

OA.No.170/00178/2019/CAT/BANGALORE

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

ORIGINAL APPLICATION NO.170/00178/2019

DATED THIS THE 17TH DAY OF OCTOBER, 2019

HON'BLE DR.K.B.SURESH, MEMBER (J)

HON'BLE SHRI C.V. SANKAR, MEMBER (A)

Sripath Rao,
S/o Tukaram,
Aged 70 years,
Ex-GDS BPM, Munganal BO,
a/w Aurad (B) – 585 326,
Residing at Munganal,
Aurad (B) 585 326
Bidar District
(By Advocate Shri A.R. Holla)

..... Applicant

Vs.

1. Union of India,

By Secretary,

Department of Posts,

Dak Bhavan,
New Delhi 110 001

2. The Postmaster General,
N.K. Region,
Dharwad 580 001

3. The Director of Postal Services,
Office of the Postmaster General,
N.K. Region,
Dharwad 580 001

4. The Superintendent of Post Offices,
Bidar Division,
Bidar 585 401

....Respondents

(By Shri Gajendra Vasu, Counsel for the Respondents)

O R D E R (ORAL)

(HON'BLE DR. K.B. SURESH, MEMBER (J))

Heard learned counsel for both parties.

2. Brief history of the case:

1. Shri Shripath Rao was working as GDS BPM Munganal BO a/w Aurad (B) SO during the period 01-2-1971 to 13-3-2007. The DPS Dharwad during the visit to Aurad (B) SO on 28.2.2007 noticed

defaulted credits in RD deposits in Munganal BO and directed ASP (Hq) and IP Bhalki S/Dn. to investigate the defaulted credits. The team visited BO and noticed non credits in five RD accounts to the tune of Rs. 1800/- + DF 50/-. The BPM Shri Shripath Rao was placed on POD and past work verification carried out. On completion of PWV Disciplinary action under Rule 10 of GDS C&E was initiated. The inquiry was conducted and IO submitted report to the Disciplinary authority with charges not proved stating in the concluding para that the fact of the applicant impressing the date etc in the Passbook in anticipation of the actual receipt of the deposit is agreed to by all the depositors. The DA issued show-cause notice disagreeing with the findings of the IO and directed the CO to submit his representation if any. The Disciplinary authority finalized the disciplinary case with removal of the BPM w.e.f. 22.7.2013. Shri Shripath Rao preferred and appeal dated 28.8.2013 against the said orders of Disciplinary authority. The appeal was disposed upholding the orders of Disciplinary authority vide orders dated 11.9.2014. Further the ex BPM preferred a petition to the Revisionary authority, which was disposed upholding the decision of Appellate authority. Shri Shripath Rao, filed case at Hon. CAT Bengaluru under OA No. 170/00043/2016 against the disciplinary proceedings. Hon CAT passed its order dated 29.11.2016 setting aside the orders of Disciplinary authority, Appellate Authority and Revisionary authority and directed the respondents to consider the matter afresh from the stage of submission of IO's report,

the disciplinary authority to indicate the specific reasons for his disagreement with IO's report if so, give the applicant 15 days time to submit his representation and thereafter issue final order based on entire facts.

2. As per the directions issued by the CAT and instructions contained vide CO letter LC/2-34/2016 dated 14.2.2017, the case was considered afresh from the stage of submission of IO report. The Disciplinary authority/SPOs Bidar going through entire records finalized the case removing Shri Shripath Rao from engagement vide orders BDR/F-IV/1/07 dated 12.5.2017.

3. The ex BPM submitted an appeal dated 3.7.2017 against the orders of Disciplinary authority to the Appellate authority. He also filed a case before Hon CAT Bengaluru vide OA 170/00034/2018 dated 5.2.18 seeking relief – to quash the memo No. BDR/F-IV/1/07 dated 12.5.2017 of SPOs Bidar, to make payment of full pay and allowances treating the period from the day he was put off duty till 15.8.2013 as on duty and make payment of terminal benefits, grant such other relief deemed fit having regard to the facts and circumstances of the case.

