

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

**ORIGINAL APPLICATION NO.101 OF 2017  
[Subject : Dismissal from service]**

**DISTRICT : THANE**

Altaf Moulavi Sayyed, )  
Post of Police Hawaldar, )  
Thane Police Headquarters, )  
R/at Room No.2676, Bldg No.58A, )  
Vartaknagar, Thane 400 606. ) **..Applicant**

**Versus**

1. The State of Maharashtra, )  
Through Addl. Chief Secretary, )  
Home Department, )  
Mantralaya, Mumbai 400 032 )
2. The Director General of Police, )  
State of Maharashtra, )  
office at Old Council Hall, )  
Maharashtra State Police Headquarters, )  
Shahid Bhagat Singh Marg, )  
Colaba, Mumbai 23. )
3. The Commissioner of Police, )  
CP Office, Thane. )
4. Dr. Pradnya Sarwade, )  
Addl. Director General of Police, )  
State of Maharashtra (Admn.) )  
Old Council Hall, Maharashtra, )  
State Police Headquarters, )  
Shahid Bhagat Singh Marg, Colaba, )  
Mumbai 23. )
5. Shri Sunil Lokhande, )  
Dy. Commissioner of Police, )  
Zone-V, Thane. ) **..Respondents**

Shri R.G. Panchal, the learned Advocate with Shri A.R. Kori, the learned Advocate for the Applicant.

Ms. S.P. Manchekar, the learned Chief Presenting Officer for the Respondents.

CORAM : Justice Shri A.H. Joshi, Chairman  
Shri P.N. Dixit, Member(A)

RESERVED ON : 23.01.2019.

PRONOUNCED ON : 13.02.2019.

PER : Justice Shri A.H. Joshi, Chairman

### **J U D G M E N T**

1. Heard Shri R.G. Panchal, the learned Advocate with Shri A.R. Kori, the learned Advocate for the Applicant and Ms. S.P. Manchekar, the learned Chief Presenting Officer for the Respondents.

2. By this Original Application Applicant has challenged the order of dismissal from employment and its confirmation by Appellate Authority.

3. Facts of the case can be summarized as follows :-

(a) Applicant was working on the post of Hawaldar on material duty / relevant duty. One Lady Police Constable (L.P.C.), Smt. Sunita Santu Jadhav was on duty in the computer room on 19.11.2010 at 1800 Hours.

(b) On 20.11.2010, Smt. Sunita S. Jadhav lodged a First Information Report (FIR) informing that, on 19.11.2010 at about, 1800 hours when she was performing duty in computer room the Applicant outraged her modesty. The version of the complainant i.e. Lady Police Constable concurrently seen all over the record, reads as follows :-

“पोहवा/३६७९ अल्ताफ मौलवी सैय्यद, नेम. मुंब्रा पो.स्टे. येथे कार्यरत असताना दिनांक १९/११/२०१० रोजी १८.०० वा. दरम्यान मुंब्रा पो.स्टे. च्या सिपा संगणक कक्षात संगणकावर काम करत असलेल्या मपोशि/६७२४ सुनिता संतु जाधव यांना “मी कंप्युटर घेतलेला आहे त्याबाबत माहिती दे” असे म्हणालात व त्यांच्या खांदयावर हात ठेवला तेव्हा नमूद मपोशि यांनी तुम्हाला तेथुन जाणेस सांगितले त्यावेळी तुम्ही निघून व जाता तेथेच थांबल्यामुळे नमूद मपोशि या सदर कक्षातुन निघून जात असताना तुम्ही त्यांचे मागे येऊन

कमरेत हात घालून त्यांना तीन वेळेस उचलले. नमुद मपोशि यांनी आरडा ओरडा केला असता तुम्ही घाबरून पळून गेलात.”

(Quoted from Annexure C, page 51 of the paper book of O.A.)

