CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH

O.A./350/836/2019
M.A/546/2019

Heard on 01.08.2019
Date of Order: 6.9.19

Coram: Hon'ble Ms. Bidisha Banerjee, Judicial Member
Hon'ble Dr. Nandita Chatterjee, Administrative Member

Ashok Ratilal Mahida,
Son of Sri Ratilal M. Mahida
(IRS [C&CE:651 / 1990],
Presently residing at 4, Block-A,
Green Tower, Golf Green, Kolkata – 700 095,
Additional Commissioner,
Directorate General of Systems
(under purported order of compulsory retirement),
802, GST Bhawan, 180, Shantipally,
Rajdanga Main Road, Kolkata – 700 107.

.....Applicant

Vrs.

1. Union of India,
Service through the Revenue Secretary,
Ministry of Finance, Department of Revenue,
Government of India, North Block,
New Delhi – 110 001.

2. *Under Secretary to the Government of India,*
Ministry of Finance,
Central Board of Indirect Taxes and Customs,
Department of Revenue,
47B, North Block,
New Delhi – 110 001.

3. The Chairperson,
Central Board of Indirect Taxes and Customs,
Department of Revenue, North Block,
New Delhi – 110 001.

4. Director General (Vigilance) &Chief Vigilance Officer,
Central Board of Indirect Taxes and Customs,
Department of Revenue, Ministry of Finance,
Having its office at 2nd & 3rd Floor, Hotel Samrat,
Chanakyapuri, Kautilya Marg,
New Delhi – 110 021.

5. Additional Director General (Vigilance), Mumbai,
Central Board of Indirect Taxes and Customs,
Department of Revenue,
Having his office at West Zonal Unit, 7th Floor,

Annexe Building, New Customs House, Ballard Estate,
Mumbai – 400 001.

6. Principal Additional Director General & Inquiry Officer,
Directorate General of GST Intelligence,
Bhopal Zonal Unit,
Having his office at Chhinar Incube
Business Centre, 4th Floor, Near Ashima Mall,
Hoshangabad Road, Bhopal,
Madhya Pradesh – 462 001.

.....Respondents

For the Applicant(s): Mr. S.K.Datta & Mr. S.Dutta, Counsel

For the Respondent(s): Mr. A.Malik, Mr A.Roy, Counsel

ORDER

Bidisha Banerjee, Member (J):

The applicant, an IRS, who served as Additional Commissioner, Directorate General of Systems, aggrieved by an order of compulsory retirement dated 18.06.2019 issued under FR 56 (J), has sought for the following reliefs:

> *"8.a) Quash and/or set aside the purported Order No. 88/2019 dated 18.06.2019 as contained in Annexure "A-28" hereto and reinstate the applicant with all consequential benefits;*
>
> *b) A direction be issued upon the respondent authorities, each one of them, their servants and/or subordinates and/or agents to forthwith produce and/or caused to be produced the entire records relating to the applicant's case and on such production being made, render conscionable justice upon perusing the same;*
>
> *c) Costs;*
>
> *d) And to pass such other or further order or orders as to this Learned Tribunal may deem fit and proper;"*

In addition to the prayers made in the O.A., he has preferred an M.A. to seek the following reliefs:

> *"8.a) An order restraining the respondents from continuing with the disciplinary proceedings pursuant to the charge memorandum No. 06/2009 dated 28.01/03.02.2009 and the charge memorandum No. 28/2010 dated 08.09.2010 and further restraining them from taking any adverse step or passing any*

adverse order against the applicant in any manner whatsoever till the disposal of the O.A. No. 350/00836/2019;

b) An order declaring that the charge memorandum No. 06/2009 dated 28.01/03.02.2009 and the charge memorandum No. 28/2010 dated 08.09.2010 and the disciplinary proceedings pursuant thereto stand dropped;

c) Such other or further order or orders as to this Hon'ble Tribunal may deem fit and proper;"

2. At the outset, Respondents took a preliminary objection in regard to the maintainability of the Original Application for it has been filed without exhausting the alternative remedy of representation before the competent authority in terms of Section 20 (1) of the Administrative Tribunals Act, 1985 read with Fundamental Rules FR 56 (jj) and O.M. No. 25013/5/76-Estt. (A) dated 11.10.1976, which, according to them, mandates a representation against the order passed under FR 56(J), compulsory retiring him, before approaching this Tribunal. In support, the following decisions have been cited:

(i) **S.S.Rathore Vs. State of Madhya Pradesh, (1989) 4 SCC 582**

(ii) **Sannyasi Charan Das Vs. Union of India (O.A.No. 350/933/2018)**

(iii) **Anjanava Pandity Vs. Union of India & Ors. (O.A.No. 1104/2017)**

3. Ld. Counsel for the applicant would strenuously urge that invoking FR 56(J), while departmental proceeding was underway, was bad in law, and, therefore, he would seek an interim protection as prayed for vide Misc. Application so that the departmental proceeding is stayed.