4. The Hon. CAT Bengaluru disposing the said OA issued directions vide orders dated 23.10.2018 that “...*But it transpires that an Appeal is pending with the Appellate Authority. Therefore, there will be a direction to the Appellate Authority to dispose of the matter within*

next one month after hearing the applicant. We will reserve liberty to the applicant also to challenge it, if it is against him....”

Hence this appeal.

3. But there had been a plethora of legal cases in this matter. In one among them vide order in OA No. 170/00043/2016 dated 29.11.2016 we had directed the respondents to grant opportunity to the applicant before concluding the proceedings, which we quote:

“O R D E R (ORAL)

(PER HON'BLE SHRI PRASANNA KUMAR PRADHAN, MEMBER
(ADMN)

The applicant has filed the present OA seeking the following relief:

- i. *To quash the (a) Memo No.BRD/F-IV/I/07 dated at Bidar-1 the 22.07.2013, issued by the respondent No.4, Annexure-A6, (b) Order No.NKR/STA-4/875/14 dated at Dharwad the 11.09.2014, issued by the respondent No.3, Annexure-A8 and (c) Memo No.KKR/STA-4/773/15 dated at Dharwad the 17.06.2015, issued by the respondent No.2, Annexure-A10.*
- ii. *Consequently, direct the respondents to extend the service benefits to the applicant from 13.03.2007, the date he was 'put off' duty till the date of his retirement on 15.08.2013, treating the period as spent on duty and with interest at 12% p.a. from the date the benefits were due till the date of actual payment.*

2. *The applicant who was working with the respondents as GDS BPM since February, 1971 was placed on 'put off' duty in March, 2007 in contemplation of disciplinary proceedings. Thereafter, a charge memo was issued on 3.9.2009(Annexure-A2) alleging that the applicant accepted the deposits in five RD accounts and failed to account the same in the Branch Office account and therefore did not follow the prescribed procedure violating the provisions of Rule 144 read with Rule 143(3), 131 and 174 of Book of BO Rules (VI Edition) and there by failed to maintain absolute integrity and devotion to duty and contravened provisions of Rule 21 of GDS (C&E) Rules 2001. On his denial of the charges, a detail enquiry was held and the enquiry authority submitted his report dated 31.10.2011 holding the charges as 'not proved'(Annexure-A3). The disciplinary authority, however, while forwarding the report of the inquiry officer to the applicant vide communication dated 9.4.2012 mentioned that he did not agree with the opinion of the IO that the allegation of the misappropriation of RD deposit amount of Rs.1850/- is not proved and disagreed with findings of IO. The disciplinary authority directed the applicant to file representation within 15 days. The applicant submitted representation on 25.4.2012 explaining that there is no justification to differ from the findings of the inquiry officer(Annexure-A5). However, the disciplinary authority without considering his representation passed order dated 22.7.2013 imposing the penalty of removal of the applicant from service(Annexure-A6). Thereafter, the applicant preferred an appeal to respondent No.3 on 28.8.2013(Annexure-A7) which was dismissed vide order dated 11.9.2014(Annexure-A8). The revision petition filed before respondent No.2 on 9.3.2015(Annexure-A9) was again dismissed vide order dated 17.6.2015(Annexure-A10). The applicant submits that though the inquiry officer held the charges against the applicant as not proved, the disciplinary authority simply mentioned that he disagreed with the finding of the inquiry but did not assign any reason. He ought to have furnished the reasons for differing from the findings of the enquiry. Therefore, the applicant has been denied a reasonable opportunity of defending himself against the contention of the disciplinary authority who did not cite any reasons for arriving at*

his conclusions. Therefore, the penalty imposed on him was done in an arbitrary manner. The appellate authority and revisionary authority have mechanically followed the version of the disciplinary authority and rejected the appeal and revision petition respectively without any justifiable grounds. Therefore, he prayed for granting the relief sought by him.