- (c) During the process of investigation of the offence relating to the incident allegedly held on 19.11.2010 the said Lady Police Constable also submitted the application requesting that since she belongs to Schedule Tribe- Mahadev Koli, the offence under the Scheduled Castes and Tribes (Prevention of Atrocities) Act, 1989 be added to the offence reported by her.
- (d) The FIR culminated into charge-sheet and Session Case No.97 of 2011 which was received in the court of Sessions Court Thane on 14.03.2011 and resulted into judgment and order dated 16.07.2014 by Sessions Judge-1, Thane, thereby acquitting the applicant from all charges framed against him.
- (e) Applicant was served with the charge-sheet dated 18.05.2011 for misconduct in employment and enquiry came to be initiated. The charge-sheet was served by the Enquiry Officer. The Enquiry Officer conducted the enquiry. In the enquiry 9 witnesses were examined by the Department and 3 by the applicant herein.
- (f) The Enquiry Officer has furnished his report which is dated 09.12.2011 (copy whereof is from page 95 to 120 of the paper book of the O.A.)
- (g) The Enquiry Officer has recorded his findings in paragraph 6 of conclusion which reads as follows:-
- “६) विभागीय चौकशीन अपचारी यांनी मपोशि/६७२४ सुनिता जाधव हिच्याशी केलेले गैरकृत्य हे बंद सिपा संगणक कक्षात केलेले असल्याने कोणताही ठोस मानवी पुरावा विभागीय चौकशीत दिसून आलेला नाही. परंतु अपचारी यांचे विरुद्ध दाखल झालेला गुन्हा हा केवळ महिला पोलीस शिपाई/६७२४ सुनिता जाधव यांनी दिलेल्या फिर्यादीवरूनच दाखल झालेला आहे हे विभागीय चौकशीत सिद्ध झाले आहे.”
- (Quoted from page 120 of the paper book of O.A.)
- (h) The Applicant was served with show cause notice dated 01.04.2015. Applicant replied it. Final order is issued against the Applicant on 03.09.2015, whereby Applicant has been dismissed from employment.
- (i) The Applicant preferred appeal on 01.11.2015 which has been dismissed by order dated 20.10.2016. The Appellate order is reasoned, but brief, may be due to the very narrow compass and controversy involved in the case.

(j) In the present O.A., Applicant has challenged the order of dismissal as confirmed in appeal on various grounds.

4. It shall be suffice to examine the Appellate order and deal with its legality.

5. For the sake of its examination, the Appellate order (copy whereof is from page 144 to 149 of the paper book of O.A.) can be divided into two parts. 1<sup>st</sup> Part, relates to the aspect of preponderance of probability as to the factum of incident which is alleged to have occurred is on 19.11.2010 at about 1800 hours, and 2<sup>nd</sup> relates to applicant's plea of alibi stating that he was performing the duty outside police station.

6. It shall be convenient to deal with the 2<sup>nd</sup> point first.

7. The plea of alibi raised by the Applicant is based on the story that on 19.11.2010 at 1800 hours he was on escort duty to carry an accused for medical examination. The record shows that Applicant had brought accused in police station at 1600 hours and 20 minutes and left police station with the accused for medical examination at 1800 hours and 10 minutes.

8. Admittedly there in an overriding as to time of departure (1800 Hours and 10 minutes). Due to the correction / over hauling / tampering as to the time of departure of the Applicant from the police station, the plea of alibi has turned fragile and upon considering the preponderance of probability, it would be hard to believe the version of witnesses of the applicant, as regards exact time of departure from the police station to be 1800 hours. Due to this aspect it becomes unsafe to accept the plea of alibi and conclude that the applicant was not present in the premises of police station at the time when the incident is alleged to have occurred. Therefore the plea of alibi is not proved to the hilt.

9. It would then be necessary to examine the first point of preponderance of probability of proof of facts as to alleged incidents, which is considered proved as held by the Appellate authority. The findings by enquiry officer are dwindling. He in fact holds

that filing of FIR is proved and fails to record a concrete finding as regards factum of charge.

10. The fact finding in this regard done by the Appellate authority is encompassed within three paragraphs and is around 20 lines. The relevant text is seen in the 'conclusion' part of the order of Appellate Authority and it should better be referred by quotation. Relevant text reads as follows :-

“-: निष्कर्ष :-

दि. २२/०७/२०१६ रोजी अपीलार्थी यांचे म्हणणे आज्ञांकित कक्षात ऐकून घेण्यात आले. त्यापूर्वी या प्रकरणातील तक्रारदार महिला पोलीस शिपाई सुनिता संतु जाधव यांचे म्हणणेही स्वतंत्ररित्या ऐकून घेण्यात आले. अपचारी तक्रारदार यांचे म्हणणे, व उपलब्ध कागदपत्रे याचे अवलोकन केले असता मी खालील निष्कर्षाप्रत येत आहे.

