

**IN THE ARMED FORCES TRIBUNAL, PRINCIPAL BENCH  
NEW DELHI  
(Court No.2)**

**T.A NO. 310 of 2009  
WP(C) No.2864 of 1997 of Delhi High Court**

**IN THE MATTER OF:**

**Sep./Skt D.K. Sharma** .....**APPLICANT**  
Through : Mr. Ved Prakash, counsel for the applicant

**Vs.**

**UNION OF INDIA AND OTHERS** ...**RESPONDENTS**  
Through: Mr. Ajai Bhalla counsel for the respondents

**CORAM:**

**HON'BLE MR. JUSTICE MANAK MOHTA, JUDICIAL MEMBER  
HON'BLE LT. GEN. M.L. NAIDU, ADMINISTRATIVE MEMBER**

**JUDGMENT**

**Date: 21.03.2012**

1. This petition was initially filed before the Hon'ble High Court of Delhi as WP(C) No.2864 of 1997. Thereafter, it was transferred to the Armed Forces Tribunal on 07.09.2009 and was registered as TA No.310/2009.

2. Vide this petition, the applicant has prayed that the impugned orders dated 27.02.1993 for convening DCM, order/judgment passed therein dated 16.04.1993 convicting and sentencing the applicant, and the order dated 24.06.1993 confirming the same sentence by the Brigade Commander be set aside and the respondents be directed to grant promotion to the applicant in the rank of Havildar with

retrospective effect as the applicant was demoted in lower rank after the aforesaid conviction and punishment with all consequential relief.

3. Brief facts of the case are that the applicant was posted at 92 Base Hospital (BH) w.e.f. 26.04.1992. The applicant was holding the rank of Havildar and was performing the duties of NCO/SKT incharge of POL Store and Clothing.

4. It is submitted that on 16.11.1992, the applicant was directed by the Unit Quarter Master to go to FPD (W) Khunmu for collection of stores. The applicant was put incharge of 12 members team comprising the applicant, one NCO Naik EES Prakash, two drivers and 8 members working party alongwith two 3 Ton Vehicles.

5. After checking of indent, the applicant loaded thirty empty LPG Cylinders in the 3 Ton Vehicle driven by L/Nk Rameshwar Singh and 11 empty barrels and six empty jerrycans in the other 3 Ton vehicle driven by L/Nk Rajbir Singh. The party reached POL Depot around 1000 hours. After completing all the usual formalities, the applicant got loaded 87 MT Gas 1000 Litres (5 Barrels), HPP 'W' 1000 (5 Barrels), OMD 110 40 Litres (Two Jerrycan), C-600 20 Litres (One Jerrycan) and OMD 40, 20 Litres (One Jerrycan). After completing the formalities they proceeded, when the applicant alongwith working party came out he found that L/Nk Driver Rameshwar Singh offered Rum to L/Nk Driver Rajbir Singh and thereafter the party had lunch at about 1400 hours. The applicant directed all men to get into the vehicles and

ordered the drivers to move the convoy. Both the drivers refused to permit the working party to get in and both the drivers left for the unit without bringing the working party alongwith them.

6. It is further submitted that the working party alongwith the applicant went to the unit in another Unit convoy. On reaching the unit, the applicant reported to the JQM Sub D.D. Bora and QM Capt. S.M. Kashyap about the disobedience by the said drivers during the collection duty. After necessary inquiry, the applicant was ordered to unload the vehicle with the help of the working party.

7. During unloading, the working party found that there is one Barrel was missing and one Barrel was empty. After checking, the applicant immediately reported the loss to JQM and QM. They verified and ordered to stop unloading. On 17.11.1992, a Court of Inquiry was ordered by Commandant 92 BH. The inquiry proceedings were completed on the same day. In all, six witnesses were examined by them including the applicant.

8. On 21.11.1992, a summary of evidence was ordered by the Officiating Commandant and five witnesses were examined and statement of the applicant was also taken down. On 12.02.1993, Commander 31 Sub Area ordered that the applicant should be tried by DCM.

9. On 01.03.1993, the DCM assembled and thereafter conducted hearing on 16.03.1993 onwards. The charge against the applicant was

of dishonestly misappropriating 400 litres petrol i.e. Government property punishable under Section 52(b) of the Army Act. The applicant requested that the case be adjourned in order to engage a defence counsel. He requested for leave to go and get a counsel of his choice which was not granted. Thus, it is alleged that on 16.03.1993 the applicant was not provided with any legal aid of counsel. The defence officer represented the applicant. The DCM convicted the applicant on 16.04.1993 and sentenced him with punishment of reduction to ranks, stoppage of pay and allowances and imprisonment in military custody for three months alongwith to make good loss of Rs.6824/-.

