

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI  
ORIGINAL APPLICATION NO.886 OF 2017**

**DISTRICT : THANE**

Shri Suresh Hariram Sakharwade, )  
Age 46 Yrs.Assistant Engineer Grade-I, posted at MTDC)  
Civil Lines, Nagpur, R/o Flat No.107 Amaranth Apts., )  
New Nandanvan, Nagpur-9 )..Applicant

Versus

The State of Maharashtra, )  
Through Principal Secretary, )  
Public Works Department, )  
Mantralaya, Mumbai 400032 )..Respondent

Shri A.V. Bandiwadekar – Advocate for the Applicant

Ms. S.P. Manchekar – Chief Presenting Officer for the Respondent

CORAM : Shri Justice A.H. Joshi, Chairman  
Shri P.N. Dixit, Member (A)  
RESERVED ON : 11<sup>th</sup> April, 2019  
PRONOUNCED ON : 30<sup>th</sup> April, 2019  
PER : Shri P.N. Dixit, Member (A)

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

1. Heard Shri A.V. Bandiwadekar, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondent.

2. The Applicant is working as Assistant Engineer, Grade-I. On 30.4.2015 the Respondent imposed minor penalty on the Applicant after concluding the Departmental Enquiry (DE). The punishment stated:

“श्री. एस. एच. साखरवाडे,सहाय्यक अभियंता श्रेणी-१ यांची पुढील वेतनवाढ त्यापुढील वेतनवाढीवर कायमस्वरुपी परिणाम करून चार वर्षासाठी रोखण्यात यावी.”

(Quoted from page 52 of OA)

3. Aggrieved by the same the Applicant preferred an appeal to the appellate authority. Meanwhile, the Tribunal directed on 30.1.2018 and 6.3.2018 the Respondent to consider his case early. In response to the same the appellate authority issued the order dated 11.4.2018 which reads as under:

“२. श्री. एस. एच. साखरवाडे,सहाय्यक अभियंता श्रेणी-१ यांची दि० ३०/४/२०१५ च्या आदेशान्वये दिलेल्या शिक्केत बदल करून, श्री. साखरवाडे यांची पुढील एक वेतनवाढ त्यापुढील वेतनवाढीवर परिणाम न करता चार वर्षासाठी रोखण्यात यावी.”

(Quoted from page 431 of OA)

4. In the meanwhile the Departmental Promotion Committee (DPC) met on 8.2.2016 for considering eligible personnel including the Applicant for the period 1.9.2015 to 31.8.2016 (Exhibit D page 72-93 of OA). As far as Applicant is concerned it mentioned as under:

“शिफारस - शिक्केच्या अंमलाखाली असल्याने अपात्र”

(Quoted from page 82 of OA)

5. Another meeting of DPC was held for considering promotions of eligible officers during the period 2016-17 on 7.2.2018. In this meeting,

as far as Applicant is concerned it was resolved in the DPC that recommendation regarding the Applicant should be kept in the sealed envelope since the Applicant was undergoing the punishment and also that one post should be kept vacant.

6. The DPC during its meeting held on 3.12.2018 for considering officers eligible during 2018-19 mentioned about the Applicant as under:

अ. क्र.	ज्येष्ठता यादी दि. ३०.३.२००९ मधील ज्येष्ठता क्रमांक	नांव, प्रवर्ग व जन्म दिनांक	नियुक्ती चा दिनांक	गोपनीय अहवालाचे मूल्यमापन					गोपनीय अहवालाचे सरासरी मूल्य मापन	शिफारस
				१३-१४	१४-१५	१५-१६	१६-१७	१७-१८		
१.	७५	सु.ह. साखरवाडे १६.१.१९७३	१/८/२०००	अ ४ म पुनर्वि नाही	ब + ४ म अ ४ म दोन्ही पुनर्वि नाही	अ १० म २ म प्रप	अ पुनर्वि नाही	अ + पुनर्वि नाही		विभा. चौकशी अंती दि.३०.४.२०१४ च्या शिक्षा आदेशाचा अंमल दि. ३० जून, २०१९ पर्यंत आहे मोहरबंद पाकिटात जतन करावे. पद खुले ठेवावे. गो. अ. पुनर्वि. नाहीत.