१) महिला पोलीस शिपाई जाधव यांनी अपीलार्थी यांनी सिपा संगणक कक्षात तिच्या अंगाला जाणुनबुजून / अनुचित पध्दतीने स्पर्श केला, आणि तिला पाठीमागे उचलून घेतले. या बाबीचा पुर्नउच्चार केला. अपचारी यांच्या गैरकृत्यामुळे महिला पोलीस शिपाई जाधव तेथून पळुन जाऊन महिला विश्रांती कक्षात गेल्या, त्यावेळी त्या भेदरलेल्या व घाबरलेल्या होत्या. या प्रकरणी तक्रारदार मपोशि सुनिता जाधव या सायंकाळी १८.०० वाजण्याच्या सुमारास ज्यावेळी लेडीज रुममध्ये आल्या त्यावेळी त्या घाबरलेल्या तसेच अशांत, बैवेन दिसत होत्या असे महिजा पोलीस शिपाई सुलक्षणा राजाराम कसबे यांच्या जबाबारून माझ्या लक्षात आले. त्यामुळे सदर गैरशिस्तवर्तन केल्याची बाब ही “प्राबल्य संभवनियतेचा सिध्दांत” (The theory of preponderance of probability) सिध्द होत आहे.

२).....

३).....

४) मपोशि सुनिता जाधव यांच्यासंबंधात असा अनुचित प्रकार घडल्यानंतर त्यांनी तात्काळ तक्रार नोंदविली नाही, किंवा त्यांच्या महिला सहकारी मपोशि कसबे किंवा पोलीस ठाण्यातील इतर पोलीस अधिका-यांना सांगितली नाही. परंतु त्यावेळी त्या घाबरलेल्या असल्याने त्यांनी तात्काळ तक्रार नोंदविली नही हे स्वाभाविकच आहे. तथापि, दुस-या दिवशी त्या आणि त्यांचा होणार पती यांनी पोलीस स्टेशनला जाऊन सदर अनुचित घटनेबद्दल वरिष्ठ पोलीस निरीक्षक यांना सांगून रितसर फौजदारी स्वरूपाची तक्रार नोंदविली आहे.

वरील घटनाक्रमावरून त्यादिवशी पोलीस स्टेशनमध्ये संध्याकाळी १८.०० च्या सुमारास अपचारी हे त्या ठिकाणी हजर असणे, व मपोशि सुनिता जाधव हिने अपचारी विरुध्द फौजदारी स्वरूपाची तक्रार करणे यावरून तिच्याबाबत पोलीस स्टेशनमध्ये गैरवर्तनाचा अनुचित प्रकार निश्चितपण घडला असल्याचे माझ्या निदर्शनास आले आहे.

वरील प्रकरणातील घडलेल्या घटनेबाबतचा एकंदरीत घटनाक्रम पाहता मी या ठाम निष्कर्षाप्रत येत आहे की, अपीलार्थी यांनी या प्रकरणातील तक्रारदार महिला शिपाई सुनिता जाधव यांचेशी अनुचित व गैरशिस्तवर्तन केले असल्याचे प्राबल्य संभवनियतेच्या सिध्दांतावरून सिध्द होते. म्हणून अपीलार्थी यांना शिस्तभंगविषयक प्राधिकारी यांनी दिलेली शिक्षा ही त्यांनी केलेल्या कसुरीच्या दृष्टीकोनातून योग्य आढळून

येते. कारण अशाप्रकारे गैरशिस्तवर्तन हे पोलीस ठाण्यासारख्या सार्वजनिक ठिकाणी ते पण पोलीस कर्मचा-याकडून त्याच्या पोलीस स्टेशनच्या महिला पोलीस कर्मचा-याशी करणे ही बाब जनसुरक्षिततेच्या दृष्टीकोनातूनदेखील हानीकारक आहे, आणि अशाप्रकारे गैरवर्तन पोलीस खात्यासारख्या शिस्तप्रिय खात्यात सहन करणे अचित ठरणार नाही. म्हणून मी खालीलप्रमाणे निर्णय घेत आहे.”

(Quoted from paragraph 1 and 4, page 148 & 149 of the paper book of O.A.)