Ld. Counsel for the Respondents at that juncture would vociferously object to the admission of the Original Application on the ground that the order of compulsory retirement has been issued in due observance of law, and the M.A. seeking stay of proceedings, on the ground that it should not be interfered with at the interim stage as it would amount to granting final relief to an employee. In

support, he would cite the decision of **Public Services Tribunal's Bar Association Vs. State of U.P. & Another, (2003) 4 SCC 104**, wherein it has succinctly been held by the Hon'ble Apex Court that interference at the interim stage with an order of dismissal, removal, termination and compulsory retirement would be giving the final relief to an employee at an interim stage which he would have got in case the order of dismissal, removal, termination and compulsory retirement is found not to be justified. Further Ld. Counsel would cite the case of **Pushkar Singh Bhati Vs. State of Rajasthan & Ors., S.B.Civil Writ Petition No. 1736 of 2000 decided on 20.11.2000,** where the Hon'ble Court ruled that granting interim relief against the order of compulsory retirement at the interim stage would amount to grant of final relief, which is not permissible to be passed in the ordinary course. While holding so, the Hon'ble High Court relied upon a plethora of judgments of the Apex Court wherein it has consistently and persistently observed that the court of law should not pass an interim order which amounts to a final relief.

4. We note that the interim order passed by a Judicial Member sitting singly, while the Division Bench was available in Calcutta Bench, did not find favour with the Hon'ble High Court and the stay order granted by the Single Member was set aside remanding the matter back to this Tribunal. While doing so, Hon'ble High Court had formulated following three questions of law:

> *"i) Whether the judicial member of the tribunal sitting singly could have entertained OA-I and OA-II, and passed the impugned interim orders?*
>
> *ii) Whether in the absence of exhaustion of remedy of review provided by Rule 56(jj) of the Fundamental Rules, the original applicants could have moved the tribunal at the first instance?*

iii) Whether by an interim order the tribunal could have granted relief, which practically amounts to grant of the final relief claimed in OA-I and OA-II on the date of its admission?"

The Hon'ble High Court would further observe and hold as under:

"06. Although, we have been addressed by the parties on questions (ii)and (iii) (supra), we refrain from answering the same, for, in our view, W.P.-I and W.P.-II deserve to be allowed based on our answer to question no. 1 (supra).

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17. For the foregoing reasons, the orders dated June 25, 2019 passed in O.A.-I and June 26, 2019 passed in O.A.-II stand set aside.

18. In view of Appendix-VII of the 1993 Practice Rules and particularly entry-18 thereof, O.A.-I and O.A.-II shall now be placed for consideration before a Division Bench of the tribunal and we direct that a Division Bench, without the judicial member who had passed the orders impugned being a member thereof shall decide the question of its admission.

19. We request the tribunal to fix an early date for admission hearing of the original applications.

20. We make it sufficiently clear that question nos. (ii) and (iii) (as in paragraph 4) are not decided by us and the same are left open for being decided by the tribunal upon hearing the parties.

21. Since Mr. Prakash has voiced a grievance that copy of O.A.-II has not yet been served, we directed Mr. Chatterjee to serve a copy upon him. This direction has been complied with.

22. W.P.-I and W.P.-II stand allowed. There shall be no order as to costs."

5. We have noted para 20 of the decision of Hon'ble High Court, as extracted supra. Since a preliminary objection has been raised by the Respondents in regard to maintainability of the Original Application on the ground as stated above, which needs to be addressed at the threshold and at the admission stage itself, we address the issue of maintainability of the present O.A. first.

To maintain their plea, Respondents have drawn our attention to the following:

(i) O.M. Nos. 25013/5/76-Estt. (A) dated 11.10.1976, 25013/01/2013-Estt. A-IV dated 11.09.2015 and 25013/01/2013-Estt. A-IV dated 10.08.2017. The O.M.