10. On 24.06.1993, Brig S.P.S. Kanwar, Commander 31 Sub Area passed a Revision Order. He ordered the DCM to re-assemble for the purpose of reconsidering its sentence. The DCM again reassembled and maintained the same sentence in June 1993.

11. The applicant's rank was reduced to ranks vide order dated 28.03.1993 in consequence to the order of sentence awarded and confirmed by the higher authority.

12. The applicant was tried by the DCM under Section 52(b) of the Army Act i.e. dishonestly misappropriating the property belonging to the Government. He was found guilty of the offence and was sentenced (a) reduced to substantive rank (b) to suffer imprisonment

for three months in military custody and (c) stoppage of pay and allowances to make good the loss of property amounting to Rs.6824/-.

13. The issues that were argued by the learned counsel for the applicant and as responded by the learned counsel for the respondents are discussed hereinbelow:-

14. **Right of the accused to prepare defence:-** Learned counsel for the applicant stated that the applicant was not afforded full opportunity to prepare for his defence. He had applied for leave in order to obtain the services of a civil legal counsel. His leave was denied and he then requested another JCO to go and engage the services of civil defence counsel. The JCO was also unable to do so. Finally, the applicant was defended by a defending officer who was nominated by the CO. As such, the learned counsel for the applicant claimed that his right to defend himself under Army Rule 33 has been violated and therefore, the DCM needs to be struck down.

15. Learned counsel for the respondents concurred to say that the applicant has sought 12 days leave in order to go and obtain the services of a legal counsel. The leave was declined seeing no justification except to prolong the proceedings but the applicant was given assistance in terms of providing another JCO as friend of the accused.

16. Having heard both the parties on the issue, we are of the opinion that the accused did have adequate time since the DCM first

assembled on 01.03.1992 and subsequently commenced its proceedings only on 16.03.1992. Adjournment was granted for the purpose of helping the accused to obtain the services of a civil legal counsel of his choice. The accused had also requested another JCO to go and obtain the services of a legal defence counsel on his behalf. Since the applicant was unable to obtain the assistance of a legal defence counsel, he was provided with a friend of the accused which was acceptable to him and who represented him as a defending officer and during proceedings he had not made any objection to that effect. Thus, we do not find any dichotomy or shortcoming in the procedure for trial by the DCM. This contention is hereby dismissed.

17. **Remand of the accused:-** Learned counsel for the applicant argued that the remand of the accused vide Army Rule 22, 23 and 24 was not carried out properly and therefore, the trial was vitiated. However, he contended that he was not involved in the crime, therefore, he should have been discharged from the charges but he had no sufficient material to submit in favour of these allegations that the remand under Army Rule 22, 23 and 24 was not carried out properly. We have perused the proceedings in this respect and we do not find any irregularity. In the absence of any contention regarding Army Rules 22, 23 and 24 not having been adhered to, we are unable to give the benefit of doubt to the applicant and therefore, this issue of Army Rules 22, 23 and 24 not having been complied with is not sustainable.

18. **Proceedings of the DCM:-** Learned counsel for the applicant stated that the proceedings of the DCM were not conducted properly as per rules. The Presiding Officer of the DCM has failed to perform his duties as per Army Rule 76. It was the duty of the Presiding Officer to ensure that justice is administered and that the accused has a fair trial and he does not suffer any disadvantage in the consequences. In the absence of a qualified legal counsel, the accused certainly stood to disadvantage and the Presiding Officer should have adjourned the Court at his own discretion in order to ensure that the applicant got a fair trial.

19. Learned counsel for the applicant also argued that under Army Rule 77, the Court has to keep in mind that the prosecutor is only required to assist the court in administration of justice and not to take any unfair advantage or suppress any evidence which is in favour of the accused. In this case the prosecutor did not assist the Court in right percept in taking a decision for the applicant to obtain a qualified legal counsel and as such the case is vitiated and the DCM needs to be struck down.

