#7

COURT NO. 2, ARMED FORCES TRIBUNAL,

PRINCIPAL BENCH, NEW DELHI

T.A. No.550 of 2009

W.P.(C) No.10708 of 2004 of Delhi High Court

IN THE MATTER OF:

Ex. Sep. Chhatar Pal **.....Applicant**

VERSUS

Union of India & Ors. **.....Respondents**

Dated: 08.02.2012

Present: Mr. S.M. Dalal, counsel for the applicant.
Dr. S.P. Sharma proxy for Dr. Ashwani Bhardwaj, counsel for the respondents.

M.A. No.51 of 2012

Heard on the application.

Learned counsel for the applicant does not wish to file reply to the application. He orally opposed that on the similar prayer already application i.e. M.A. No.480/2011 was moved by the respondents and the same has been dismissed as withdrawn on 28.11.2011. He further states that the present application has only been filed to delay the matter. A request is made that the application be dismissed with costs.

Learned counsel for the respondents states that no new fact has been added by way of the present application, the previous application was withdrawn with liberty to file fresh application and as a consequence the instant M.A. has been filed. He further states that by way of the present M.A. a correct narration of the punishment, which was mentioned in

para 10 of the counter affidavit have not been shown in para 3 of the counter and, therefore, there is necessity to amend the counter. He states that by amendment the nature of the counter has not been changed and no new plea has been taken.

After hearing submissions made by both the sides and considering the requisite amendment in counter, there is a contradiction made in the averments made in paras 3 & 10 and now by way of this amendment respondents wish to narrate the details of punishment which is tallying with the narration in the show cause notice. No new fact has been added. Accordingly, the M.A. is allowed.

Learned counsel for the respondents states that amended counter affidavit has already been filed along with previous application for amendment in this respect. The same be taken on record and be tagged at proper place. Learned counsel for the applicant does not wish to file rejoinder to the amended counter affidavit and prays that the matter heard on merits and concluded.

M.A. stands disposed of.

T.A. No.550/2009

Arguments heard on T.A. During the course of arguments, learned counsel for the applicant requests to withdraw his prayer with regard to disability pension. He states that as per Rule 10 plural remedies are not allowed in AFT Rules, therefore, he wants to withdraw his prayer with regard to disability pension. Considering his request, after hearing both

the parties the prayer (d) of the T.A. is dismissed as withdrawn. Applicant is free to take recourse available in law.

In respect of other prayers arguments heard. Concluded.

Judgment reserved.

M.L. NAIDU
(Administrative Member)

MANAK MOHTA
(Judicial Member)

Dated: 08.02.2012
rsk

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

T.A NO. 550 of 2009
WP(C) No.10708 of 2004 of Delhi High Court

IN THE MATTER OF:

Ex Sep Chhatar Pal .....APPLICANT
Through : Mr. S.M. Dalal, counsel for the applicant

Vs.

UNION OF INDIA AND OTHERS ...RESPONDENTS
Through: Dr. S.P. Sharma proxy counsel for Dr. Ashwini Bhardwaj counsel for the respondents

CORAM:

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

JUDGMENT

Date: 04.04.2012

1. This petition was initially filed on 07.07.2004 before the Hon'ble High Court of Delhi as WP(C) No.10708 of 2004. Thereafter, it was transferred to the Armed Forces Tribunal on 12.10.2009 and was registered as TA No.550/2009.

2. Vide this petition, the applicant has prayed for quashing of the sentences and punishments awarded to the petitioner during summary trial. He has also prayed for quashing the show cause notice issued on 29.01.2001 (Annexure-P-4) and to quash the order of discharge passed thereon dated 16.07.2001 (Annexure P-6). Further, the applicant has prayed that respondents may be directed to reinstate the

applicant in service with all consequential benefits. In the alternative, the applicant has sought that original records of Release Medical Board be called and he be granted disability pension alongwith gratuity which has been denied vide order dated 07.03.2004 (Annexure P-9). He has also sought condonation of short fall of qualifying service for pension and prayed to be awarded pensionary benefits. During the pendency of proceedings of the case, the applicant sought liberty to withdraw the case to the extent of disability pension to file separate application in that respect, which was granted as prayed.