No. 25013/5/76-Estt. (A) dated 11.10.1976 is extracted herein below for clarity.

New Delhi, the 11th Oct.,1976.

OFFICE MEMORANDUM

Subject: Premature retirement - Consideration of representations against - Procedure for

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The undersigned is directed to say that in supersession of the marginally noted Office Memoranda, DP&AR OM No.25013/22/75-Estt.(A) dt. 23.1.76) the instructions -do- dt. 12.5.76) contained in the -do- dt. 20.7.76) succeeding paragraphs will regulate consideration of representations against order/notice of premature retirement, received from the individuals concerned.

2. These instructions shall apply to representations from Government servants who have been retired prematurely under FR 56(j) or (l) or Article 459(h) or (j) of the Civil Service Regulations or Rule 48 of the CCS (Pension) Rules, 1972, as the case may be.

3. A Government servant who has been given a notice of retirement under the provisions mentioned above, or who has been issued with an order of premature retirement by payment of pay and allowances in lieu of notice, should submit a representation within three weeks from the date of service of such notice/order. This provision may be strictly enforced after the lapse of a reasonable period to ensure that the employees are aware of this provision.

4. On receipt of a representation, the administrative Ministry/Department/Office should examine the same to see whether it contains any new facts or any new aspect of a fact already known but which was not taken into account at the time of issue of notice/ order of premature retirement. This examination should be completed within two weeks from the date of receipt of the representation. After such examination, the case should be placed before the appropriate Committee for the purpose of considering the representations against premature retirement shall be as indicated in the Annexure to this Office Memorandum.

5. The Committee considering the representation shall make its recommendations on the representation within two weeks from the date of receipt of the reference from the administrative authorities concerned. The authority which is empowered to pass final orders on the representation (as indicated in the Annexure) should pass its orders within two weeks from the date of receipt of the recommendations of the Committee on the representation.

6. If, in any case, it is decided to reinstate a prematurely retired Government servant in service after considering his representation in accordance with these instructions, the period intervening between the date of premature retirement and the date of reinstatement may be regulated by the authority ordering reinstatement as duty, or as leave or as *dies non*, as the case may be, taking into account the merits of each case.

7. Representations from Government servants who have been served with a notice/order of premature retirement, but have obtained stay order(s) from a court against the order/notice of premature retirement, need not be considered by the administrative Ministry/Department or Office nor sent up to the Committee until the disposal of the court case. Thereafter, the cases may be examined as outlined above but also taking into account any material substantive decision that may have been given in the court judgement.

8. These instructions will not apply to cases of Government servants who have been prematurely retired in the past and whose earlier representations/petitions have already been rejected by the appropriate authority, where the decision to order premature retirement, was taken before the 10th July, 1975, the date of issue of the Department of Personnel and Administrative Reforms Office Memorandum No. 25013/6/75-Estt.(A).

9. Ministry of Finance, etc. are requested to note the above decisions for guidance, necessary action and communication to all concerned.

Sd/-
(R.C.GUPTA)
Under Secretary to the Govt. of India.

(ii) Section 20 of the Administrative Tribunals Act that enjoins and lays down as follows:

> *"20. **Applications not to be admitted unless other remedies exhausted.**—(1) A Tribunal shall not ordinarily admit an application unless it is satisfied that the applicant had availed of all the remedies available to him under the relevant service rules as to redressal of grievances.*
> *(2) For the purposes of sub-section (1), a person shall be deemed to have availed of all the remedies available to him under the relevant service rules as to redressal of grievances,—*
> *(a) if a final order has been made by the Government or other authority or officer or other person competent to pass such order under such rules, rejecting any appeal preferred or representation made by such person in connection with the grievance; or*
> *(b) where no final order has been made by the Government or other authority or officer or other person competent to pass such order with regard to the appeal preferred or representation made by such person, if a period of six months from the date on which such appeal was preferred or representation was made has expired.*
> *(3) For the purposes of sub-sections (1) and (2), any remedy available to an applicant by way of submission of a memorial to the President or to the Governor of a State or to any other functionary shall not be deemed to be one of the remedies which are available unless the applicant had elected to submit such memorial."*

The provision of representation against FR 56 (J) notice/order as provided in the O.M. dated 11.10.1976 (supra) being a mandatory remedy, it was argued that the bar in terms of Section 20(2)(a) is attracted in the present case.

