

(3) That it is a matter of record that two SMS were found in the mobile phone of the appellant but how can E.O or Sh. Surinder Singh, AFRRO say that these were for the appellant. This was mischief created by someone to involve the appellant in some false accusation. So much so SA/G Pradeep Kumar was never examined in the PE or in the DE to find out as to why he had sent false SMS. Similarly, two SMS sent to by Const. Ramesh Kumar were also found in mobile. PW-1, Sh. Surinder Singh treated that these messages were for the purpose of extending courtesy. The fact remains that appellant never made them any call during the duty hours.

The plea advanced by the appellant is not tenable. PW-1, Sh. Surinder Singh, AFRRO/D, IGI Airport, New Delhi has stated that on 28.12.2011 during surprise check at about 12.40 PM, the appellant was found talking on his mobile phone near deportee room. He was asked as to whom he was talking on phone by the AF. But he could not reply satisfactory. His mobile phone was checked by the AF and it was found that two SMS pertaining to the courtesy/facilitation of passengers were existing in the inbox. The appellant was asked to follow the AF/A to his office where the mobile phone inbox of appellant was further checked thoroughly and it was found by the AF/A that perhaps there were two different SMS in which one SMS, there were 04 and an another SMS 02 passengers, with regard to whom the SMS were received. On enquiry the appellant told that SMS were receive from one SA/G Pradeep Kumar and Const. Ramesh Kumar. In the meantime, a call came on the mobile phone of the appellant, the AF permitted to attend. While doing so, the appellant started moving towards the door and suddenly ran out of the office of AF despite being asked to talk on the mobile in the presence of AF only. However, he was stopped at the gate by CISF personnel as the AF also ran after him alongwith one staffer. PW-2 & 4 have also supported the version of PW-1.

(4) That the appellant moved an application dated 23.03.2012 to the E.O for supply of additional documents but the same were never available. In the absence of requisitioned documents, the appellant has been deprived of his right to cross examine PWs effectively and also against the rules of natural justice and violation of CCS/CCA Rules and S.O N. 125 (Now A-20).

The plea advanced by the appellant is not tenable. The request for supplying additional documents of the appellant were considered and parawise reply was given to the E.O vide U.O.No.3008/For(HAP)(P-1) dated 07.05.2012 which is self explanatory.

(5) That if PW-1 was so true in his working then incumbent on his part should have examined those CISF personnel who allegedly stopped the appellant at the gate. But he neither recorded the statement of any CISF personnel nor cited as PW in DE to authenticate his version. Moreover, remaining staff who followed the appellant were also not examined.

The plea advanced by the appellant is not tenable. The appellant was caught after being chased by the staff as is evident from the perusal of statement of PWs. However, the CISF personnel stopped him at Custom exit gate when Sh. Surinder Singh, AFRRO sought help. The CISF person was not cited as PW as the main allegation against the appellant was that he had mobile phone on duty and received SMS and call on his mobile which is violation of lawful instructions issued vide No. 745-68/SI(F)/F-1 dated 01.02.2011.

(6) That it was the duty of PW-1 as well as the E.O to have obtained CDR of the mobile phone of the appellant to find out, if he had made any call or otherwise. If someone sends message at his own then where lies the fault of the appellant. PW-1 instead of taking pains himself put the honours on the E.O with the intention to pass the buck.

The plea advanced by the appellant is not tenable. The CDR of the mobile phone of the appellant was not necessary in this case. The DE was initiated against the appellant to have mobile phone in his possession and receiving SMS. The mobile phone was banned on duty as has been explained in the above paras. At the time of incident he was using mobile phone as his evident from the perusal of CCTV footage available in the CD.

I have gone through the appeal submitted by the appellant and statements of PWs/exhibits, representation submitted by the appellant and findings of the EO as well as other material/record brought on file. He was also heard in OR on 31.05.2013. During OR he said nothing new except already mentioned in the appeal. From the statement of PW-1 Sh. Surender Singh, AFRRO as well as records available in CCTV footage and other material/records placed on file, it has clearly been proved that the appellant was found using of mobile phone on duty which is clear cut violation of lawful instructions issued vide No. 745-68/SI(F)/F-1 dated 01.02.2011. I, therefore, do not find any reason to interfere with the punishment order of the disciplinary authority. Hence the appeal is rejected."