3. Brief facts of the case are that the applicant was enrolled in the Army on 23.08.1984. He was discharged from the Army on 04.01.1990 at his own request due to domestic problems under Army Rule 13(3)(III)(iv).

4. It is submitted that after his domestic problems were solved, the applicant again applied for and was enrolled in the Defence Service Corps (DSC) on 27.02.1993. However, the applicant was prematurely discharged from service on the ground that his enrolment was found irregular on 01.10.1994. Aggrieved by this illegal and arbitrary discharge order, the applicant filed a writ petition No.891/1996 before the Hon'ble High Court of Delhi on 27.02.1996. The Hon'ble High Court was pleased to quash the order of discharge and directed the respondents to reinstate the applicant in service with all consequential benefits vide its order dated 03.09.1997.

5. The applicant joined his duty on 08.12.1997 in 701 Platoon, DSC. Since the applicant was reinstated in service on the orders of Hon'ble Court, it is alleged that his immediate superiors did not take it kindly and started treating the applicant with pre-determined and inimical attitude. It is submitted that the applicant was granted casual leave by the competent authority from 16.04.1998 to 23.04.1998 and was issued a leave certificate. The applicant proceeded on casual leave on 16.04.1998 and returned on the expiry of the said leave on 23.04.1998 at 1300 hours. It is further alleged that the applicant deposited his leave certificate in the office as per procedure and rules. Thereafter, the applicant started to perform his duties in the normal manner. However, the applicant was shocked when he was ordered to be marched upto his Commanding Officer on the charge of leaving his post without permission on 16.04.1998. Consequently, the applicant was tried by the CO under Section 80 of the Army Act being summary disposal and was awarded seven days detention in military custody vide order dated 28.04.1998. It is alleged that his repeated appeals to the CO that he was granted proper casual leave from 16.04.1998 were to no avail.

6. The applicant has made an averment in aforesaid proceedings that Army Rule 22(1) was not complied with by the CO. Resultantly, he could not get any time for preparing his defence. He was not afforded any opportunity to cross examine the witnesses nor was he allowed to call any witness in his defence. Even his own statement was not

recorded. Vide Army Order 24 of 1994, hearing of charge proceedings are to be recorded in a proforma as given in its Appendix, wherein the signatures of the delinquent are also to be obtained. No such proforma was prepared by the CO since the applicant has not signed anywhere on the trial documents. The impugned trial and award of sentence was done by CO 503 SU, Air Force and is in gross violation of Army Rule 22 and principles of natural justice. Therefore, said punishment is liable to be set aside.

7. The applicant submitted a statutory complaint to the COAS on 27.07.1999 in exercise of his right under Section 26 of the Army Act. The said complaint has still not been disposed off (Annexure P-1).

8. It is further contended by the applicant that the victimisation and harassment of the applicant continued. He was prematurely posted from 701 Platoon located at Delhi at a very short notice to 48 'A' DSC Platoon, located in the East. The applicant has averred that this posting was done at the behest of his Commanding Officer who summarily tried him earlier and against whom he had also preferred a statutory complaint.

9. It is alleged by the applicant that the word had reached his new unit that the applicant was reinstated on court's orders and had submitted statutory complaint against his Commanding Officer. Accordingly, harassment and victimisation of the applicant started in the new unit as well. On 05.10.1998 the applicant was summarily tried

by the Officer Commanding, 384 Coy ASC (Sup) Type 'C' on a charge of "without sufficient cause failing to appear at the time fixed at the place appointed for duty" and was awarded 28 days RI vide order dated 05.10.1998. The allegation against the applicant was false and fabricated at the instance of some superiors who wanted to teach him a lesson. No chargesheet was ever served and procedure prescribed by Army Rule 22 and AO 24/94 was completely violated. The applicant preferred a petition to his CO (Annexure P-2) dated 11.02.1999. The said petition has still not been disposed off. Further, aggrieved by the illegal punishments, the applicant sent a legal notice (Annexure P-3) through his counsel on 08.07.1999 to respondent No.2. Again no action was taken.