3. *The respondents have filed their reply statement in which they submitted that the respondents, during the visit to Aurad Sub Post Office and checking BO daily account and BO summery noticed defaulted credits in RD deposits. Thereafter he directed ASP(HQ) Bidar and Inspector of Post Offices to visit and investigate the defaulted credits. Based on their report, the applicant was placed on put off duty. On completion of the verification process, a charge memo was issued by the respondent No.4 on 3.9.2009 and on denial of the charges by the applicant, an inquiry officer was appointed. On completion of the inquiry, the IO submitted the inquiry report to the disciplinary authority. The inquiry authority had mentioned that at one place of the report that the article of charge framed against the applicant was not proved and at the concluding para stated that the fact agreed almost all the depositors in their deposition is proved. The disciplinary authority gave a show cause notice to the applicant disagreeing the IO's report declaring the charges as not proved and directed the charged official to submit his representation. After the representation was received, based on all the documents, records available in the case along with IO's report and representation of the applicant, the disciplinary authority has finalised the case and ordered for removal of the applicant from the post of BPM. The appeal filed by the applicant was also disposed of upholding the order of the disciplinary authority. Revision petition filed by the applicant was also dismissed. They submit that the main contention of the applicant in this case is regarding disagreement of the disciplinary authority to the findings of the inquiry officer which, according to the applicant, is denial of reasonable opportunity. They submit that the disciplinary authority has elaborately put forth the reasons for his disagreement with IO's report in his final order. The order*

clearly spelled out the details and reasons for disciplinary authority's disagreement with inquiry officer's report. Therefore, the contention of the applicant that the order of removal was based without any reason is not correct. Similarly both the appeal and revision petition were dismissed according to the rules and instructions of the matter and hence there is no infirmity in the said orders. Therefore, they submit that there is no merit in the contention made by the applicant.

4. *Heard the Learned Counsel for both the parties. The Learned Counsel for the applicant reiterated the submission made in the OA and highlighted the fact that the disciplinary authority did not furnish the reasons for disagreement with the observation of the inquiry officer and as such the applicant was not in a position to make any submission in respect of the observation of the disciplinary authority. Therefore, it is clearly a case of denial of natural justice and is also clearly in violation of Rule 15 of the CCS(CCA) Rules which clearly indicates that the disciplinary authority shall send a copy of the report of the inquiry authority together with its own tentative reasons for disagreement, if any, with the findings of inquiring authority on any article of charges to the charged official. But this was not done in this case. Hence, the action taken by the disciplinary authority was clearly bad in law. He also mentioned that the applicant raised the issue in the appeal and revision petition which were also not considered. Therefore, the action taken by the respondents needs to be set aside.*

5. *The Learned Counsel for the respondents, on the other hand, referred to the reply statement and highlighted the charges against the applicant and submitted that the disciplinary authority has given detailed reasons for his disagreement to the findings of the inquiry officer. Therefore it cannot amount to denial of natural justice. The applicant is allowed to make representation to the inquiry report and the disciplinary authority passed an order taking the entire matter into consideration including the submission made by the applicant. Therefore, there is nothing wrong or unjustified in the*

order passed by the disciplinary authority which was subsequently upheld by the appellate authority and revisionary authority.

6. *We have carefully considered the facts of the case and submissions made by either side. From the records and the submissions, it clearly emerges that pursuant to the charge memo issued by the respondent authority against the applicant, a detailed enquiry was held and the inquiry authority submitted his report to the disciplinary authority on 31.10.2011. The inquiry authority held that the allegation of mis-appropriation of RD deposit amount Rs.1850/- in the 5 RD accounts is not proved. But there was irregularity of advance impressing date stamp with total of deposit entry in such RD PBs and this aspect is proved. The disciplinary authority on receipt of the inquiry report sent the same to the applicant vide memo dt.9.4.2015 and the said communication mentioned as follows:*

“The report of inquiry officer dated 31.10.2011 is enclosed herewith. I do not agree with the opinion of IO that the allegation of mis-appropriation of RD deposit amount of Rs.1850/- is not proved and disagree with findings of IO. The disciplinary authority will take suitable decision after receipt of your representation.

