

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 580 OF 2021**

**DISTRICT :- BEED**

**Dr. Santram S/o Mitharam Rathod,**  
Age : 67 years, Occ. Retired, as Medical  
Superintendent, R/o: Rathod Niwas,  
Adarsha Nagar, D.P. Road, Beed,  
Tq. & Dist. Beed.

**...APPLICANT**

**V E R S U S**

1. **The State of Maharashtra,**  
Through Principal Secretary,  
Health Department,  
G.T. Hospital, B Wing, 10<sup>th</sup> Floor,  
Complex Building, New Mantralaya,  
Mumbai-400001.
2. **The Secretary,**  
Maharashtra Public Service Commission,  
Bank of India Building, Third Floor,  
M.G. Road, Hutatma Chowk, Fort,  
Mumbai-400001.
3. **The Director of Health Services,**  
Arogya Bhavan, 1<sup>st</sup> Floor,  
St. Jorge's Hospital Compound  
Near CST, Station, Mumbai-01.
4. **The Deputy Director,**  
Health Department, Latur MIDC,  
Latur Region, Dist. Latur.
5. **The District Civil Surgeon,**  
District Hospital, Beed.  
Dist. Beed.

**... RESPONDENTS**

-----  
**APPEARANCE** : Shri Ram Shinde, learned counsel for the applicant.  
: Mrs. Deepali S. Deshpande, learned Presenting Officer for respondents.  
-----

**CORAM** : **JUSTICE SHRI P.R.BORA, VICE CHAIRMAN  
AND  
SHRI BIJAY KUMAR, MEMBER (A)**

**Reserved on : 05.04.2022**

**Pronounced on : 29.04.2022**  
-----

**O R D E R**  
**[Per : Shri Bijay Kumar, Member (A)]**

1. This Original Application has been filed by one Dr. Santram Mitharam Rathod on 20.09.2021 invoking provisions of s.19 of the Administrative Tribunals Act, 1985, challenging the impugned punishment order dated, 03.09.2021 passed by respondent no. 2 on the basis of findings of a departmental enquiry report conducted against the applicant. Notices were ordered to be issued to respondents under Rule 11 of the Maharashtra Administrative Tribunals (Procedure) Rules, 1988, while the questions such as limitation and alternate remedy were kept open. However, the Original Application was registered and therefore, the same is being decided on merits, even though option of availing alternative remedy through departmental appeal has not been exhausted by the applicant.

**2. The facts of the matter:-**

(a) As per the version of applicant, when he was posted as Medical Superintendent of Rural Hospital, Chinchwan, District-Dhule, he admittedly attended an urgent call from Dr. Sanap Private Hospital, Beed to administer anesthesia to a patient namely, Smt. Rekha Harale to terminate her pregnancy.

(b) The applicant claims that he attended the patient at 08.00 am (before office hours) and administered anesthesia, to the patient Smt. Rekha Harale prior to issue of government resolution of putting a blanket ban on private practice. He has justified his act of doing private practice as the Government Resolution which totally banned private practice by government medical officers was issued on 01.07.2012.

(c) The applicant has not made any averments in the Original Application about what he did after arriving at Dr. Sanap's private hospital which was not licensed to perform medical termination of pregnancy and that too, at advance stage of pregnancy which is reported to be more than 5 months old. He has also not made any submissions in the

present O.A. regarding observations recorded by him in the said hospital record about condition of the patient before and after process of administering anesthesia. Therefore, relevant facts regarding the matter have to be gathered from the copy of the judgment delivered on 21.03.2018 by Hon'ble Additional Sessions Judge, Beed in S.C. No. 170/2012 in which the applicant was accused No. 17 and also from records relating to Departmental Enquiry against him.

(d) According to the facts recorded in the judgment delivered by Hon'ble Sessions Court, Beed, City Police Station Beed received information on 02.06.2012 that two fetuses were lying in the bed of river Bindusara near the bridge. The Beed police visited the spot and found two fetuses in the said river bed near Bhagwan Baba Pratisthan. Based on this finding a crime no. 66/2012 was registered by the police at Police Station Beed, under sections 312, 313, 315, 316, 318, 201 and 304 R/w s. 34 of IPC and u/s 5, 6, 22, 23 and 25 of Pre-Conception & Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994, (in short, "PCPNDT Act") and also u/s 3, 4 r/w s 5 of Medical Termination of Pregnancy Act (MTP). After police investigation, role played by the Original applicant in the

entire episode came to light and his name was added as accused no. 17. The applicant was arrested by the police on 28.06.2012 and placed under suspension on 27.08.2012. After trial Dr. Shivaji Raosaheb Sanap of the said private hospital, who was accused No. 1, was convicted and the present original applicant (accused no. 17) was acquitted of the criminal charges. The applicant has taken this as one of his main defence against the penalty imposed in departmental proceedings.