10. It is further contended that thereafter the applicant was transferred to 738 DSC Platoon with 14 C and MU, Air Force in March 2000. His victimisation continued in this unit as well. In May 2000, the applicant was awarded 14 days RI in military custody for absenting himself without leave. After the applicant completed his sentence and came out, he was beaten by Hav Rama Nand, Sub Bir Singh and Hav M.K. Singh. He sustained injuries on his right foot and both hands as a result thereof. He was treated in Air Force Hospital and X-Rays taken of the injured parts. On return to unit he was placed under arrest and kept in a Cell. The applicant was not informed about the reason of his arrest. A COI was instituted in which his statement was recorded. The applicant was awarded 28 days detention in military custody and a

penal deduction of Rupees Four Thousand and Eighteen from his pay was done. In this case again it is alleged that the principle of natural justice was not followed. He was not afforded an opportunity to cross examine any witness nor he was permitted to produce any witness in his defence. As per Appendix to AO 24/94, charge-sheet was neither prepared nor copies of documentary evidence were supplied to the applicant at any stage.

11. Meanwhile, the applicant contracted 'Allergic Rhinitis' on 20.11.1999 while serving with the Army. He also contracted 'Asthamatic Bronchitis' while in service. Both the diseases were caused due to climatic conditions prevailing at the places of his postings. He was treated by the Military Hospital and finally placed in low medical category P-2(P) and and P-3(P). Later on he was discharged, hence he claimed disability pension thereon.

12. It is further alleged that the applicant was issued a show cause notice dated 29.01.2001 by respondent No.3 (Annexure P-4). In the show cause notice the offence alleged to have been committed by the applicant on 14.07.1993 is of violation of good order and military discipline under Army Act Section 63 and alleged award of punishment has been falsely mentioned in Para (1)(a) of the impugned notice. The applicant has alleged that he was never awarded such punishment and this award of punishment was recorded just to throw him out of service.

13. The applicant gave a detailed reply to the show cause notice on 23.03.2001 (Annexure P-5). However, without considering the reply on its merits, the respondent No.3 ordered discharge of the applicant from service. Copy of the impugned discharge order was not made available to the applicant but the gist was conveyed by the OIC of his Platoon vide letter dated 30.07.2001 (Annexure P-6).

14. The impugned order was again in contravention of the procedure prescribed by respondent No.2 vide letter of 28.12.1988. The procedure laid down in the said policy letter was not adhered to. No preliminary enquiry was conducted and the competent authority should not have taken a decision for the discharge. The applicant has by that time put in approximately 14 years of combined qualifying service for pension. Even his long service was not taken into consideration as itself mentioned in the policy dated 28.12.1998.

15. Learned counsel for the applicant argued that none of the punishments mentioned in the show cause notice dated 29.01.2001 are legally sustainable because provisions of Army Rule 22 were not complied with. Besides, he argued that the punishment alleged to be received by the applicant on 14.07.1993 under Army Section 63 which resulted in 28 days of detention in military custody was not ever awarded by the competent authority. As such this punishment is illegal and fraudulent.

16. The applicant has also made an allegation that the award of punishment on 29.09.1998 was under challenge in which he was charged under Army Act Section 39(d) and Army Act Section 63 i.e. without sufficient cause failed to appear at time fixed at the place appointed for duty and an act prejudicial to good order and military discipline. No action was taken on this representation. He has also alleged in his reply that the offence in Para 1(d) and (e) of the show cause notice, a COI was held but Army Rule 180 was not invoked and therefore, he was not aware of the charges that were levelled against him.

17. Learned counsel for the applicant further argued that the show cause notice dated 29.01.2001 (Annexure P-4) served on him was incorrect and was not given by the competent authority. Therefore, the foundation of this discharge should be treated as null and void. He also argued that the punishment given to him on 14.07.1993 was never awarded since AO 70/84 was not complied with. Thus, that punishment should not have been put on record and lastly four red ink entries have claimed to have been awarded by the respondents but they have not been able to produce the status as per Army Order 70/84. Instead, they have produced the copies of Part-II Order in this respect which could not be relied upon. A prayer is made that the discharge order be quashed with consequential relief including pensionary benefits and any shortfall in pensionary period be condoned.

18. In support of his contentions, learned counsel for the applicant cited the following quotations:-

(a) **(1993) 3 SCC 259 in D.K. Yadav Vs J.M.A. Industries Ltd.,** wherein the Hon'ble Apex Court has observed that "just, fair and reasonable action is an essential part of natural justice."