20. It is further contended that vide Army Rule 105, the Judge Advocate General's (JAG) powers and duties has been laid down. Therefore, it is the duty of the JAG to assist the Court and ensure that no unfair advantage is taken by the prosecution in order to administer justice. In the absence of a legal advisor, he argued that the DCM

proceedings were liable to be vitiated. The learned counsel for respondents refuted the contentions placed by applicant and submitted that full precautions were maintained with regard to fair trial.

21. Having gone through the record and hearing learned counsel for the applicant as well as respondents, we find no reason to suggest that the DCM was vitiated because of lack of civil defence counsel. The Defending Officer was appointed by the Convening Authority. The Defending Officer was acceptable to the applicant and it is not his case that he objected during trial. Therefore, DCM proceedings cannot be said to be vitiated. On these aspects, the contentions are not having any legal force and are liable to be rejected.

22. **Joint Trial**:- Learned counsel for the applicant stated that during the DCM, 10 prosecution witnesses were examined. 4 defence witnesses were also examined and there were 3 technical court witnesses were examined. Learned counsel for the applicant stated that going by the evidence it is clear that there were more than one personnel involved in the incident and the drivers Rameshwar and Rajbir were also found involved in the same incident and they were tried separately, therefore, prayed that it was a fit case for joint trial under Army Rule 35. But stated that in this case the applicant was tried separately under a DCM and therefore, he did not get a fair hearing in the case and the punishments awarded to him were also disproportionate. Therefore, it also requires reconsideration.



23. Learned counsel for the respondents stated that the gravamen of the charges against the accused is Section 52(a) under the Army Act. There was no other person who was charged under the same clause in that incident and therefore, to say that a joint trial should have been done in the interest of justice is not correct. We have examined the evidence as also the charges and we feel that since the accused was a Store Keeper and Incharge of the Stores, the charge was appropriately put against him instead of other so called collaborators. Therefore, a joint trial was not feasible practical and necessary. Further, he has not been able to establish any prejudice caused to him on this count. Thus, this ground is not maintainable.

24. **EVIDENCE PART:-** Learned counsel for the applicant drew our attention to the evidence part, specifically towards statements of PW-6, Capt S.M. Kashab who stated that *“Although both the drivers were smelling of alcohol but they were well composed. LNK/DMT Rajbir Singh informed me that he was hit by the accused on his eye as a result of which he had developed swelling. He instead of disclosing complete details insisted on to go to MI room to show himself to DMO. He had complained of pain also.”* PW-6 has further deposed that *“At approximately 1745 hrs accused came to me in my office and told me that both the drivers (LNK/DMT Rajbir Singh and LNK/DMT Rameshwar Singh) had left them behind and he thereafter brought the entire collection party in the UNO vehicles which were also coming to Srinagar.”* He further stated that *“on my directions the accused went*

*out to check the stores in the vehicles. He came back and reported that one barrel was empty and one was missing. I then carried out the counting of the barrels and jerrycans loaded in the vehicle of LNK/DMT Rajbir Singh”.*

25. Learned counsel for the applicant also drew our attention to the third witness of defence i.e. Major Ashok Saxena, 92 BH who is the examining doctor and stated that *“While I was carrying out the clinical examination of the left eye of LNK/DMT Rajbir Singh, he volunteered to disclose the cause of injury which, so far, I can recollect was stated by him to have been inflicted as a result of a blow given by accused at Khunmu during POL collection the same day. I also recollect, he having told me that the accused had taken his vehicle to some place in Khunmu and disposed of some petrol (Gasoline 87 MT) and on his questioning the accused as to why did he not involve other in the petrol deal, the accused had given the alleged blow on his left eye.”* He also drew our attention to the deposition made by DW-1 Dinesh Kumar Sharma who has stated that *“It is incorrect to suggest that I had sent out the working party at 1130 hrs to quietly go out of FPD to meet some civilians to strike the deal of disposal of the petrol (Gasoline 87 MT) as alleged. It is incorrect to suggest that I ordered LNK/DMT Rajbir Singh to miss the return convoy at 1430 hrs at all costs.”*

26. Learned counsel for the applicant also drew our attention to the fact that PW-1 had stated during the cross examination that *“I have not*

*done any POL collection with the accused in past except the instant one.”*

27. The first defence witness/the accused told the Court that “As I had experienced in past that the quantity of FOL demanded by us was generally not passed therefore I decided to carry only 11 barrels as against the requirement of 12 barrels to fetch 2,400 litres of Petrol (Gasoline 87 MT) and DHPP (Diesel) which was demanded.” He further stated that “As I reached the BPI (bulk petroleum issue) point I noticed that all the barrels kept there for issue were measuring short by approximately 10 litres each. On my insistence the full quantity was made up by the civilian incharge, issuing the petrol (Gasoline 87 MT). There was no combatant at the BPI point at the time of issue.” He has also stated during the cross examination that “As all the members of collection party got down from the vehicles LNK/DMT Rajbir Singh and LNK/DMT Rameshwar Singh both drove away their vehicles towards Ingate/civil area direction.”