(e) The original applicant was found to be prima facie, guilty of misconduct under Rule 3 and Rule 16 of Maharashtra Civil Services (Conduct) Rules, 1979 and departmental enquiry was instituted under Rule 27 (2) (b) (i) of Maharashtra Civil Services (Pension) Rules, 1982 against the applicant, by order of state government dated 01.10.2015. Copy of the said order is enclosed at page 80 of the paper-book. Departmental Enquiry officer submitted enquiry report on 30.01.2018. On conclusion of departmental enquiry, the applicant was supplied a copy of enquiry report and was given opportunity to submit his say. Thereafter, the original applicant was inflicted penalty of 25% reduction in pension amount on permanent basis, vide

order of Government of Maharashtra, dated, 17.08.2021 which was communicated to the applicant on 03.09.2021.

3. **Relief Sought by the Applicant:** Relief sought by the applicant in terms of para 13 of the Original Application is reproduced verbatim for ready reference:-

**“13} THE RELIEF SOUGHT:**

- A) *The Original Application may kindly be allowed.*
- B) *The record and proceedings may kindly be called.*
- C) *The impugned punishment awarded by order dated 17<sup>th</sup> August 2021 received on 03<sup>rd</sup> September 2021 (Annex-A-5) may kindly be quashed and set aside.*
- D) *Any other suitable and equitable relief may kindly be granted in favour of the applicant.”*

4. **Interim Relief Sought:** - Interim relief Sought by the applicant in terms of para 14 is being reproduced verbatim for ready reference. However, no interim relief was granted to the applicant :-

**“14} INTERIM RELIEF IF ANY PRAYED FOR:**

- A) *Pending hearing and final disposal of present applications, the impugned punishment order dated*

*17<sup>th</sup> August, 2021 received on 03<sup>rd</sup> September 2021 (Annex-A-5) may kindly be stayed and suspended till the final decision of original application.*

*B) Any other suitable and equitable relief may kindly be granted in favour of the applicant.”*

**5. Grounds for relief sought in terms of para 9 of the**

**Original Application :-** The grounds are being reproduced verbatim for ready reference :-

*“9] Being aggrieved and dissatisfied by the punishment order dated 17<sup>th</sup> August 2021 and received on 03<sup>rd</sup> September 2021, the applicant prefers present Original Application on following amongst other grounds, which are without prejudice to each others;*

**GROUND**

- I) The punishment awarded by the respondent authority to deduct the 25% of monthly pension permanently is illegal, perverse and with malafide intention, hence liable to be set aside.*
- II) The respondent authorities have failed to consider the Rule 3, 16 of M.C.S. (Discipline) and 27 of Maharashtra (Pension) Rules and illegal order came to be passed to harass the applicant and to malign the reputation obtained during his entire tenure.*
- III) The respondent authorities have failed to consider that, the Hon’ble Supreme Court has held that, right to*

*receive pension is recognized as Right to property and it is hard earned benefits, which accrues through employee and is in the nature of property.*

- IV) *It may kindly appreciate that the department has not conducted any preliminary inquiry by the committee of expert doctors, prior to initialization of departmental inquiry, hence the disciplinary inquiry is illegal and bad in law.*
- V) *It may kindly appreciate that the applicant is retired on 31.08.2012 as per his superannuation and therefore inquiry cannot be continued after his retirement i.e. after lapse of three years.*
- VI) *It may kindly appreciate that, the inquiry of employee cannot be conducted after his retirement if it is not in respect of any pecuniary loss caused to the govt.*
- VII) *It may kindly appreciate that there is no previous sanction is mandatory for initiation of inquiry against the applicant. The said previous sanction is not obtained and hence it is illegal and against the provisions of law.*
- VIII) *It may kindly appreciate that the department has examined Ex Civil surgeon. Dr. Gauri Rathod and Mr. Shriram Pawar during the inquiry, those witnesses are not at all concerned to the case of applicant. The alleged witnesses have not produced any documentary record in support of their oral evidence.*