Therefore, if you wish to make any representation or submission, you may do so in writing to the disciplinary authority within (15) days on receipt of this letter.”

7. *As would be evident, though the disciplinary authority did not agree with the finding of the IO, he did not spell out any reasons for his disagreement with the observation of the inquiry authority. Obviously, the applicant would not in a position to make any submission against the observation of the disciplinary*

authority. He could made only general representation stating his stand on the issue and submitted that the charges against him are not proved. The respondents in the reply had submitted that the disciplinary authority had spelt out detailed reasons for the disagreement in the final order. But the fact remains that the applicant did not get opportunity to submit his representation against such observation. Therefore, it is a clear case of denial of natural justice. The disciplinary authority has every right to disagree with the report of the inquiry officer. But he had to give his own tentative reasons for disagreement with the findings of the inquiry authority so that the charged official would be in a position to make submission if he desires so. This aspect was highlighted by the applicant in the revision petition which was dismissed by the revisionary authority vide order dated 17.6.2016. The revisionary authority did refer to the submission of the charged official that 'the disciplinary authority did not give any tentative reasons and because of this he had lost fair opportunity to explain and defend his case'. On this issue the revisionary authority simply observed that the petitioner was issued notice forwarding the IO report and intimating that disciplinary authority does not agree with findings of IO. Hence he had all the opportunity to explain and defend his stand through his defence. We are of the view that the justification given by the revisionary authority on this aspect does not stand to any reason.

8. *In the disciplinary proceedings, the charged official has to be given reasonable opportunities to defend himself. In this case, the IO's report has been in favour of the charged official since he held that the charges framed against the applicant have not been proved. The disciplinary authority while forwarding the report did not put forth any ground or reasons for disagreement which would have provided an opportunity to the charged official to make his submission on those points. But this was not done. Therefore, we are of the view that it is a clear case of denial of natural justice. Therefore, on this ground, we hold that the order of the disciplinary authority as well as subsequent authorities cannot be sustained. Therefore, we set aside the order of the disciplinary authority, appellate authority*

and revisionary authority and direct the respondents to consider the matter afresh from the stage of submission of the IO's report. The disciplinary authority shall indicate the specific reasons for his disagreement with the IO's report if so decided and give the applicant 15 days' time to submit his representation and thereafter issue a final order based on the entire facts including the submission of the applicant. This shall be done within a period of three (3) months from the date of receipt of a copy of this order. The applicant shall also submit a copy of this order to the respondent No.4 i.e disciplinary authority within 15 days.

9. *The OA is accordingly, disposed of with the aforesaid direction. No order as to costs.*

Sd/-

(P.K.PRADHAN)

MEMBER (A)

Sd/-

(JUSICE HARUN UL RASHID)

MEMBER (J)"

4. Thereafter a dissenting note seems to be issued vide Annexure-A8 Memo No.BDR/F/CAT OA/170/0043/2016/Sripati Dated at Bidar-1 the 10-03-2017, which we quote:

**"DEPARTMENT OF POST
O/O THE SUPDT. OF POST OFFICES, BIDAR DN. BIDAR-585401**

**Memo No.BDR/F/CAT OA /170/0043/2016/Sripati Dated at Bidar-1
the 10.03.2017**

MEMORANDUM

- I. *In accordance with the CAT order in OA No.170/00043/2016 dated 29-11-2016, please find enclosed a copy of the Inquiry*

report on the article of charge submitted by the officer appointed to inquire in to the charges levelled against Sri.Sripati, GDS BPM, Mungnal BO a/w Auard (B) SO.