(b) **AIR 1971 SCC 862 in M/s Travancore Rayons Ltd. Vs The Union of India and others**, wherein the Hon'ble Supreme Court has observed that "when judicial power is exercised by an authority normally performing *executive or administrative functions, the Supreme Court insists upon disclosure of reasons in support of the order on two grounds; one, that the party aggrieved in a proceeding before the High Court or the Supreme Court has the opportunity to demonstrate that the reasons which persuaded the authority to reject his case were erroneous; the other, that the obligation to record reasons operates as a deterrent against possible arbitrary action by the executive authority invested with the judicial power."*

(c) **1988 (4) SLR 209 in Ashwani Kumar Katoch (Ex Captain) Vs Union of India and others** wherein the Hon'ble Delhi High Court has maintained that when the charges were clear it has to be justified as to why court martial is not followed in respect of the delinquent and administrative action is resorted to. The reasons for holding a trial "as inexpedient" should be based on some objective grounds.

(d) In **WP(C) 3554/2010 Sep Satbir Singh Vs UOI and Others** wherein the Hon'ble High Court of Delhi has allowed the petition since the Army Rule 22 was not followed in its letter and spirit.

(e) The judgment of AFT in **TA No.95/2009 in WP(C) No.3169/1994 Risaldar Chanda Singh Vs The Chief of Army Staff and others** wherein the AFT vide its order dated 20.11.2009 has observed that *"the appropriate authority has not disclosed the reasons for its decision which otherwise are necessary as one of the fundamental of sound administration to make known that there had been proper and due application of mind to issue before passing the final order."*

19. Learned counsel for the respondents stated that the applicant was enrolled in the Army on 23.08.1984. He applied for discharge on compassionate grounds on 04.01.1990. At the time of discharge his character was assessed as 'Good' which was subsequently reassessed leniently by the OIC Records on 20.11.1992 as 'Very Good'.

20. He further argued that on the basis of said lenient reassessment, the applicant was made entitled to get enrolled in the Defence Security Corps (DSC) on 27.02.1993 which was not permissible in view of the Government of India letter dated 15.12.1985 which provides that ex-servicemen whose character assessed as 'Good' are not eligible to re-enrol in the DSC and re-assessed character is not acceptable for the purpose of re-enrolment in to DSC.

Therefore, in terms of the aforesaid letter, re-enrolment in respect of the applicant was not proper and it was termed as irregular and the applicant was discharged from DSC service on 01.10.1994 under Army Rule 13(3) Item III(v).

21. He further argued that the applicant filed a writ petition CWP No.891/96 before the Hon'ble High Court of Delhi and challenged the aforesaid discharge. The Hon'ble High Court vide its order dated 03.09.1997 directed that the applicant be reinstated with all consequential benefits. Accordingly, the applicant was reinstated into service on 08.12.1997 and was paid all arrears of pay and allowances.

22. Subsequently, while serving in the DSC, he had incurred 5 red ink entries which were also listed in the show cause notice of 29.01.2001. The contention of the applicant that the punishment awarded on 14.07.1993 under Army Act Section 63 i.e. violation of good order and military discipline was never awarded to the applicant is incorrect because the documents on record show otherwise. Learned counsel for respondents also replied that due procedure has been followed before giving punishments. Those punishments pertain to old time; therefore, complete record is not available. But Part-II orders in respect of punishments awarded are available as Annexures R-1 to R-5. He also argued that the show cause notice dated 29.01.2001 (Annexure P-4) was signed by Commander Pune Sub Area who was very much entitled to issue the show cause notice.

23. Learned counsel for the respondents further argued that the reply to the show cause notice was handed over by the applicant on 23.03.2001. In reply also, the applicant had made an allegation that the punishment purported to have been awarded on 14.07.1993 was not awarded at all. Based on his reply, a thorough investigation was carried out and it was confirmed that the said punishment did exist.

24. Learned counsel for the respondents further clarified that in the initial counter affidavit there were some typographical error which should have been rectified based on the additional documents filed on 24.11.2011 as also an additional application filed on 28.11.2011 and M.A. No.51/2012 on 25.01.2012.