(iii) That in **S.S.Rathore Vs. State of M.P.** (supra), Hon'ble Apex Court has succinctly clarified that,

> *"Right to sue first accrues not when the original order was passed by the dismissing authority but when that order was finally disposed of by a higher authority on appeal or representation made by the aggrieved employee in exhaustion of statutory remedy and where no such final order made, on expiry of six months from the date of appeal or representation."*

It was argued that the present O.A., preferred without exhausting available statutory remedy of preferring representation, does not deserve to be entertained much less admitted.

(iv) Order passed by Cuttack Bench in **O.A. 418 of 2019 in Surendra Singh Bisht Vs. UOI & Ors**. in an FR 56(J) matter wherein it has been held that "there being a specific provision in the Office Memorandum dated 11.10.1976 requiring him to submit a representation within a stipulated time frame, which he has not so chosen before approaching this Tribunal, he cannot be said to have exhausted alternative remedy under Section 20 of the Administrative Tribunals Act, 1985. Therefore, the O.A. is disposed of at the very threshold with observation that if the applicant submits a representation to the competent authority as per the DOP&T OM dated 11.10.1976 within three weeks from the date of receipt of this order, then the said authority will consider the said representation against the impugned order under the FR-56(j) in accordance with the law treating it to have been filed within time as in OM dated 11.10.1976 and dispose of the same in accordance with in the OM dated 11.10.1976. It is clarified that no opinion has been expressed by this Tribunal on merit of the case. No costs."

6. Further, the Respondents, by way of written arguments, have also clarified how the order of compulsory retirement was passed following due process of law.

They have thereby made an honest endeavour to adequately justify their action by furnishing written notes of arguments within time specified by this Tribunal. Long thereafter, the applicant furnished his written submission to counter the Respondents' objection on the maintainability of the present Original Application.

By way of his written notes of argument, the applicant has pleaded that representation under Rule 56 (jj) was preferred on 07.07.2019 without prejudice to his rights and contentions in this O.A. and that even after making the representation dated 07.07.2019, the applicant's challenge to the order of compulsory retirement dated 18.06.2019 mentioned in the O.A. remains alive and open to adjudication by this Hon'ble Tribunal, and, further that it is no longer open to them to raise this issue as the applicant has already made representation under FR 56(jj) on 07.07.2019 but 'without prejudice'. The applicant further states that an application under Section 19 of the AT Act, 1985 is maintainable, in view of the word "ordinarily" mentioned in Section 20(1) of the said Act of 1985 and it leaves a discretion to this Hon'ble Tribunal to entertain this O.A. and pass appropriate orders even in the absence of any representation made under FR 56(jj). FR 56 (jj) (i) and (ii) envisage that an order of compulsory retirement may be set aside by a Court of Law and specific directions may be given by a Court of Law after setting aside an order of compulsory retirement in regard to regulation of the period between the date of compulsory retirement and the date of reinstatement and where no further appeal is proposed to be filed, the aforesaid period shall be regulated in accordance with the directions of the Court. It is therefore clear that 56 (jj) (i) and (ii) do not bar the exercise of power under Section 19 of the said Act of 1985 challenging an order of compulsory retirement issued in exercise of power under FR 56(j) as in the present case. It also shows that 56(jj) is not an absolute forum of alternative remedy. This Tribunal can set aside the impugned order dated 18.06.2019 and such power has been given under FR 56(jj) (i) and (ii).

7. We note that the O.M. dated 11.10.1976 (supra) explicitly mandates and indubitably casts a duty on the Govt. servant served with a notice or order of compulsory retirement under FR 56(J) that he "should submit a representation within three weeks from the date of service of such notice/order" which provision is to be "strictly enforced". The provision is seemingly made mandatory due to use of the word "should" and to be "strictly enforced".