- VIII) *It may kindly appreciate that neither Dr. Gauri Rathod was witness of prosecution and nor Mr. Shriram Pawar investigated the case against the applicant. The another person P.I. Shri. Vidyanand Kale has investigated the entire case against the applicant.*
- IX) *It may kindly appreciate that the alleged witnesses of inquiry proceeding have kept mum during trial before Ld. Sessions Court and just to harass the applicant the false statement made before it.*
- X) *It may kindly appreciate that the prosecution has examined a doctor who has carried post-mortem of the foetus and investigation officer who has investigated the case against the applicant. After considering the documentary and oral evidence, the Ld. Sessions Court has been pleased to acquit the applicant after de-novo trial.*
- XI) *It may be appreciate that a case is registered against the applicant in the month of June 2012 and inquiry is initiated in the year 2016, therefore the inquiry initiated against the applicant is illegal and not in accordance with the provisions of law.*
- XIII) *It may kindly appreciate that the applicant was on the post of class-I officer and hence the mandate to make inquiry against the said officer is not followed by the govt.*

- XIV) *It may kindly appreciate that the applicant was not taking any Bhatta or non practice allowance, hence the applicant was hiving right to practice privately and it shows from the salary statement of applicant.*
- XV) *The respondents authorities have failed to consider that, the applicant cannot be deprived of pension, which is constitutional mandate enshrined in Article 300-A (3) of the Constitution of India.*
- XVI) *The respondent authorities have failed to consider that, the applicant has earned the pensionary benefits by rendering his long, continuous, faithful and unblemished service.*
- XVII) *The respondent authorities have failed to consider that, as per the Rules the pensionary benefits has to be paid to the applicant within six month from the date of retirement. Whereas they failed to pay within the stipulated period, therefore, they are liable to pay the interest @ 9% per annum on the entire pensionary benefits till the realization of amount.*
- XVIII) *The respondent authorities have failed to consider that, the departmental enquiry as alleged by them was initiated due to registration of crime against the applicant and the news published in print and electronic media. Whereas the competent court of law has acquitted him after full-fledged trial. Therefore, punishment is bad in law.*

- XIX) It may kindly appreciate that the provisions of Maharashtra Civil Service Rules are not followed by the respondent authorities and they violate the mandatory provisions.*
- XX) The respondent authorities have failed to consider that, the applicant is a retired and senior citizen and he requires the hard earned money for day to day need in his old age life.*
- XXI) The entire inquiry conducted against the applicant is totally illegal and the punishment cannot be awarded as per Maharashtra Pension Rule 27(1).*
- XXII) It is illegally observed in the impugned order that the applicant has suppressed from trial court. It is duty of the prosecution to prove the charges leveled against the applicant by leading any cogent evidence and Ld. Sessions Court observed against the prosecution case.*
- XXIII) It may kindly appreciate that the ld. Session Judge in para no. 62 of the judgment observed, due to PV bleeding the fetus was damaged in the womb itself hence ingredient of offence do not attract. It means the applicant has not committed any offence as alleged by Inquiry Officer.*
- XXIV) It may kindly appreciate that the patient was taking treatment from Dr. Sanap and having one son and one daughter, therefore allegation of prosecution cannot attract.*

XXV) *The act or the caesarean carried by doctor Sanap was as per the provisions of Medical Termination of Pregnancy Act. It provides that if the fetus is abnormal or it is danger to the life of fetus or her mother, then it permits to terminate pregnancy. The role of applicant is to provide Anastasia and not liable to the rest part of the treatment or post treatment of patient.*

XXVI) *It may kindly appreciate that as per the record and statement of patient, she conceive the pregnancy after period of six years and due to white discharge and P.V. bleeding some complications arose and terminated the pregnancy and thereafter tubectomy operation done.*

XXVII) *It may kindly appreciate that the applicant is anesthetist and his duty is only to give proper anesthesia. It is not duty of applicant to take decision to perform operate or not. The applicant went there on urgent call and provides anesthesia.*