7. The law relating to judicial review by the Tribunal in the departmental enquiries has been laid down by the Hon'ble Supreme Court in the following judgments:

(1). In the case of **K.L.Shinde Vs. State of Mysore** (1976) 3 SCC 76), the Hon'ble Supreme Court in para 9 observed as under:-

"9. Regarding the appellant's contention that there was no evidence to substantiate the charge against him, it may be observed that neither the High Court nor this Court can re-examine and re-assess the evidence in writ proceedings. Whether or not there is sufficient evidence against a delinquent to justify his dismissal from service is a matter on which this Court cannot embark. It may also be observed that departmental proceedings do not stand on the same footing as criminal prosecutions in which high degree of proof is required. It is true that in the instant case reliance was placed by the Superintendent of Police on the earlier statements made by the three police constables including Akki from which they resiled but that did not vitiate the enquiry or the impugned order of dismissal, as departmental proceedings are not governed by strict rules of evidence as contained in the Evidence Act. That apart, as already stated, copies of the statements made by these constables were furnished to the appellant and he cross-examined all of them with the help of the police friend provided to him. It is also significant that Akki admitted in the course of his statement that he did make the former statement before P. S. I. Khadabazar police station, Belgaum, on November 21, 1961 (which revealed appellant's complicity in the smuggling activity) but when asked to explain as to why he made that statement, he expressed his inability to do so. The present case is, in our opinion, covered by a decision of this Court in State of Mysore v. Shivabasappa, (1963) 2 SCR 943=AIR 1963 SC 375 where it was held as follows:-

"Domestic tribunals exercising quasi-judicial functions are not courts and therefore, they are not bound to follow the procedure prescribed for trial of actions in courts nor are they bound by strict rules of evidence. They can, unlike courts, obtain all information material for the points under enquiry from all sources, and through all channels, without being fettered by rules and procedure which govern proceedings in court. The only obligation which the law casts on them is that they should not act on any information which they may receive unless they put

it to the party against who it is to be used and give him a fair opportunity to explain it. What is a fair opportunity must depend on the facts and circumstances of each case, but where such an opportunity has been given, the proceedings are not open to attack on the ground that the enquiry was not conducted in accordance with the procedure followed in courts.

2. In respect of taking the evidence in an enquiry before such tribunal, the person against whom a charge is made should know the evidence which is given against him, so that he might be in a position to give his explanation. When the evidence is oral, normally the explanation of the witness will in its entirety, take place before the party charged who will have full opportunity of cross-examining him. The position is the same when a witness is called, the statement given previously by him behind the back of the party is put to him, and admitted in evidence, a copy thereof is given to the party and he is given an opportunity to cross-examine him. To require in that case that the contents of the previous statement should be repeated by the witness word by word and sentence by sentence, is to insist on bare technicalities and rules of natural justice are matters not of form but of substance. They are sufficiently complied with when previous statements given by witnesses are read over to them, marked on their admission, copies thereof given to the person charged and he is given an opportunity to cross-examine them."

Again in the case of **B.C.Chaturvedi Vs. UOI & Others** (AIR 1996 SC 484) at para 12 and 13, the Hon'ble Supreme Court observed as under:-

"12. 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 eye of the Court. When an inquiry is conducted on charges of a misconduct by a public servant, the Court/Tribunal is concerned to determine whether the inquiry was held by a competent officer or whether rules of natural justice be 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 office is guilty of the charge. The Court/Tribunal on its power of judicial review does not act as appellate authority to reappreciate the evidence and to arrive at the 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 of 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.

13. The disciplinary authority is the sole judge of facts. Where appeal is presented, the appellate authority has co-extensive power to reappreciate the evidence or the nature of punishment. In a disciplinary inquiry the strict proof of legal evidence and findings on that evidence are not relevant. Adequacy of evidence or reliability of evidence cannot be permitted to be canvassed before the Court/Tribunal. In *Union of India v. H. C. Goel* (1964) 4 SCR 718 : (AIR 1964 SC 364), this Court held at page 728 (of SCR): (at p 369 of AIR), that if the conclusion, upon consideration of the evidence, reached by the disciplinary authority, is perverse or suffers from patent error on the face of the record or based on no evidence at all, a writ of certiorari could be issued".

Recently in the case of **Union of India and Others Vs. P.Gunasekaran** (2015(2) SCC 610), the Hon'ble Supreme Court has observed as under:-

"Despite the well-settled position, it is painfully disturbing to note that the High Court has acted as an appellate authority in the disciplinary proceedings, re-appreciating even the evidence before the enquiry officer. The finding on Charge no. I was accepted by the disciplinary authority and was also endorsed by the Central Administrative Tribunal. 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 influence by irrelevant or extraneous consideration;
- 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."

8. In view of the facts of the case narrated above and in view of the extracted portion of the orders referred to above and in view of the law laid down by Hon'ble Apex Court referred to above and in view of the fact that the counsel for the applicant has not brought to our notice violation of any procedural rules or principles of natural justice, the OA requires to be dismissed.

9. Accordingly, the OA is dismissed. No order as to costs.

**(A.K.Bishnoi)**  
**Member (A)**

**( S.N.Terdal)**  
**Member (J)**

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