25. Learned counsel for the respondents also argued that from the above, it is clear that the applicant was awarded various punishments in different units, therefore, the allegations of bias against all the different officers cannot be sustained. Secondly, the punishment of military custody on 15.05.2000 under Army Act Section 39(a) for absenting himself without leave in fact is more documentary then of any oral evidence. The other punishment awarded to the applicant are under Army Act Section 48(i) (Intoxication), 40(b) using threatening language to superior officer, 40(a) assaulting his superior officer and 55(b) destruction of government/private property by fire. The applicant has pleaded guilty in respect to those punishments. Thus, he is debarred to raise objections in those respects.

26. Learned counsel for the respondents further argued that after having incurred 5 red ink entries, the applicant's case was referred to the Pune Sub Area who was the Commanding Officer for sanction of discharge of other ranks vide Army Rule 13(3)(III)(iv). The Commander Sub Area, Pune issued a show cause notice dated 29.01.2001 (Annexure P-4) directing the applicant to show cause within 30 days as to why his services should not be discharged under the relevant rules. As per the record, the applicant did not file the reply to the notice within the stipulated time and he filed the reply on 23.03.2001. Considering the character of the applicant being a habitual offender, the Commander sanctioned the discharge of the applicant on 12.07.2001 and he was to discharge w.e.f. 31.07.2001. The applicant also absented himself without leave on 31.07.2001 and was apprehended by the civil police and handed over to the authorities on 16.09.2001. Thus, the OC of the Unit tried the applicant under Army Act Section 39(a) and again awarded him 28 days of RI on 25.09.2001. The applicant was finally discharged from service on 24.10.2001.

27. Learned counsel for the respondents further submitted that since the applicant had just about 14 years of combined service as qualified service against the requirement of 15 years of service for pension, therefore, he was not eligible for any service pension. It has also been submitted that the applicant was also not eligible for any disability

pension as it was held as neither attributable to nor aggravated by military service.

28. In support of his contentions, learned counsel for the respondents cited the judgment of Hon'ble High Court of Delhi in the matter of **Pratap Singh Vs Chief of Army Staff & Ors., in LPA No.136/2003 delivered on 03.06.2011**.

29. Having heard both the parties at length and having examined the documents, we have also perused the judgments cited by applicant's side, we have observed that the applicant had been awarded 5 red ink entries at different time by different officers during DSC service period, the details of which have been given in the Offence Sheets (Annexures R-1 to R-5). The show cause notice was issued to him on 29.01.2001. We have perused the offence sheets which have been annexed by the respondents as Annexure R-1 to R-5. It is also seen that the respondents were not able to produce the relevant status of AO 70/84 to support the offence sheets. But suffice to say that since the applicant was serving during Defence Service Corps (DSC) in various other units which were under the Air Force i.e. 503 SU AF on 14.07.1993. On 16.04.1998 he was serving under 503 SU AF. On 05.10.1998 under 384 Coy ASC (Sup) Type 'A'. On 02.05.2000 under 14 C &MU AF. On 31.07.2001 he was again serving at 14 C & MU AF. Therefore, it is quite possible that the respondents have been unable to keep the relevant sheets of AO 70/84 though the case was subjudice since 07.07.2004. The offence sheets are held by

the Records Office and that is how they have been in a position to submit the same. From the above, it is evident that the applicant has been awarded the said punishments which were detailed in the show cause notice dated 29.01.2001 (Annexure P-4). Part II orders support the Offence Sheets IAFD 901 and other connected documents. Hence the award of punishments cannot be disputed at this stage. Since the Appendix to AO 70/84 is also to be filled up by the CO but is not required to be sent to the Records Office, it is possible that the same are not obtainable at this stage. Especially so, because the system of maintaining of documents in the Army and Air Force differs.

30. We have also examined the averment made by the applicant in his reply to the show cause notice dated 23.03.2001 and we feel that to agitate the legality and validity of the punishments which were awarded on 14.07.1993 and 28.04.1998 in the year 2004 were in itself a belated attempt without sound basis, which cannot be agitated and considered at this late stage. Therefore, at this stage we are unable to rely on the averments made by the applicant on the nature of punishments and the existence of those punishments, procedure were followed and instead have relied on the documents that have been produced by the respondents at Annexures R-1 to R-5.