(Quoted from notes of Respondents)

7. The note prepared by the department for taking action on the basis of the DPC recommendation observed on 30.1.2019 as under:

तदर्थ निवडसूची (खुला-२२)				
अ. क्र.	नाव	ज्येष्ठता क्रमांक दि.१.१.२०१४	प्रवर्ग	शेरा
१)	श्री. सु.ह. साखरवाडे	७५	इ.मा.व	प्रकरण खुले ठेवण्यात यावे. (शिक्षा अंमल संपल्यानंतर दिनांक १ जुलै, २०१९ रोजी पदोन्नती देण्याच्या अधीन राहून)

(Quoted from notes of Respondents)

This office note has been approved.

8. In present OA the Applicant has challenged said decision dated 30.1.2019 and has prayed:

*“9(a) By a suitable order/direction, this Hon’ble Tribunal may be pleased to set aside minor punishment order dated 30.4.2015 passed by respondent no.1 as to the stoppage of next increments permanently for a period of 4 years and accordingly petitioner be granted all the consequential service benefits including consideration of the case of petitioner for deemed date along with actual promotion in the post of Executive Engineer (Civil).*

*9(c) In the light of the above prayer at 9(a), and by a suitable order/direction, this Hon’ble Tribunal may be pleased to direct the respondent to forthwith promote the petitioner to the post of Executive Engineer and grant him the deemed date with effect from 30.7.2016 (in view of his junior being promoted) since the case of the petitioner has already been considered by the Departmental Promotion Committee in its meeting dated 8.1.2016 and accordingly the petitioner be granted all the consequential service benefits.*

*10(c) Pending the hearing and final disposal of this OA, this Hon’ble Tribunal may be pleased to direct the concerned appellate authority to hear and decide the pending appeal of the petitioner dated 16.6.2015 preferred against the punishment of minor penalty dated 30.4.2015 passed by respondent all within a period of 4 weeks from the date of order passed by Hon’ble Tribunal, else the case of petitioner be considered for the post of Executive Engineer (Civil).”*

*(Quoted from page 28G, 28H, 28J of OA)*

9. In support of the same the Applicant has urged following grounds:

*“6.22] The Petitioner states that according to him, the aforesaid action of the Respondent to deny him promotion was ex-facie, illegal and bad in law and as such being contrary to the settled position of law and therefore, he made a representation to the Respondent on 12.8.2016 [EXHIBIT-F], thereby recording his strong protest and thus sought justice in the form of promotion to the said post forthwith with all the consequential service benefits. This is more so, when the Petitioner had shown his willingness to undergo the aforesaid minor penalty in*

*the promotional post as per provision in GAD Govt. of Maharashtra GR No.SRV/1095 dt 22/04/1996.*

- 6.24] *The petitioner also states that there is NO statutory rule in Maharashtra Engineering Service rules dt.19/12/1970 and 07/04/1983 which debar an employee from promotion if otherwise he is eligible; on basis of imposition of minor penalty of withholding of Increments.*
- 6.28] *That the aforesaid action of the Respondent to deny promotion to the Respondent is ex-facie, illegal and bad in law and as such contrary to the decision of the Hon'ble Apex Court rendered in Civil Appeal No.6150 of 2013, decided on 30.7.2013 [EXHIBIT-H], so also the decision dated 9.4.2013 rendered in Civil Appeal No.2970-2975 of 2013 [EXHIBIT-I] and the decision of the Hon'ble Tribunal dated 8.9.2010 rendered in O.A.No.689 of 2010 [EXHIBIT-J]. The decision of Hon. Gujarat High Court at Ahmedabad bench in special Civil application no.7315 of 2005 rendered on 01/03/2016 so also the decision of Hon. Central Administrative Tribunal, Delhi OA No.4214/2014 rendered on 01/10/2015. Supports the Petitioner.*
- 6.29] *That the ratio of law laid down in the aforesaid Hon. Apex Court and High Court decisions is to the effect that the imposition of a minor penalty cannot be a bar in granting promotion to the Government servant which is due to him in accordance with the Rules applicable to him.*
- 6.30] *The Hon. Apex court in its decision dated 9.4.2013 also held in para 36 that "to debar a candidate, to be considered for promotion, on the basis of punishment or unsatisfactory record would require the necessary provisions in service Rules". There is no such statutory provision under MES Rules 1970 and 1983.*
- 6.32] *That in the aforesaid decision in Civil Appeal No.2970-2975 of 2013, the Hon'ble Apex Court has crystallized the ratio of law which is contained in para 40 thereof stating that in the absence of imposition of penalty upon the employee in the form of withholding of promotion or reduction in rank and where the employee is imposed with the punishment of withholding of increments, that such an employee cannot be debarred from being considered for promotion, otherwise it would tantamount to also inflicting upon such employee the punishment of withholding of promotion.*