11. The conclusion quoted in the foregoing paragraph is analyzed as follows :-
- (a) The evidence of the complainant Lady Police Constable, Smt. Sunita S. Jadhav suggests that on 19.11.2010 at 1800 hours applicant behaved with her in the manner described by the complainant in FIR.
  - (b) The complainant Smt. Sunita S. Jadhav left the computer room and entered women's rest area.
  - (c) At that time, another Lady Police Constable, Smt. Sulakshana Kasbe observed that Smt. Sunita S. Jadhav was seen with frightened face.
  - (d) Upon considering the statement of complainant Lady Police Constable, Smt. Sunita S. Jadhav – and the complainant of Lady Police Constable, Smt. Sulakshana Kasbe – witness, on seeing the preponderance of probability definitely certain untoward incident has occurred.
  - (e) Paragraph 4 of the order which is quoted in foregoing paragraph No.10, it is apparent that the Appellate Authority accepted the possibility that the Lady Police Constable Smt. Sunita S. Jadhav being frightening was quite natural, and it is equal natural that she did not quickly react by way of filing a complaint, which she did after consulting her fiancé.
12. Learned Advocate for the Applicant has addressed the challenge to the findings, of appellate authority on following points :-
- (i) The preponderance of probability relied upon by the appellate authority is based on extremely hyper technical view or on extremely one sided point of view which conclusion may not be drawn by a person of ordinary prudence in given situation as obtaining in facts of present case.
  - (ii) While probability of the Lady Police Constable, Smt. Sunita S. Jadhav being frightening is considered, it is not considered that nothing precluded the complainant from reporting the matter to the Senior Police Sub Inspector

who was present in Police station, and this aspect has gone unexplained and unexplored.

- (iii) The conduct of the complainant, Smt. Sunita S. Jadhav to add spice and gravity to the case by adding the offence under the Scheduled Castes and Tribes (Prevention of Atrocities) Act, 1989, on a later date, is liable to be viewed as afterthought and adverse to the preponderance of probabilities as a subsequent conduct.
- (iv) Complainant being a grownup woman and a Police constable, is not like an illiterate woman who may in ordinary course probably shy-out from punctually and quickly reacting to the untoward act of outraging modesty, by avoiding to lodge a complaint or speak-out out of fear of insinuation and shame.
- (v) In view that the substance of misconduct and the substance of criminal case is based on one and the same substratum of the incident as has been reported in FIR, the findings of Sessions Court relating to trust worthiness of the version of applicant deserves to be keenly adverted rather ought not be neglected or brushed aside.
- (vi) Rather conclusions recorded by Learned Sessions Court based on due appreciation of evidence recorded before court, is required to be weighed with higher credence and weightage than the evidence recorded before the Departmental Enquiry Officer and its appreciation done by the Enquiry Officer and also by the appellate authority, from the point of preponderance of probability.
- (vii) While it is true that the standard of evidence required for departmental action (being of Civil nature) is barely of preponderance of probability and does not need rigorous scrutiny of the weight the standard strict proof beyond reasonable doubt as required in Criminal case, however this rule of distinction shall not apply when the incident and imputations subject matter are concurrent and congruent and without distinction as to context or its quality.

13. After discussing entire evidence the Learned Sessions Judge has recorded the findings in paragraphs 37, 38 and 39 which are quoted below for ready reference :-

“37] In the light of what is discussed above if the confusion regarding the lodging of the F.I.R. and the recording of the complaint of the complainant is taken into consideration and the aspect that police officer P.W.7 Sr. P.I. Vikram Karkud and P.W.5 P.S.I. Chandrakant Ghag etc. is concerned, at the cost of repetition it can be said that the very fact was recorded as per narration of the complainant itself is not found to have been proved. Then, even as rightly pointed out on behalf of the accused the contradiction between the complainant’s version in her complaint and in her evidence on oath before court in regard to the actual happening of the incident and the manner in which it is alleged to have taken place if considered, that further support the submissions on behalf of the accused the complainant’s version in regard to the happening of the said incident is not truthful and it do not inspire confidence in the mind about its correctness and it create reasonable doubt in the mind.