- II. *Sri.Sripati, GDS BPM, Mungnal BO a/w Auard (B) SO is hereby informed that the undersigned is not agreed with the finding of the Inquiry Officer in the afore said report on the following grounds.*
1. *Sri.Susil Kumar Tiwari (PW-2), the then IP Sub Dn. Bhalki, during examination in chief deposed that he indentified and confirmed the documents/written statements as genuine. The deposition of one responsible officer of the department cannot be overlooked.*
 2. *Sri.Syed Pasha, the then MO (PW-1) Sub Dn. Bhalki, during examination in chief deposed that he identified EXP-6, EXP-11, EXP-14 & EXP-15. This one was not considered by IO in his decision, as it is evidence from deposition dated 18-02-2011 and can not be overlooked.*
 3. *Smt.Umadevi (PW-3), during examination in chief identified the EXP-3 & EXP-13 and confirmed her signature available on it. Further she deposed to the question No.3 in examination in chief that she has giving PB and SB-103 to the BPM while depositing of money. It clearly shows that the PB is in the custody of PW-3. This one was not considered by IO during in his decision as it is a evidence from deposition dated 26-11-10, that there was neither cross examination nor questions by IO in this regard*
 4. *Sri.Pandarinath (PW-4), during examination in chief identified the EXP-6, Expt-11 and confirmed his signature available on EXP-6. Further he deposed during examination in chief that he has written the statement EXP-6 in his own hand writing without any force. When he has written the EXP-6 in his own hand writing then how he as deny the contents written by him regarding non credit of Rs.200/- on 26-02-2007. Denying for non-giving of amount to CO is only after thought. IO was not questioned to CO in this regard.*
 5. *Smt.Laxmibai W/o Sudhakar (PW-4), during examination in chief indentified the EXP-5, EXP-9 & EXP-10 and confirmed her signature available on EXP-5. Further PW-4 has replied to the question no.02 of examination in chief that she personally depositing the amount and her husband also depositing the amount some time and she after depositing the amount get impressed the BO date stamp and entirely*

and get back the PBs from BPM. It is clearly shows that the PBs are available with her and it seems that she has given RD deposit amount and get impressed BO date stamp. Further deposed while answering to the Q No.6 in examination in chief that she has received the amount while closing the RD account including RD non credit amount. In this regard no cross examination made by CO/DA nor IO.

IO report dated 31-10-2011 clearly shows that he has given report without analysing all these aspects and IO has not fully confirmed about the charges levelled against CO are proved or not proved, as one stage i.e. at page No.35 at Serial No.20 stated as "Not Proved" and at the concluding para clearly stated that the "the facts agreed almost all the depositor in their deposition is proved. Hence this disagreement notes.

- III. *Sri.Sripati, GDS BPM, Mungnal BO a/w Aurad (B) SO is hereby given an opportunity of making a representation on the inquiry report aforesaid on this notice as per the **CAT order in OA No.170/00043/2016 dated 29-11-2016**. Any representation which he would wish to make on the Inquiry Report and on this disagreement note of the undersigned will be considered by the competent authority, such a representation, if any should be made in writing and submitted to the undersigned within **15 (Fifteen)** days from the date of receipt of this memorandum by Sri.Sripati, GDS BPM, Mungnal BO a/w Auard (B) SO.*

- IV. *The receipt of this memo should be acknowledged.*

Encl: IO report (37 pages)