- 6.33] *That according to the Petitioner, the aforesaid ratio of law laid down by the Hon'ble Apex Court is squarely applicable to his case and therefore, denial of promotion to him to the post of Executive Engineer to him would amount to double punishment namely [a] the aforesaid minor penalty of withholding of next increment cumulatively for 4 years and [b] withholding promotion for 4 years. This is clearly contrary to Rule 5[1][ii] and [iv] of the M.C.S. [Discipline & Appeal] Rules, 1979.*
- 6.34] *That stoppage of one increment for particular period debars/ deprives the employee from financial benefits of said increment which is otherwise liable to be added in his pay scale on account of accrual of such increment. If 4 increments of an employee with cumulative effect have been stopped, such employee will not get the financial benefits of 4 increments which may be otherwise admissible to him in his pay scale.*
- 6.35] *Thus, the legal impact and effect of stoppage of 4 annual increments with cumulative effect would be merely that the employee of officer would suffer loss in payment of his salary to the extent of denial of 4 increments which would be otherwise admissible to him but for the said punishment he has been deprived of from the said benefit of service.*
- 6.36] *Thus, in the service jurisprudence, the employee who has been awarded the punishment of stoppage of 4 increments would not lose the other benefits of service except the aforesaid financial loss in payment of salary.*
- 6.37] *Thus, the stoppage of 4 increments of the Petitioners with cumulative effect cannot be deprive him from the other benefits of service including his eligibility and entitlement for promotion to the next higher post if he is other eligible and entitled for such promotion. This is the view taken by the Hon'ble Allahabad High Court in Ashok Kumar Nigam V/S. The State of Uttar Pradesh & Ors., decided on 16.6.2010 in Writ –A No.34825 of 2010 [EXHIBIT-K].*
- 6.38] *That by reason of the aforesaid approach of the Respondent, it is clear that the Petitioner has been denied not only functional promotion to the post of Executive Engineer from due date namely from 30.7.2016 but also the Assured Career Progression Scheme benefits w.e.f. 1.4.2012. Thus according to the Petitioner, during*

*currency of minor penalty, the Respondent No.1 was obliged to promote the Petitioner when his over all record made him suitable for promotion to the said post.*

- 6.39] *That in fact by not granting such promotion to the Petitioner, the Respondent and the concerned Departmental Promotion Committee subjected to the Petitioner to hostile and invidious discrimination which is hit by the provisions of Articles 14 and 16 of the Constitution of India which is clear from what is stated below.*
- 6.40] *That in the Departmental Promotion Committee meeting dated 8.1.2016 like the Petitioner, there were other two of his colleagues whose case came to be cleared for promotion to the post of Executive Engineer, despite the fact that they like the Petitioner are undergoing the minor penalty of stoppage of increment. That their names are [a] Mr. S.V. Phasule, [b] Mr. D.K. Zote [Sr. Nos.21 and 24 of the Departmental Promotion Committee proceedings]. Thus the action of the Respondent is not uniform. The Petitioner enclosed herewith as EXHIBIT-L is the copy of the order of punishment dated 18.5.2015 imposed upon Mr. Zote by the Respondent.*
- 6.41] *That as per the aforesaid Rule 5[1][ii] and [iv] of the M.C.S. [Discipline & Appeal] Rules, 1979, it is clear that the minor penalty of withholding promotion and withholding of increments are two different and distinctive minor penalties. The Rule makers were very clear in their mind. They have prescribed withholding of increments as alternative punishment. In other words, an employee may be imposed with the penalty of withholding of increment or in the alternative withholding the promotion.*
- 6.42] *That admittedly the Petitioner is imposed with minor penalty of withholding of increments and therefore, the Respondent could not have denied promotion to the Petitioner to the said post otherwise it would amount to imposition of another minor penalty of withholding promotion which is not inflicted upon the Petitioner. The Petitioner states that similar view is taken by Hon. Gujarat High Court in special Leave application No.7315 of 2015 In Indravadan Gandhi Vs. State of Gujarat decided on 01/03/2016. Similar view is also taken by Hon. Central Administrative Tribunal in OA No.4215/2014 in Vishnu Darbari VS Ministry of Road Transport decided on 01/10/2015.*