XXVIII) *The post mortem of the fetus clearly reveals that the both lungs was damaged in the womb and there was danger to the fetus and mother of Pt. Rekha and then surgeon decided to operate and the applicant has only provided the anesthesia. The applicant cannot decide about surgery or operation of any person.*

XXIX) *It may kindly appreciate that the reputation of applicant is damaged due to false news published in print and electronic media and it was stigma to his unblemished*

*service around 30 years. The applicant has performed his duty with honesty and integrity; whereas the govt. is acting pick and choose policy.”*

**6. Pleadings and Final Hearing: -**

(a) A joint-affidavit in reply on behalf of respondent Nos. 1, 3, 4 and 5 was submitted by learned Presenting Officer on 18.02.2022. Neither any affidavit in reply on behalf of respondent no. 2 was filed nor was any rejoinder affidavit filed on behalf of the applicant. During arguments the two sides elected to submit written notes of arguments. Accordingly, the learned senior counsel for the applicant submitted written notes of arguments on 01.04.2022 followed by submission of written notes of arguments on behalf of respondent Nos. 1, 3, 4 and 5 on 05.04.2022 by learned Presenting Officer.

(b) During arguments the learned senior counsel for applicant contended that the departmental enquiry ordered against him by the state government without approval of Hon'ble Governor of the state is legally invalid. On the other hand, the respondents have relied upon GR dated 01.04.2010 too, in addition to G.R. dated 07.08.2012

regarding banning private practice by government medical officers and also taken preliminary objection that the applicant had not exhausted alternate remedy available to him in the form of administrative appeal before Hon'ble Governor of the state. The matter was closed on 05.04.2022 for passing order.

(c) The learned counsel for the applicant also relied on following judgments:-

(i) *Judgment of Hon'ble High Court of Judicature at Bombay in Writ Petition No. 9398 of 2010, in the case of Sudhakar Govind Rave Vs Maharashtra Agro Industries Corporation Ltd. judgment dated 25.11.2011, reported in 2012 (2) Mh.L.J. 656*

(ii) *Judgment delivered by Hon'ble High Court of judicature at Bombay, Bench at Aurangabad, in Writ Petition No. 9099 of 2014 in the case of Prabhakar Ambadas Rao Dongare Vs. The State of Maharashtra through Secretary (Agriculture), 2016 SCC Online Bom: (2016) 5 Bom. CR.50. (2016) 5 AIR Bom R 251: 2016 Lab IC (NOC 620) 173*

7. **Analysis of facts and oral submissions made:** From analysis of facts on record and oral submissions made, it is clear

that though the applicant has listed total of 29 grounds for seeking relief prayed for, after excluding duplications, only following are distinct and main grounds and therefore, are being analyzed as follows :-

(A) The applicant has raised multiple questions regarding legal validity of instituting departmental enquiry against him. To deal with each of them, let us take them one by one. The applicant has first of all, contended that departmental enquiry has been ordered by the State government without conducting preliminary enquiry. In addition, the same has been ordered after his retirement by the state government without taking sanction of Hon'ble Governor of the state. Therefore, it is bad in law. The applicant has also contended that departmental enquiry against him cannot be ordered against him after 3 years from his retirement. At the same time, the applicant has contended that departmental enquiry against a retired employee cannot be conducted if it is not in respect of a pecuniary loss. However, the contentions of the applicant appear to be misconceived as conducting preliminary enquiry is not a mandatory prerequisite for ordering departmental enquiry. Further, plain reading of

provisions of Rule 27, sub-rules (2) (a), (2) (b) and (6) (a) of the Maharashtra Civil Services (Pension) Rules, 1981, which is being quoted below for ready reference, it is a amply clear that there is no merit in contention of the applicant.

**“27. Right of Government to withhold or withdraw pension.**

(1). .....