*Sd/-
Supdt. Of Post Offices,
Bidar DN, Bidar-585401."*

5. Apparently, the Disciplinary Authority had misconstrued the methodology of analyzing evidence. Regarding the evidence of Shri Susil Kumar Tiwari, PW-2 he would say that in his examination in chief he identified the documents written as genuine. But in his cross examination a different story was unfolded. Relating to Shri Syed Pasha, PW-1 he would say that he had identified certain documents but then in cross examination a

different story unfolded. Regarding evidence of PW-3 Smt Umadevi, here also in examination in chief she had identified certain documents but then in cross examination apparently the story unfolded was different. Relating to PW-4 Shri Pandarinath also the same situation obtained. In Smt. Laxmibai, PW-4 also the same situation obtained. Apparently it appears that the Disciplinary Authority was confused between the evidentiary value of chief examination and the cross examination. So we are not sure whether to find fault with him. But then it is also pointed out that there are documents but the problem is that these documents are documents obtained in the course of preliminary enquiry by the Postal Authorities themselves which will not under the rules of evidence carry much credibility and acceptance. At this point of time there was a question that the passbooks were not properly accounted for by the Inquiry Officer. Therefore, we queried as to the method of happenings on that particular day when the Inspector visited the place. Shri Gajendra Vasu, learned counsel for the respondents, very fairly concedes that in the entries relating to such an infraction it appears to be that, even though entries were made in the passbook, the same did not reflect in the register of the Branch. The explanation given by the applicant is that the Inspector came in between and therefore he could not complete the work and therefore no infraction could be attributed to him because the Inspector stopped the work at that point of time itself. This had been admitted by the concerned witnesses also. Therefore, there may not be any value in saying that in the chief examination documents have been identified by the official witnesses and being official witnesses their view must be

given more credence as is stated in paragraph 1 of the dissenting note by the Disciplinary Authority. Thereafter, in fact the matter was taken up in appeal. Since the appeal was not disposed off, the applicant had approached the Tribunal once again vide OA No. 170/00034/2018 which was disposed vide order dated 23.10.2018, which we quote:

“ORDER (ORAL)

HON’BLE DR K.B.SURESH, MEMBER (J)

We heard this matter. But it transpires that an Appeal is pending with the Appellate Authority. Therefore, there will be a direction to the Appellate Authority to dispose of the matter within next one month after hearing the applicant.

2. We will reserve liberty to the applicant also to challenge it, if it is against him. OA is disposed of as above. No order as to costs

Sd/-
(C V SANKAR)
MEMBER (A)

Sd/-
(DR K.B.SURESH)
MEMBER (J)”

6. Thereafter, Annexure-A13 and A14 was passed. The Appellate Authority has taken a stand that:

(1) The appellant is generalizing his ambiguous contentions. The appellant has stated nothing in specific. Only general pleading cannot be accepted at this stage. The BO Daily accounts were prepared by the BPM in his own handwriting and the BPM is responsible for the entries made in BO. Daily Account. Thus need for the witness of SPM is not felt by the prosecution. If the Charged Official had any objection he could have demanded the Postmaster as defense witness and

examined during the course of inquiry. Further the appointment of Shri.Sushilkumar Tiwari as PO was made as a usual process and soon after noticing that he was a material witness, replacement of PO had been made on 03-03-2017. The PO Shri.Sushil Kumar Tiwari has no prejudice with the CO as per the contention of the Charged Official.

(2) The contention of the appellant is not acceptable: The Charged Officer referred about PW 5 and claim applications. The claims were settled on receipt of claim application for restoration of balance into the account. During the course of inquiry the Charged Official was present while marking the documents examined and signed as marked, after that he attended the inquiry and never raised any objection about the genuineness of the documents. Now at this stage of appeal, his plea that the documents are manipulated cannot be considered.

(3) The say of the appellant is not acceptable: Based on the documentary evidences and witness that Charge Sheet has been framed and proceeded. The charged official could not deny the documents and witnesses. Further the Passbook is the basis record of the Department and customer rely on the PB entries. The entries made by the departmental employees are the authenticated records and basic record to prove the case. The appellant had credited the amount of Rs.1850/- as the amount was mis-appropriated by him in RD accounts.