31. We have also considered the arguments of learned counsel for the applicant that the applicant had agitated against the first red ink entry which had been awarded to him on 14.07.1993. However, his representation was not disposed off by the respondents and he has

also not raised this issue throughout his service and has done for the first time in the present petition. In other offences, he has himself pleaded guilty. We also noticed that the last punishment that was awarded to the applicant was on 25.09.2001 (Annexure R-6) which was even after his discharge order was issued on 17.08.2001. We have also seen the record of his discipline when he was enrolled in the regular Army. Counting the punishments that the applicant had been awarded in his total service of 14 years, firstly, with the Army and thereafter with the DSC, amounts to 11 red ink entries. As such, he can be easily assessed as habitual offender.

32. We have also considered the plea taken by the applicant that the Army Rule 22 was not followed in its letter and spirit by the respondents while awarding the punishment on 28.04.1998 as also on 05.10.1998. But there is no sufficient material from the side of applicant to show that Army Rule was flouted, otherwise official presumptions are there that due procedure has been followed before passing the orders. Further, the applicant himself has not agitated the same in his reply to the show cause notice, otherwise these points would have been adjudicated at the proper stage. At this stage, he is debarred to raise the same. Mere assertion by the applicant cannot be accepted as the documents prove otherwise. As regards punishment awarded on 29.05.2000, we are of this opinion that the COI which was purported to be held has only been referred to by the applicant. On the other hand, the respondents have denied having held any COI. As

such, invoking of Army Rule 180 does not apply. Considering, the facts of the case, the judgments cited by the applicant do not help his contentions. The contention with regard to preliminary enquiry is also not sustainable as preliminary enquiry is necessary before issuing notice, though it has been stated by respondents that existence of punishments were verified, but recently Hon'ble Delhi High Court of Delhi in the judgment passed in **Pratap Singh Vs Chief of Army Staff and others, in LPA No.136/2003 dated 03.06.2011** has observed that such enquiry is not mandatory in processing the case. Relevant portion of the said judgment is as under:-

> *"22. We see no scope for any inquiry to be conducted where a person is being discharged from service with reference to his past service record."*

33. We have also examined the show cause notice dated 29.01.2001 (Annexure P-4) which was issued by the Commander Sub Area Pune who was the entitled person to issue show cause notice in respect of other ranks vide Army Rule 13(3)III(iv). Thus, the contentions raised in this respect are not tenable.

34. In view of the foregoing, we are of the opinion, on the basis of the record that there were four red ink entries. The decision not to retain the applicant due to his record was taken by the competent authority. Thus, there is no infirmity and irregularity in the procedure. The applicant was a habitual offender and action taken by the respondents in terms of issuing of show cause notice to the applicant

and then based on the response of the applicant, taking a decision to discharge him from service under Army Rule 13(3) is justifiable and does not suffer from any illegality, infirmity or irregularity.

35. We are also guided by the judgment of Hon'ble AFT (PB) in **T.A. No.563 of 2009 Ex Nk Birendra Kumar Singh Vs Union of India and Others dated 27.02.2012** wherein their Lordships have considered the judgment of **Union of India Vs Deepak Kumar Santra 2009(7) SCC 370** and also the case of **Pratap Singh Vs Chief of Army staff (Supra)** besides other cases and have held that *"In the present case in view of the fact that incumbent has earned five red ink entries and the Commanding Officer under Rule 13(3) of the Army Rules is fully competent to discharge a person, the Petitioner has been rightly discharged from service and hence we do not find any merit in this petition and the same is dismissed with no order as to costs.*"

36. However, considering the combined service put in by the applicant in terms of regular Army service of 5 and ½ years and subsequently in the DSC from February 1993 to 2001 i.e. about 8 and ½ years of service, the same may be taken into account in terms of qualifying service so that the applicant can be granted pension, if he is so eligible otherwise. In case of any shortfall of less than one year in the qualifying service for pensionable service due to his total qualifying service, in that case looking to his long service the respondents are directed to grant a waiver so that the applicant can be entitled to a regular pension. Further, this exercise be preferably completed within

a period of 120 days from the date of this order. With regard to issue of disability pension as the same has been withdrawn with liberty, thus, the applicant is free to agitate the same in accordance with law as advised.

37. The T.A. is partly allowed and disposed off accordingly. File be consigned to records. No order as to costs.

(M.L. NAIDU)
(Administrative Member)

(MANAK MOHTA)
(Judicial Member)

Announced in the open Court
on this 4th day of April, 2011.