38] One more aspect of the matter which is also worth consideration in this regard is that it is not the case of the complainant put forth in the complaint that the incident had taken place because she was belonging to scheduled tribe by name Hindu Mahadev Koli, no allegations about outraging her modesty by the accused because she was belonging to schedule tribe Hindu Mahadev Koli or absolutely no allegations are made by the complainant against the accused attracting the provisions of Prevention of Atrocities Act. Still it appears that subsequently the complainant had submitted her caste certificate and made an application for applying or adding the offence under the Prevention of Atrocities Act and that shows that attitude and vengeance in which she acted against the accused. As is clear from the plain reading of the complaint as per her version the accused had molested her by lifting her three times and her caste did not have any role in the alleged act of the accused but for no satisfactory reason the complainant has not referred her caste in her original complaint and even further, no satisfactory explanation is offered on behalf of prosecution or by the complainant as to for what reason subsequently such contention is raised by the complainant and the request for adding the offence under Prevention of Atrocities Act was made and that also support the defence put forth by the accused that only because there was rivalry between the accused and the complainant and the complainant was having grudge and grievance against the accused, she has not only filed the complaint but even subsequently added more stringent allegations in regard to her caste. But as discussed above such allegations cannot be said to have been proved and in the light of that also the complainant cannot be said to be a reliable and creditworthy person and it would not be proper to rely on her sole testimony to come to any conclusion in regard to the guilt of the accused.

39] In view of all the above discussion it has to be concluded that on the basis of evidence brought on record by the prosecution it cannot be said that the allegations against the accused are proved beyond, all the reasonable doubt and the accused is entitled to the benefit of doubt and none of the offences can be said to have been established and the accused



is entitled to be acquitted. Point no.1 to 4 are therefore answered accordingly.”

(Quoted from paragraph 37, 38 & 39, page 47, 48 & 49 of the paper book of O.A.)

14. Now in order to examine the applicant's contentions it would be useful to refer to contention of imputation as raised in FIR as described by Learned Sessions Judge in the judgment and the text of the Marathi version contained in the charge-sheet which is quoted in foregoing paragraph from page no.51 of paper book keeping in *juxtra position*. Both these facts are quoted below:-

<p>“2] ..... ..... <u>That around 6.00 p.m. the accused who was also working as a police constable and was on duty at Mumbra police station had been there and had put his hand on her shoulder and said to her that he has brought new computer and asked her to give him information about operation of computer. She told her to remove his hand from her shoulder and asked him to leave the place immediately but he did not leave the place and therefore she proceeded towards the door to go out of the room but the accused caught hold of her from behind at her waist and lifted her three times. She tried to shout but the accused did not allow her to shout and before she shout he ran away from the room.</u></p> <p>(Quoted from paragraph 2, page 25 &amp; 26 of the paper book of O.A.)</p>	<p>पोहवा/३६७५ अल्लाफ मौलवी सैय्यद, नेम. मुंब्रा पो. स्टे. येथे कार्यरत असताना दिनांक १९/११/२०१० रोजी १८.०० वा. दरम्यान मुंब्रा पो.स्टे. च्या सिपा संगणक कक्षात संगणकावर काम करत असलेल्या मपोशि/६७२४ सुनिता संतु जाधव यांना “मी कंप्युटर घेतलेला आहे त्याबाबत माहिती दे” असे म्हणालात व त्यांच्या खांदयावर हात ठेवला तेव्हा नमूद मपोशि यांनी तुम्हाला तेथुन जाणेस सांगितले त्यावेळी तुम्ही निघून व जाता तेथेच थांबल्यामुळे नमूद मपोशि या सदर कक्षातुन निघून जात असताना तुम्ही त्यांचे मागे येऊन कमरेत हात घालून त्यांना तीन वेळेस उचलले. नमूद मपोशि यांनी आरडा ओरडा केला असता तुम्ही घाबरून पळून गेलात.</p> <p>(Quoted from Annexure C, page 51 of the paper book of O.A.)</p>
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15. The findings which are quoted hereinabove do un-disputably lay down that complainant's version in regard to happening of the said incidence is not truthful.

16. If paragraph 37 and 38 are read coherently with paragraph 39 the ascertaining conclusion in paragraph 37 and 38 would operate as a fact finding and rule out the probability referred to and relied upon by learned Appellate Authority.

17. If the English text described by sessions Judge quoted in para 14 with Marathi text quoted therein is compared, it is seen to be congruent, as regards the conduct of accused (present applicant).