8. Further, FR 56(jj)(i) lays down as infra:

> *"(jj)(i) If on a review of the case either on a representation from Government servant retired prematurely or otherwise, it is decided to reinstate the Government servant in service, the authority ordering reinstatement may regulate the intervening period between the date of premature retirement and the date of reinstatement by the grant of leave of the kind due and admissible, including extraordinary leave, or by treating it as dies non depending upon the facts and circumstances of the case:*
>
> *Provided that the intervening period shall be treated as a period spent on duty for all purposes including pay and allowances, if it is specifically held by the authority ordering reinstatement that the premature retirement was itself not justified in the circumstances of the case, or, if the order of premature retirement is set aside by a Court of law.*
>
> *(ii) Where the order of premature retirement is set aside by a Court of Law with specific directions in regard to regulation of the period between the date of premature retirement and the date of reinstatement and no further appeal is proposed to be filed, the aforesaid period shall be regulated in accordance with the directions of the Court."*

The aforesaid provision statutorily empowers the competent authority to even review the decision to compulsorily retire, upon representation, which power of review ought not to be taken away or curtailed unless a glaring omission or commission is noticed in the exercise of power under FR 56(J).

In view of statutory remedy provided to an employee affected by a notice/order under Rule 56(J) of preferring representation, such remedy can only

be termed as a mandatory remedy available in law and, therefore, bar under Section 20(2)(a) of the A.T.Act is, in fact, attracted.

9. The applicant has relied upon a decision of Hon'ble Apex Court in **Haryana Financial Corporation & Anr. Vs. Jagdamba Oil Mills and Anr., (2002) 3 SCC 496**, to contend the S.S.Rathore (supra) is an authority for what it decides and nothing else. Reference to **State of Gujarat Vs. Umedbhai M.Patel, (2001) 3 SCC 314**, has been made which has been rendered on merits of a compulsory retirement order, we are yet to reach that stage.

10. In regard to bar of alternative remedy, we would note that a person aggrieved may approach this Tribunal for adjudication of his grievance on the subject-matter that is within the jurisdiction of this Tribunal but only after he has exhausted the alternative remedies before the executive authorities under the provisions of service rules. However, where the alternative remedy is ineffective, the bar cannot be exercised.

In **D.B.Gohil Vs. Union of India, (2010) 12 SCC 301**, the Disciplinary Authority was forced to take a different view than the enquiry report because of binding nature of the CVC's advice. The appellant moved the Tribunal without preferring appeal when the Tribunal found the petitioner maintainable on the ground that the appeal would be ineffective as the Appellate Authority also was, likewise, not free to take a different view from the mandate of CVC's advice. The decision of the Tribunal was upheld by the Hon'ble Supreme Court and the contrary decision of the High Court was set aside.

A Tribunal has been created *inter alia* for judicial review of administrative action (order). Unless the administrative "order" is available or time elapsed is

sufficient for reasonable presumption of a negative decision by administration, there is an absence of cause of action and Tribunal shall not try a case without a cause of action. Moreover, exhaustion of alternative remedy ensures a cause of action and existence of a *prima facie* case before the Tribunal.

Therefore, one of the threshold checks that the courts apply before it undertakes judicial review is whether the litigant has availed of the alternative remedy provided in the statute. It is the general principle of law that judicial review is available only when the petitioner remains dissatisfied even after availing of the alternative remedy statutorily provided [**Union of India Vs. Tulsiram Patel, AIR 1985 SC 1416**].

In **U.P. State Bridge Corpn. Ltd. Vs. U.P. Rajya Setu Nirman S.Karmachari Sangh, (2004) 4 SCC 268**, it was held that except where a strong case has been made out for making a departure, the High Court should not deviate from the general view and refuse to interfere under Art. 226 of the Constitution [**Rudul Shah Vs. State of Bihar, AIR 1983 SC 1107**]. The decision was relied upon in **U.P. State Spinning Co. Ltd. Vs. R.S.Pandey, (2005) 8 SCC 264,** where the Hon'ble Apex Court observed as under:

> *"But normally, the High Court should not entertain writ petitions unless it is shown that there is something more in a case, something going to the root of the jurisdiction of the officer, something which would show that it would be a case of palpable injustice to the writ petitioner to force him to adopt the remedies provided by the statute....."*

The same view was reiterated in **Uttaranchal Forest Development Corpn. Vs. Jabar Singh, (2007) 2 SCC 112**, where the Hon'ble Court held:

> *"In the instant case, the workmen have not made out any exceptional circumstances to knock the door of the High Court straightaway without availing the effective alternative remedy available under the Industrial Disputes Act. But the dispute relates to enforcement of a right or obligation under the statute and a specific remedy is, therefore, provided under the statute the High Court should not deviate from the general view and interfere under Article 226 of the Constitution except when a very strong case is made out for making a departure."*