28. He has further stated in this cross examination that “At around 1630 hrs the convoy for which we were waiting came from Ingate side and we all came in that to Srinagar. On reaching the unit I proceeded to unload the FOL from the vehicle of LNK/DMT Rajbir Singh which was parked there. I noticed that one barrel was missing and one was empty. I immediately reported the deficiency to Capt SM Kashab the unit Quarter Master who then came along and after ascertaining the

*deficiency reported by me placed a guard on the vehicle and I was also placed under a guard.”*

29. When cross examined by the prosecutor, the accused (DW-1) has stated that *“LNK/DMT Rajbir Singh came with me for FOL collection for the first time.” “I did not ask either LNK/DMT Rajbir Singh or LNK/DMT Rameshwar Singh, the source from where they procured a bottle of rum, assuming it was brought by LNK/DMT Rameshwar Singh. He further goes on the state that “I was neither offered rum by either of the drivers nor did I drink on that day (16 Nov 92).*

30. In justification, the DW-1 has stated that *“I did not have an opportunity to stop LNK/DMT Rajbir Singh and LNK/DMT Rameshwar Singh driving away towards Ingate/civil area side as firstly I presumed on seeing them approaching towards us that they might be coming for a compromise and secondly, once they had driven past I had no means to follow them. In the absence of any other vehicle going in that direction and more so because pedestrian movements are prohibited due to prevailing IS situation in the valley.”*

31. Learned counsel for the applicant pointed out from the evidence so adduced that it was LNK/DMT Rajbir Singh who was the real culprit alongwith LNK/DMT Rameshwar Singh because they drove away the vehicles alongwith the FOL kept in them and one of the two sold the petrol to the civilians outside Khumnu. It is evident that this was the first time they had come for collection duty alongwith the applicant.

Therefore, to suggest that the applicant would have invited them to do something incorrect is totally farfetched. He further drew our attention to the evidence of DW-2 Hav Unnikrishnan. He also drew our attention to the deposition of DW-4 LNK/NA Jaswant Singh. In his deposition, DW-4 has stated that *“After a while I heard a noise and on turning in that direction, I noticed a fight between LNK/NA Surrender Singh and LNK/DMT Rajbir Singh. The fight however, was immediately dispersed by accused. After dispersal LNK/DMT Rajbir Singh was telling accused “Apne Nursing Assistant se pitwa diya, main isko chorunga nahin, mar doonga isko jaan se, Hum aap to ek staff hai, apne pitwaya hai. Apko bhi dekh loonga. Chorunga nahin.”* Thereafter, he did not obey the instructions given by the accused to drive the vehicle as per convoy timings.

32. Learned counsel for the applicant stated that it is obvious that it was a case where LNK/DMT Rajbir Singh the driver of the vehicle was disposing off the said petrol and he is one who after having disposed off the petrol tried to behave as if he was aggrieved because of the black mark that he had got on his eye. The vehicle was driven away by LNK/DMT Rajbir Singh and LNK/DMT Rameshwar Singh without any of the members of the working party as also without the accused who was the incharge. It is only after the vehicle reached the unit lines and when the working party and the accused reached after half an hour, they were able to know that one barrel of petrol was missing and one barrel of petrol was empty. As such, the applicant is not to be blamed

and certainly not under Section 52 of the Army Act. Thus, the conviction, sentence and confirmation thereof are liable to be struck off.