(2)(a) *The departmental proceedings referred to in sub-rule (1), if Instituted while the Government servant was in service whether before his retirement or during his re-employment, shall, after the final retirement of the Government Servant, be deemed to be proceedings under this rule and shall be continued and concluded by the authority by which they were commenced in the same manner as if the Government servant had continued in service.*

(b) *The departmental proceedings, if not instituted while the Government servant was in service, whether before his retirement or during his re-employment,-*

(i) *shall not be instituted save with the sanction of Appointing Authority,*

(ii) *shall not be in respect of any event which took place more than four years before such institution, and*



(iii) *shall be conducted by such authority and at such place as the Government may direct and in accordance with the procedure applicable to the departmental proceedings in which an order of dismissal from service could be made in relation to the Government servant during his service.*

(6) *For the purpose of this rule,-*

(a) *departmental proceedings shall be deemed to be instituted on the date on which the statement of charges is issued to the Government servant or pensioner, or if the Government servant has been placed under suspension from an earlier date, on such date; ....”*

(B) As per provisions of Government Resolution No. सवेअ-१००९/२३३/प्र.क.४५५/०९, मंत्रालय, मुंबई-४०००३२, dated- 01.04.2010 the applicant was prohibited from doing private practice. The relevant part of the said G.R. is reproduced below for ready reference. However, the applicant has contended that even though doing private practice was prohibited for him under the said orders of the Government but, as he was not receiving any non-practicing allowance, he was eligible to do private practice :-

“४. व्यवसायरोधभत्ता अनुज्ञेय असणा-या वैद्यकीय अधिका-यांना कोणत्याही प्रकारे खाजगी, स्वतंत्र व्यवसाय करता येणार नाही व तसे आढळल्यास ते कारवाईस पात्र असतील.”

This contention of the applicant lacks merit as prohibition to do private practice for his class of medical officer was not subject to option of the medical officer; so in the instant matter the applicant too, did not have such option. Subsequently, the state government had granted non-practicing allowance to all classes of medical officers with restriction on doing private practice vide a G.R. dated 01.07.20012. The applicant has asserted that his alleged misconduct is of date of 02.06.2012 which is prior to 01.07.2012, therefore, the provisions of GR dated 01.07.2012 are not applicable to his case. However, as the applicant was already covered by GR dated 01.04.2010 (*supra*) preventing him from doing private practice, this argument also does not hold water and thus, does not provide any protection to the applicant.

(C) The applicant retired on 31.08.2012 on superannuation, therefore, as per contention of the applicant, no departmental enquiry could legally be continued against him after his superannuation, even if he was arrested by police prior to his retirement on 28.06.2012 after registering crime under various sections of P.C.P.N.D.T.

Act, Indian Penal Code and Medical Termination of Pregnancy Act, on 02.06.2012 and he having been placed under suspension before his retirement, i.e. on 27.07.2012. The applicant asserted that the state government ordered departmental enquiry against him vide order dated 01.10.2015, that is after lapse of about 3 years 2 month from his retirement and 3 years 4 months from the alleged misconduct and therefore. the same is illegal. This contention of the applicant has already been analyzed in preceding para 7 (A) and it has been inferred that there is no merit in it.

(D) The applicant has also contended that he had been acquitted by the learned Sessions Judge of all criminal charges levelled against him. Therefore, he is innocent and cannot be held guilty under Departmental Enquiry. However, the fact that the premises and scope for criminal prosecution and departmental enquiry are different, the former is in respect of commission of omission of a person which amounts to criminal offence under relevant statute/ act and the latter is in respect of misconduct as defined under provisions of Maharashtra Civil Services (Conduct)

Rules, 1979. Therefore, it is clear that acquittal in criminal prosecution does not operate as bar on conducting departmental enquiry on charges constituting misconduct under applicable service rules.

(E) The applicant has alleged that the respondent authorities have failed to consider that, the applicant has earned the pensionary benefits by rendering his long, continuous, faithful and unblemished service and in this circumstances, as per the rules laid down by following judgments of Hon'ble High Court of Judicature at Bombay, Principal Bench and Aurangabad Bench respectively, the applicant cannot be deprived of pension, which is constitutional mandate enshrined in Article 300-A (3) of the Constitution of India :-

- i. Hon'ble High Court of Judicature at Bombay in Writ Petition No. writ petition No. 9398 of 2010, in case of Sudhakar Govind Rave Vs Maharashtra Agro Industries Corporation Ltd. judgment dated 25.11.2011, reported in 2012 (2) Mh.L.J. 656.*
- ii. Hon'ble High Court of judicature at Bombay, Bench at Aurangabad, in writ petition No. 9099 of 2014 in case of Prabhakar Ambadas Rao*

*Dongare vs The State of Maharashtra through Secretary (Agriculture), 2016 SCC Online Bom: (2016) 5 Bom. CR.50. (2016) 5 AIR Bom R 251: 2016 Lab IC (NOC 620) 173.*