18. Learned Advocate for the Applicant has placed reliance on four judgments :-

<b>Sr. No.</b>	<b>Particulars</b>	<b>Purpose</b>
1.	Civil Appeal No.6963/2000 with Civil Appeal No.6964/2000, State of Punjab with Sardar Prakash Singh Badal Versus V.K. Khanna and Others, (2001)2 Supreme Court Cases 330 decided on November 30, 2000.	Claim that findings of Appellate authority need reversal
2.	Civil Appeal No.2582/2006, G.M. Tank Versus State of Gujarat and others, (2006) 5 Supreme Court Cases 446 decided on May 10, 2006.	
3.	Civil Appeal No.8513/2012, Deputy Inspector General of Police and Another Versus S. Samuthiram, (2013) 1 Supreme Court Cases 598, decided on November 30, 2012.	
4.	Writ Petition No.12561 of 2005, Abraham Amalanathan Vs. The Deputy Inspector General of Police, decided on 7 April, 2011.	
5.	Deepali Gundu Surwase Vs. Kranti Junior Adhyapak Mahavidyalaya (D.Ed.) and Others reported in (2013) 10 SCC 324.	For reinstatement & full back wages
6.	Dr. Ram Lakhan Singh versus State Government of UP decided on 17.11.2015	For compensation

19. This Tribunal considers that it is not necessary to deal with and discuss effect of their judgments at Sr. No. 1 to 4, particularly when this Tribunal has examined the case by following certain principle namely :-

- (a) Standard of proof in Criminal matters and in matters of disciplinary proceeding would vary, and strict proof would not be required.

- (b) In Criminal case strict proof would be required however preponderance of probability would suffice.
- (c) Whenever there is concurrence and congruence in civil & departmental enquiry proceedings of text of charge in the Criminal case and Departmental proceedings, findings in Criminal case would not only guide but would even govern the conclusion of proof of facts in the Departmental proceedings/ disciplinary proceedings.
- (d) Whenever texts of the charge and content are distinct from the texts of the charge in Criminal proceedings, conclusions independent from those drawn in criminal trial by a judicial forum may be legally drawn.
- (e) Once impugned order is declared null & void consequences must follow.

20. In view of the foregoing discussion, this Tribunal arrives on the conclusion that in the facts of present case no other conclusion than one which is drawn by the Sessions judge in paragraph No.37 and 38 of the judgment in session case No. 97/2011 were permissible, open and available to or on the part of Departmental authority and the Appellate Authority.

21. While the police force is disciplined force the Lady Police Constable whose modesty and prestige of women-hood was at stake, is undoubtedly entitled to have fullest protection but at the same time not at the costs of unceremonious and total burial of basic human rights and human dignity of right of honourable and dignified life a male as a human being which he enjoys under Article 21 of the Constitution of India, particularly when he is being condemned through a charge as a molester in Departmental matters. Fair Trial is under Criminal law or disciplinary matter, when human dignity of a male is at stake would not get reduced as to the need of protection even in the matters of employment, under Article 21 of constitution of India itself.

22. While the aspect of Article 21 of the Constitution of India would ordinarily be seen to govern the matters of fundamental rights and liberties in Criminal law, yet whenever

any departmental proceedings and in the matters of employment, if a man's character is tarnished it would be the matter governing issue of right of life with dignity, without a distinction of being dealt with under disciplinary proceedings and not under Criminal law.

23. The blemish on the character of person a woman or a man would operate as a permanent taint of immoral behavior or brutality / bestiality. Dignity and virtuousness of men-folk is of no lesser importance than dignity, honor and modesty of women-folk.

24. The principle of preponderance of probability cannot and ought not to be handy weapon of unilaterally usable to assault on men-folk, while it is a very efficient device of protection for the women-folk as a class, the least it may boomerang and loose its credibility as legal equipment being a rule of evidence.

25. In the result Original Application succeeds. Impugned orders are quashed and set aside.

26. Original Application is allowed in terms of prayer clause which reads as below :-

- (a) Both the impugned Order dated 3.9.2015, imposing the major penalty of "**dismissal from service**", and also the appellate Order dated 20.10.2016, are set aside and are declared null, void and non-est.
- (b) The Respondents do reinstate the applicant into service with consequential benefits including full back-wages.
- (c) Applicant shall be entitled to all benefits and pay and allowance as if impugned order were not passed.
- (d) Prayer for compensation is left and kept open.
- (e) Compliance of this order be done within 60 days from the date of this order.
- (f) Parties are directed to bear their own costs.

Sd/-

**(P.N. Dixit)**  
**Member(A)**

Sd/-

**(A.H. Joshi, J.)**  
**Chairman**

prk