There are contingencies where the bar is not applicable. It has consistently been held that at least in three contingencies alternative remedy does not operate as a bar; they are (i) where there has been a violation of fundamental rights, (ii) where principles of natural justice have been violated rendering the proceedings wanting in jurisdiction and (iii) where the vires of an Act is challenged. **[Whirlpool Corporation Vs. Registrar of Trade Marks, Mumbai, (1998) 8 SCC 1].**

Although it is true that the power to admit an application for adjudication, where alternative remedy has not been exhausted, is discretionary and this Tribunal may exercise this power to save a litigant from palpable injustice but the principle that was stated by the Supreme Court in **M.P. State Agro Industries Development Corpn. Ltd. Vs Jahan Khan, (2008) 1 SCC (L&S) 9** is as under:

> *"There is no gainsaying that in a given case, the High Court may not entertain a writ petition under Article 226 of the Constitution on the ground of availability of an alternative remedy, but the said rule cannot be said to be of universal application. Rule of exclusion of writ jurisdiction due to availability of an alternative remedy is a rule of discretion and not one of compulsion. In an appropriate case, in spite of the availability of an alternative remedy, a writ court may still exercise its discretionary jurisdiction of judicial review, in at least three contingencies, namely, (i) where the writ petition seeks enforcement of any of the fundamental rights; (ii) where there is failure of natural justice; or (iii) where the order or proceedings are wholly without jurisdiction or the vires of the Act is challenged. In these circumstances, an alternative remedy does not operate as a bar."*

Hon'ble Apex Court, in **Bengal Immunity Co. Vs. State of Bihar, AIR 1955 SC 661**, reiterated that the principle of refusal of writ jurisdiction for availability of alternative remedy has no universal application. If the provision is a part of an Act which is *ultra vires* the power of the legislature which enacted it, the provision becomes useless. The Court observed:

> *"Another plea advanced by the respondent State is that the appellant company is not entitled to take proceedings praying for the issue of prerogative writs under Article 226 as it has adequate alternative remedy under the impugned Act by way of appeal or revision. The answer to this plea is short and simple.*
>
> *The remedy under the Act cannot be said to be adequate and is, indeed, nugatory or useless if the Act which provides for such remedy is itself 'ultra vires' and void and the principle relied upon can, therefore, have no application where a party comes to Court with an allegation that his right has been or is being threatened to be infringed by a law which is ultra vires the powers of the legislature which enacted it and as such void and prays for appropriate relief under Article 226."*

Again, the principle would not apply where the prejudice is caused to the petitioner by a party under an assumed authority, which was actually non-existent. Thus, where IDBI Home Finance Ltd. in exercise of its supposed power under s. 13(4) of the Enforcement of Security Interest Act 2002 dispossesses a citizen from his lawful enjoyment of property, the Court cannot show him the door for not availing the alternative remedy provided in s. 17 of the Act. The matter come under Art. 226 and the writ Court has a duty to grant relief [**Debashree Das Vs. State of West Bengal, 2011(1) CHN 10 (DB)**].

Having devoured each and every materials on record with all our senses, we failed to decipher any material that would suggest existence of contingencies or conditions, as enumerated above, in the present case that would tempt up to

exercise our discretionary power to hold that alternative remedy under FR 56(jj) does not operate as a bar in the present case.

11. In the aforesaid backdrop, having observed that the applicant had failed to approach the appropriate authority in accordance with a statutory provision FR 56(jj) and had, without exhausting available statutory remedy, approached this Tribunal straightaway and having noticed the order passed by Cuttack Bench on identical grounds, as also having come to learn that applicant has already preferred a representation in terms of FR 56 (jj) (in the meantime) on 07.07.2019, i.e. after the Hon'ble High Court on 26.06.2019 raised the issues (as enumerated supra), we dispose of the O.A. granting liberty to the competent authority to consider the representation so preferred and dispose it of in accordance with law.

12. In view of the decision cited supra, in **Pushkar Singh Bhati** etc. and having observed that the M.A.546/2019 has been preferred to seek stay of departmental proceedings, a relief not connected with the subject matter of the present O.A., we dismiss it with liberty to the applicant to agitate afresh in accordance with law, if so advised.

(Dr. Nandita Chatterjee)
Member (A)

(Bidisha Banerjee)
Member (J)

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