(4) The major points in which the Disciplinary Authority disagrees is discussed in Disagreement note. All the other points are supportive to disagreement note.

(5) The contention of the appellant is not agreeable: A written orders from CPMG Karnataka on behalf of President to finalise the case as per the orders of Hon'ble CAT was issued to the Disciplinary Authority. Accordingly the Disc. Authority had issued the orders. Hence the procedure is in order.

7. We had examined these contentions of the Appellate Authority with anxious eyes. The crux of the issue is that: Was any offence committed? Except one, all infractions took place on a single day. Applicant claims that he had entered certain entries in the passbooks of some people and at this point he was interdicted by the Postal Inspector before he could pass on these entries into the concerned ledger. During the cross examination of these witnesses on whom the prosecution relies, they admitted that for whatever amounts they had paid correct entries were made available in their bank passbooks. Therefore, it appears to us that there might be an overreach by the Postal Inspector when he stopped the work in the middle of it and therefore three entries were not entered. Unfortunately neither the Disciplinary Authority nor the Appellate Authority had analyzed and assessed the evidence based on the credibility in cross examination. They seem to have relied on the chief examination which is nothing other than the exposition of the statements obtained by the department in the preliminary

enquiry and nothing else. Therefore, from the point of issuance of a dissenting note to the Appellate Authority's order the procedure adopted is illegal and against all principles of natural justice and laws of evidence available in India. Therefore, impugned orders are hereby quashed. Applicant will be reckoned as taken back in service from the earliest point of time as if no such infraction obtained against him and will be eligible for all consequences thereof.

8. At this point of time Shri Gajendra Vasu, learned counsel for the respondents, submits that there may be a factual distinction to be made. One entry was made on 08.02.2007 and three other entries were made on 26.02.2007 on which date the postal Inspector entered the scene. Therefore, he would say that the difference of situation on 08.02.2007 also may be taken into account. But then after reading through the IO report and his analysis about the date we think that nothing worthwhile had been brought about in this thing. It has been properly explained by the concerned party at the concerned time. Whatever be the circumstances, when a contrary evidence is obtained in cross examination, the value of prosecution evidence becomes diminished to such an extent and the rule of Eiusdem Generis will come into play. Out of the four instances cited if three instances favour one stream of action and if in the absence of significant contradictory relevance attributed to in a single element in it otherwise it will be considered that all these infractions or allegations are in the same stream only. Particularly so in view of the fact that the concerned party had given an

explanation in the cross examination. The value of evidence in cross examination is much more than the value of evidence in the chief examination going by the Evidence Act of India. Therefore, this contention also may not lie under law.

9. The OA is allowed with the above directions. No order as to costs.

(C.V. SANKAR)

MEMBER (A)

(DR.K.B.SURESH)

MEMBER (J)

/ksk/

Annexures referred to by the applicant in OA No. 170/00178/2019

Annexure A1: Copy of the memo dated 13.03.2007
Annexure A2: Copy of the memo dated 03.09.2009
Annexure A3: Copy of the Inquiry Report dated 31.10.2011
Annexure A4: Copy of the order dated 09.04.2012
Annexure A5: Copy of the applicant's representation dated 25.04.2012
Annexure A6: Copy of the order dated 22.07.2013
Annexure A7: Copy of the order dated 29.11.2016 in OA No. 43/2016
Annexure A8: Copy of the memo dated 10.03.2017
Annexure A9: Copy of the applicant's representation dated 24.03.2017
Annexure A10: Copy of the order dated 12.05.2017
Annexure A11: Copy of the applicant's appeal dated 03.07.2017
Annexure A12: Copy of the order dated 23.10.2018 in OA No. 34/2018
Annexure A13: Copy of the order dated 08.01.2019
Annexure A14: Copy of the order dated 23.01.2019

Annexures referred in reply

Annexure R1: Copy of the letter dated 09.04.2012
Annexure R2: Copy of the memorandum dated 10.03.2017

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