33. Learned counsel for the respondents submitted that the entire evidence of PW-1 is relevant and it is pertinent to bring out that the PW-1 stated that *"The accused gave me the keys of tool store of unit MT to get the empty jerrycans of 20 litres capacity"*. He also stated that *"The accused told me that those jerrycans contained some surplus POL which he had hidden in tool store two days back due to the security check of unit POL store. He also said that the surplus POL will be disposed of by him."* He further stated that *"Enroute, the accused who was sitting in the co-driver's seat of my vehicle told me that he had two barrels of surplus petrol (Gasoline 87 MT) which he had kept hidden at unit POL stores, in quantity of 20 litres each in some of empty/filled barrels and therefore, somehow or the other we have to dispose of two barrels of petrol (Gasoline 87 MT) after collection from FPD Khunmu."*

34. The accused also told PW-1 that *"Mera do khali barrel pahle se ek pulia jo ki Khunmu depot ke Ingate wale more par hai, par para hua hai, unko unit wapis ate samay le kar aana hai."* The PW-1 has also stated that *"Aaj kisi bhi halat men do barrel bechna hai. Tu bus dal aana. Aur arrangement main khud karunga. Do baje ke convoy ko har"*

*halat men chor dena hai, chahe working walon ke lie mujhe ek bottle aur lana pare.”*

35. PW-1 has also deposed that *“The accused then himself also went outside the depot from Ingate and returned after about half an hour around 1200 hrs. The accused started telling me that he had tied up everything and that I should just go and drop the barrels and he will pay me Rs.300/- then and there and Rs.300/- later. PW-1 further stated that the accused then told “Mujhe upar bhi dena parata hai. Tere ko ek din men Rs.600/- mil rahe hai, tere ko kya taklif hai”. PW-1 then told him that he shall not do the job for Rs.600. He then took out and gave me Rs.400/- on the spot and promised to pay another Rs.400/- on execution of task. I then agreed to carry out the task. The accused told me to take the vehicle towards the culvert (pulia) and briefed me that on listening the shouts of civilians ‘Red Cross. Red Cross’ I should stop the vehicle. They will on their own unload the barrels.”* On return, PW-1 and the accused attend the rest of the group and also consumed one peg of rum.

36. PW-1 has also stated that *“While Sep/NA Devender Singh was consuming the left over rum, LNK/NA Surender Singh came and kicked him at his back saying, “why was he drinking so much”. As a result, there was a scuffle between Sep/NA Devender Singh and LNK/NA Surender Singh. However, the accused and myself intervened and dispersed them. In the bargain, however, I got a blow on my left*

*eye and got a cut. As the members of our collection party had dispersed, the accused taking advantage of the situation gave a signal to me to drive away the vehicle and drop the petrol barrels.”*

37. He further stated that *“They, then unloaded two barrels of petrol and loaded only one empty barrel. As the accused had told me to get two empty barrels from culvert, I shouted at civilians to load the second empty barrel also. On my shouting one of the civilians came to me and handed over Rs.200/- to me saying that I should hand over this amount to accused and tell him that second empty barrel will be given back on next trip and then he can return this money to them.”* He emphatically stated that *“the accused did not permit anyone to come in our vehicle.”*

38. PW-1 during the question/answers by the Court has stated that *“Last month the accused met me in the unit line and said, “Bahanchod maine tera kya bigara hai, tere ko paise ki bhook hai, tere ko bees hazar रुपये doonga, tu statement change kar de. On 08 Mar 93, NK/NA Sharma, my next door neighbour told me that all SKst of 92 BH were after him and that I should change my statement. Same day in the afternoon, Nb/Sub BS Yadav i/c ration store while passing be me said “Haram khor tere ko dekhte hi mera khoon khaul jata hai, tu mere samane mat aa.”*

39. Learned counsel for the respondents stated that it was clear cut that the accused had organised the dropping of two barrel petrol and



collection to two empty barrels to civilians. PW-1 was also paid the money for doing this job.

40. PW-2 who was the driver of other vehicle stated in his deposition that *“some members of the working party namely Sep/Safai D Ram, LNK/NA Surender Singh and Sep/NA Devender Singh, consumed rum at around 1215 hrs at the outgate where I had taken the vehicle.”* He went on to state further that *“After the scuffle was over, LNK/DMT Rajbir Singh drove away his vehicle towards civil area and returned after about 10-15 minutes.”* He has also stated that *“As soon as the officer came out from FPD, myself and LNK/DMT Rajbir singh asked all other members of collection party to get in our vehicles but they refused saying “Tumne sharab pee hai, tum log gari palat doge. Thereafter both of us started at approximately 1615 hrs for Srinagar alongwith the protection vehicle and other two vehicles which belonged to UNO.”* He has also stated that *“I did not go after LNK/DMT Rajbir Singh’s vehicle when he drove it alone, after the fight between him and LNK/NA Surender Singh was over, towards civil area, Khunmu.”*