However, on perusal of the two citations, it is amply clear that the ratio in the two judgments are different and do not apply to the present matter. The post-retirement benefits of the petitioners in the two writ petitions had been withheld / curtailed by the respondent namely, the Maharashtra Agro Industries Development Corporation, without having any enabling provision in service rules. Relevant part of the judgment is quoted below for ready reference:-

“18.....  
 .....  
 ..... Thus, any enquiry initiated and in which there is no provision for continuing enquiry must cease on the employee being allowed to superannuate, in absence of the provisions like rule 27 of the Maharashtra Civil Services (pension) Rules, 1982.”

(F) Plain reading of Rule 26 (1) of the Maharashtra Civil Services (Pensions) Rules, 1982, which is quoted below for ready reference, it is clear that there is enabling rule in exercise of which the state government may, by order in

writing, withhold or withdraw a part of pension on grounds including the ground of grave misconduct. The act of the applicant of doing private practice as an anesthetist at a private hospital in violation of government orders and, that too, for carrying out medical termination of pregnancy at an unlicensed hospital, for removing fetus of over 5 months of age, especially when the hospital did not have requisite permission / license to carry out such process is in itself a grave misconduct. Applicant's contention that he attended at the said private hospital due to urgency and to save the life of mother does not get corroborated by any primary evidence as he did not make any notes on indoor patient's treatment records, whatsoever. In the instant case, the fetus was found wrapped in a piece of cloth and thrown on a river bed and was found by police based on a complaint, identity of the mother was established by DNA test and the applicant participated in the process without reporting the matter to his superiors and coming clean. The fact that the applicant was caught by police during investigation adds to the gravity of the misconduct of the applicant. It may not be out of context to mention that in the instant matter, the owner of the private hospital was convicted. Further, from statements

given by the applicant before departmental enquiry officer, it is clear that the applicant had worked with the said hospital on earlier occasions too when he was aware that he was not entitled to do private practice. To quote from the cross examination of the present applicant (delinquent in departmental enquiry) conducted by the Presenting Officer:-

“प्रश्न क्र. १ आपली सानप हॉस्पिटल बीड यांनी भूलतज्ञ म्हणून असलेली कन्सेन्ट काढलेली होती काय ? असल्यास केव्हा ?

उत्तर :- मी सानप हॉस्पिटलची एम.टी.पी. ची मान्यता जिल्हा शल्य चिकीत्सक यांनी काढल्यामुळे मी स्वतः होउन लेखी देऊन माझी मान्यता जानेवारी, २०१२ मध्ये काढून घेतली.

प्रश्न क्र. ९ सानप हॉस्पिटल मध्ये भूल देतेवेळी उपस्थित असलेल्या कालावधी मध्ये आपण केसपेपरवर घेतलेल्या आहेत काय ?

उत्तर :- मला जिल्हा रुग्णालयात जाण्यासाठी घाई असल्यामुळे नोट्स लिहू शकलो नाही.

प्रश्न क्र. १० केसपेपरवर त्या-त्यावेळी तज्ञांनी नोंदी घेणे बंधनकारक नाही काय ?

उत्तर :- नाही.”

Similarly, the applicant had responded to the question No. 5 of the questionnaire given by the Departmental Enquiry Officer as follows:-

“प्रश्न क्र. ५ आपणास एन.पी.ए. घ्यावा किंवा नाही हे ऐच्छिक आहे काय ? असल्यास त्याचा पुरावा सादर करता येईल काय ?

उत्तर :- ऐच्छिक नाही.”

(G) In this matter, by an order of competent authority, passed after due consultation with Maharashtra Public Service Commission, 25% of pension of the applicant has been deducted on permanent basis whereas, the upper limit prescribed for deduction of pension is 33.33%. Therefore, we do not find any merit in the Original Application.

**8. Conclusion :-** In view of above analysis, in our considered opinion, the present Original Application No. 580 of 2021 is devoid of merit. Hence, following order is passed:-

**ORDER**

(A) This Original Application No. 580 of 2021 is devoid of merit and hence dismissed.

(B) No order as to costs.

**MEMBER (A)**

**VICE CHAIRMAN**

**KPB** O.A. No. 580-2021 Major Punishment