6.75A] *The Petitioner has been subjected to discrimination by D.P.C. Dt. 8/1/2016 which is clear from what is stated below:*

- A] *As stated in para 4.6 and 4.7 of the OA, in the DPC dt 8.2.2016, names of more than 20 officers against whom departmental proceedings were ongoing were conditionally cleared based on GAD GR dt.22/4/1996 whereas petitioner was debarred from promotion to the post of Executive Engineer citing reasons of undergoing minor punishment of stoppage of increment. The Respondents applied criteria as laid down in Jankiramn's case {Exhibit R-9}*
- B] *The petitioner states that the criteria laid down in the said case is related to SEALED COVER procedure followed in central govt. whereas state govt follows GAD GR 22/4/1996 and the provision of both these procedures are totally different and contradictory.*
- C] *The Respondents extended benefits of GAD GR 22/4/1996 to 20 officers and wrongly applied criteria of Janakiramns case to debar the petitioner. That on date of DPC, Since chargesheets were issued to those 20 officers against whom departmental enquiry was going on applying the criteria laid down in Janakiraman's case in totality and then to grant the promotions to these 23 officers are NULL and VOID. Thus action of DPC was not uniform but discriminatory.*
- D] *Zhote and Farsule who were imposed with harsh Penalty of Reduction in Pay scales Now Reclassified as Major Penalty vide G.A.D. GR. dt. 16 July 2016 are declared eligible subject to remarks from GAD Petitioner was debarred citing "Undergoing Punishment".*
- 6.84] *That in any case considering the admitted charge levelled against the Petitioner being only in the form of the administrative irregularity without involving the financial loss to the State Exchequer, that even the modified punishment imposed upon the Petitioner in the Appeal is an severe punishment which is highly disproportionate to the alleged misconduct held proved when three charges, namely, 1,2 & 9 were held as not proved when the charge No.3 was held as partly proved."*



(Quoted from page 15-23, 28-JJ to 28-OO of OA)

10. Ld. Advocate for the Applicant has relied on the following judgments regarding discrimination in DE:

- (1) Yoginath D. Bagde Vs. State of Maharashtra & Anr, decided by Hon'ble Supreme Court on 16.9.1999.
- (2) State of Madhya Pradesh Vs. Chintaman Sadashiva Waishampayan, Civil Appeal No.630 of 1957 decided by Hon'ble Supreme Court on 1.11.1960.
- (3) Anil Kumar Vs. Presiding Officer & Ors., decided by Hon'ble Supreme Court on 8.5.1985, AIR 1985 SC 1121.
- (4) Lallu Lal Gupta Vs. State of Rajasthan, SB Civil W.P. No.23 of 1983 decided by Rajasthan High Court on 31.8.1992.
- (5) A.M. Khan Vs. The State of M.P., Writ Petition No.20803 of 2003 decided by Madhya Pradesh High Court on 30.9.2013.
- (6) Lalit Kumar Vs. The State of Bihar, Civil Writ Jurisdiction Case No.3108 of 2017 decided by Patna High Court on 4.4.2018.
- (7) P.A. Karkhanis Vs. UCO Bank & Ors., Writ Petition No.1311 of 2001 decided by Hon'ble High Court Bombay (OOCJ) on 22.6.2009.

- (8) P.K. Khanna Vs. National Fertilizers Limited & Anr. Civil Writ Petition No.10895 of 2000 decided by Punjab & Haryana High Court on 12.3.2005.
- (9) R.D. Parteki Vs. The State of Madhya Pradesh, Writ Petition No.20328 of 2011 decided by Madhya Pradesh High Court on 9.4.2018.
- (10) N. Ram Vs. Union of India, Writ A. No.40200 of 2010 decided by Allahabad High Court on 25.10.2017.
- (11) Dr. D. Rajamanickam Vs. The State of Tamil Nadu, W.A. No.710 of 2016 decided by Madras High Court on 11.4.2018.
- (12) Dr. Subhash Chand Arya Vs. Higher Education Department, W.P. No.7418 of 2016 decided by Madhya Pradesh High Court on 10.4.2018.
- (13) Ram Das Singh Vs. Union of India & Ors. OA No.235 of 1988 decided by CAT, Jodhpur on 14.2.1990, (1990) 13 ATC 136.
- (14) V. Gunasekaran Vs. Union of India & Anr. OA No.536 of 1988 decided by CAT, Madras on 29.9.1989, (1990) 14 ATC 473.