41. Learned counsel for the respondents also drew our attention to the deposition of PW-3 Sep/NA Devender Singh who stated that *“When both drivers drove away the vehicles after the scuffle the accused did not ask the drivers as to why/how they were running away without taking them nor did he shout for help from the sentries at the*

*check post at the T Junction on Khunmu-Srinagar and Outgate FPD-Srinagar Road, to stop the vehicles which was just about 50 yards away. When both the drivers returned from civil area side after about 15 minutes, accused did neither go near the vehicle nor did he ask the drivers to stop their vehicles as they were drunk.”*

42. Learned counsel for the respondents also drew our attention to the deposition of PW-5 Sep/ Safai Dagla Ram who was termed as hostile witness and he has stated that *“when both the drivers drove away their 3 tons vehicles none of us including the accused even raised an alarm, or made any effort to stop the vehicles”*.

43. Similarly, PW-10 Sep/SKT ESS Prakash termed as hostile witness and despite they being hostile their statements are indicting the accused.

44. Having heard both the parties at length and having examined the evidence on record, we are of the opinion that the prosecution has been able to prove its case beyond any reasonable doubt that the applicant was incharge of the POL store. He was also responsible for drawing POL from the Depot and bringing it back to the unit lines. In performance of his duties, he has behaved in a manner in which the POL could be siphoned off to the civilians who are not authorised to use the same. He ensured that 400 litres of Gasolene in two barrels were given to the civilians perhaps at a consideration. He had made LNK/DMT Rajbir Singh a collaborator in this act. The argument of

learned counsel for the applicant to say that it was LNK/DMT Rajbir Singh alone who had disposed off the 400 litres of petrol in two barrels cannot be relied upon because it is apparent that it was done in conjunction with the applicant who was also the store incharge. Had proper care and command had been exercised by the Store Incharge, this kind of mismanagement perhaps could not have taken place.

45. The evidence on record shows that the applicant was clearly in the know of what is happening. He was also responsible for briefing LNK/DMT Rajbir Singh, the driver of the vehicle which was carrying the petrol in barrels in his vehicle. The delivery of two barrels of petrol to civilians was worked out by the applicant and it clearly gives out from the sequence of events that the delivery of petrol to civilians was pre-meditated.

46. In view of the foregoing, we are of the opinion that there is no reason for the courts to intervene as contended and prayed in the appeal. There has been no injustice in terms of the proceedings and action by respondents in the preceding decision. We have also taken note of the pleadings of the learned counsel for the applicant that it was a fit case for joint trial. But we are of the opinion that the charges in case of LNK/DMT Rajbir Singh were different then what applicant has been charged under i.e. Army Act Section 52(b) dishonestly misappropriating property belonging to the Government. Since the applicant was Store Incharge, he was responsible for the petrol which

was held under his charge at that point of time. He should have ensured that there is proper control over LNK/DMT Rajbir Singh in whose vehicle this fuel was loaded and should have ensured that it reaches the unit lines safely.

47. We have given our due consideration to the arguments of learned counsel for applicant regarding issues raised before us keeping in mind the material on record and sentence awarded to him. We find that we have no justified grounds to interfere with the same.

48. Presently, the applicant has been retired as a Naik. The Commander 31 Sub Area correctly observed and returned the proceedings for reconsideration of the sentence that punishment for misappropriation under Section 52(b) of the Army Act was rather lenient. The DCM having re-assembled and reconsidered the sentence and returned the proceedings maintained the same without changing the sentence. Be that as it may, we do not find that the punishment awarded to the applicant is disproportionate and requires any interference. The applicant has retired on 31.07.2000 as a Naik. He is drawing the pension of a Naik.

49. We have also perused the evidence part as well as the material connected thereto especially the important witness PW-1 LNK/DMT Rajbir Singh and PW-2 LNK/DMT Rameshwar Singh and other witnesses who were members of the working party. We are of the opinion that case against the accused/applicant is proved beyond

reasonable doubt and the punishment awarded to him is not suffering from any infirmity, illegality or irregularity. The finding has again been confirmed by the higher authority.

50. In view of above discussion, there is no reason to interfere in the matter. The T.A. is hereby dismissed. No orders as to costs.

**(M.L. NAIDU)**  
**(Administrative Member)**

**(MANAK MOHTA)**  
**(Judicial Member)**

**Announced in the open Court**  
**on this 21<sup>st</sup> day of March, 2011.**