11. Ld. Advocate for the Applicant has relied on the following judgments regarding stoppage of increments and promotion:

- (1) Rani Laxmibai Kshetriya Gramin Bank & Ors. Vs. Manoj Kumar Chak, Civil Appeal No.2970-2975 of 2013 decided by Hon'ble Supreme Court on 9.4.2013. Relevant portion of the judgment reads as under:

*“2. The persons, who have been awarded censure entry or other minor punishments, thus cannot be excluded from the zone of consideration for promotion.”*

- (2) Union of India Vs. K.V. Jankiraman, decided by Hon’ble Supreme Court on 27.8.1991. Relevant portion of the judgment reads as under:

*“4. ....  
If any penalty is imposed on the officer as a result of the disciplinary proceedings or if he is found guilty in the court proceedings against him, the findings in the sealed cover/covers shall not be acted upon. The officer’s case for promotion may be considered in the usual manner by the next DPC which meets in the normal course after the conclusion of the disciplinary proceedings.”*

- (3) Board of Trustee for the Port of Calcutta & Anr. Vs. Samir Patra, APO No.64 of 2016 decided by Hon’ble Calcutta High Court on 24.1.2018. Relevant portion of the judgment reads as under:

*“It is clearly spelt out in the case of Jankiraman that an employee would not be eligible for promotion during pendency of the disciplinary proceedings. But, he could be considered for the same immediately after conclusion of the disciplinary proceedings.”*

- (4) Board of Trustee for the Port of Calcutta & Anr. Vs. Samir Patra, SLP No.8966/2018 decided by the Hon’ble Supreme Court on 16.4.2018.

- (5) Marthandappa Ukkundappa Naikal Vs. The Director (Adm. & Hrd) Ors. Writ Petition No.80195/2012 decided by Hon'ble Karnataka High Court on 14.7.2017.
- (6) Union of India Vs. Kirtikumar Anant Hirave, Writ Petition No.1096 of 2005 decided by Hon'ble Bombay High Court on 12.4.2018.
- (7) Indarvadan R. Gandhi Vs. State of Gujarat & Ors. Special Civil Application No.7315 of 2005 decided by Hon'ble Gujarat High Court on 1.3.2016.
- (8) Ashok Kumar Nigam Vs. State of U.P. Writ A No.34825 of 2010 decided by Allahabad High Court on 16.6.2010.
- (9) Shri Toliram Phulaji Rathod Vs. The State of Maharashtra, OA No.44 of 2016 decided by this Tribunal on 9.8.2016.
- (10) Sanjeev Kumar Vs. Sarva U.P. Gramin Bank & Anr. Writ Petition No.50638 of 2010 & Ors. decided by Hon'ble Allahabad High Court on 8.12.2010.
- (11) The Director (Adm & Hrd) Vs. Marthandappa Ukkundappa Naikal & Ors. Writ Appeal No.200319/2017 decided by Hon'ble Karnataka High Court, Kalaburagi Bench on 27.7.2018.
- (12) Dr. P. Ramar Vs. The State of Tamil Nadu, Writ Petition (MD) No.8676 of 2008 decided by Hon'ble Madras High Court on 29.8.2016.

- (13) N. Ponnulingam Vs. The Director General of Police, Tamil Nadu & Anr. Writ Petition (MD) No.5998 of 2010 decided by Hon'ble Madurai Bench of Madras High Court on 28.4.2010.
- (14) A. Raja Rathinam Vs. The Principal Chief Conservator of Forest, Writ Petition (MD) No.10856 of 2009 decided by Hon'ble Madras High Court on 17.11.2009. Relevant portion of the judgment reads as under:

“8. ....  
*When the employee is imposed upon a punishment of stoppage of increment for two years without cumulative effect which could be construed only as a minor punishment, he could not be denied further promotion solely based on the same, if he is otherwise fit for promotion.*”

- (15) I. Subramanian Vs. Government of Tamil Nadu, Writ Petition No.40119 of 2002 decided by Hon'ble Madras High Court on 20.3.2008.

12. Ld. Advocate for the Applicant has, therefore, prayed that the Respondent should be directed to consider the case of the Applicant for promotion from the date the DE was concluded and minor penalty was imposed, if he is found fit for promotion otherwise. According to the Applicant, the Applicant should be provided all consequential service benefits including the deemed date of 30.7.2016.

13. The Respondents have filed their reply in the form of affidavit. As far as discrimination against the Applicant is concerned, the Ld. CPO pointed out that Shri T.P. Rathod was promoted due to order dated 9.8.2016 passed in OA No.44 of 2016. Similarly, one Shri R.R. Jaiswal

was promoted in July, 2017 after he completed his punishment. As such the allegation of discrimination is not justified.

14. The Respondents therefore state that the OA filed by the Applicant is without any foundation, devoid of any merits and the same deserves to be dismissed.

15. Issues for consideration:

(i) *Was the recommendation by the DPC discriminatory?*

(ii) *Whether the action by DPC is illegal?*

Discussion and findings:

16. We propose to take up the issue of alleged discrimination against the Applicant for discussion. Applicant mentions that Shri T.P. Rathod and Shri R.P. Jaiswal were similarly situated but have been promoted, while undergoing the punishment. Examination of the available record indicates that Shri T.P. Rathod was promoted following the order dated 9.8.2016 passed by this Tribunal in OA No.44 of 2016 and Shri R.R. Jaiswal was promoted in July, 2017 after completing the punishment. The Applicant has drawn attention to the case of Shri Anil Deshmukh in whose case the punishment of stoppage of next annual increments for two years without cumulative effect was inflicted. However, the appellate authority revised the punishment and imposed the punishment of censure. The Applicant mentions that there was discrimination against the Applicant as the quantum of punishment imposed on him was withholding increments for four years. The Applicant further mentions that the appellate authority acted in an extra ordinary speed in finalizing the appeal of Shri Anil Deshmukh. The point of discrimination in reality does not fall for consideration, though urged.

17. According to the Applicant, the main contention is that the DE was completed and punishment of withholding the increment for four years was inflicted on 30/04/2015. Applicant demands, he should be provided deemed date w.e.f. 30/07/2017 and should be promoted from the same date. We propose to examine his contention on merits. Being considered for promotion is the right of every officer. As per the rules, if the DPC in its meeting recommends that the officer is fit for promotion, action in the form of promotion is the consequence of the same and the person is promoted. Attention is invited to the facts in the present case:

- (1) On completion of the DE, punishment is inflicted on the Applicant on 30/4/2015.
- (2) DPC meeting is held on 8/2/2016 and it finds the Applicant unfit.
- (3) Next DPC is held on 7/2/2018, and the recommendation regarding the Applicant is kept in sealed cover as per the procedure laid down. It also kept one post vacant.
- (4) Subsequent DPC is held on 3/12/2018 and the recommendation is kept in sealed cover and one post was kept vacant.

18. The record summarized hereinbefore indicates that the DPC held on 7.2.2018 and 3.12.2018 reveals that committee's observation about the fitness or otherwise of the Applicant are recorded and are kept in sealed cover. The DPC has further kept one post vacant. As has been underlined by various judgments given by the Hon'ble Supreme Court and other Courts, the findings of the DPC and the decision to withhold his

promotion as he is undergoing punishment are two separate things. The Hon'ble Supreme Court's verdict has further pointed out that if the DPC has found him fit for promotion, he cannot be deprived of the same only because of the punishment being undergone by the Applicant.

19. We, therefore, find merit in the prayer made by the Applicant and direct the Respondents to decide the case of the Applicant for promotion from the date the DE was concluded and minor penalty was imposed, if he is found fit for promotion. We further direct the Respondents to provide all consequential service benefits to the Applicant as per the decision reached by the DPC. The Respondents should implement this order within a period of one month from 23<sup>rd</sup> May, 2019.

20. OA is allowed in the above terms with no order as to costs.

Sd/-  
**(P.N. Dixit)**  
**Member (A)**  
**30.4.2019**

Sd/-  
**(A.H. Joshi, J.)**  
**Chairman**  
**30.4.2019**

Dictation taken by: S.G. Jawalkar.