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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 3264/2014**

% 28th April, 2015.

SHRI S.K. JINDAL Petitioner

Through Mr. Sarvesh Bisaria, Adv.

versus

UNION OF INDIA AND ORS. Respondents

Through Mr. Manish Mohan, CGSC with
Ms. Manisha Rana Singh, Adv. for
Respondent no. 1. Mr. K.K. Tyagi for
Respondent no. 2.

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

To be referred to the Reporter or not?

VALMIKI J. MEHTA, J (ORAL)

CM No. 7730/2015

1. By this application, the petitioner seeks reliefs that the order dated 13.03.2015 be recalled by which costs of Rs.10,000/- were imposed on the petitioner and that this Court should recuse itself from hearing the matter.

The order dated 13.03.2015 reads as under:-

“1. This case *prima facie* is a case of gross abuse of the process of law because the petitioner questions his transfer order, although the petitioner cannot question the transfer order. It is because of this reason that the

interim application which was filed by the petitioner was dismissed by a detailed order on 21.5.2014. The petitioner inspite of his application being dismissed has not joined his place of posting, and in fact the counter-affidavit of respondent no.2 shows that the petitioner is a recalcitrant employee against whom in the past, orders of penalty have been passed by the disciplinary authority for failing to join his transferred place of posting. On 11.3.2015, the following order was passed:-

1. An adjournment is sought on behalf of the petitioner on the ground that the main counsel is down with viral fever. Counsel for respondent nos. 2 & 3 vehemently opposes the adjournment, inasmuch as it is stated that the counter-affidavits of these respondents show that the petitioner has been even earlier filing the frivolous cases and abusing the process of law causing harassment to the respondents and unnecessary expenses.
2. The record of this case shows that the petitioner is challenging the transfer order and by a detailed order dated 21.5.2014, interim application of the petitioner was dismissed.
3. On an query put to the counsel who appears for the petitioner, firstly it was stated that the main counsel is suffering from viral fever, and when asked from when he is suffering from viral fever and whether he did not appear in the Court in those days, it was stated that the main counsel is in viral fever since day-before-yesterday but he appeared in the Court yesterday only but today he is not appearing in the Court, and therefore an adjournment of one week is prayed for on the ground of illness of the counsel for the petitioner. And when asked by the Court whether the counsel will not appear in the Court in the course of one week, the counsel who

appears on behalf of the petitioner firstly does not seem to have an answer and then says that the main counsel may get well within 2-3 days or he may appear in the Court from tomorrow.

4. In view of the aforesaid stand on behalf of the petitioner, and though no ground for adjournment is made out, only in the interest of justice, list on 13th March, 2015. It is made clear that the petitioner will be bound to ensure representation on his behalf on the next date of hearing.”

2. Today petitioner appears in person and states that he wants to engage a new advocate. In my opinion the request for adjournment is not justified in the facts of this case, however, in the interest of justice and subject to payment of costs of Rs.10,000/- to the respondent no.2 within a period of four weeks from today, this case is adjourned making it clear that, in case, costs are not paid within four weeks from today, this petition will be deemed to be dismissed for non-prosecution.”

2. In the present application which is heard, essentially the petitioner states the following:

- i. That the order of this Court dated 13.03.2015 shows bias of the Court and therefore, this court should not hear the matter further.
- ii. This court has wrongly imposed the cost because actually the counsel for the petitioner was not well on 11.03.2015 and 13.03.2015, and that this Court ought to have unconditionally adjourned the matter on those dates.

- iii. The petitioner has made a complaint to the Chief Justice of India stating all these facts and therefore, this Court should recuse itself from hearing the matter.
- iv. The order dated 13.03.2015 shows that this Court has formed a *prima facie* opinion, and therefore, this Court should recuse itself.

3. Learned counsels appearing for the respondents have very vehemently opposed this application in the facts of this case and in fact it is argued that the filing of this application is again for getting the case adjourned and that it amounts to contempt of this Court.

4. It is most unfortunate that certain lawyers and certain litigants move these type of applications. This is because the order dated 13.03.2015 only records *prima facie* conclusions and the stand of the respondent no.2 emerging from its counter affidavit. Surely courts are expected to take views and only on taking a view a case is decided. During the course of submissions if a *prima facie* view emerges, and it is written specifically as a *prima facie* view only, it cannot be said that the court is biased and should not hear the matter further, especially once what is stated in an order is as per the counter affidavits filed by the respondents and arguments of respondents. In the present case the petitioner had impugned his transfer

order and an interim order for staying the transfer was declined by a learned Single Judge of this Court vide a detailed order dated 21.05.2014; and this taken with other aspects as will be noticed below; show why respondents have vehemently opposed adjournments sought as being a strategy to delay the disposal of the case and resulting in orders passed on 11.03.2015 and 13.03.2015.

5. The present application is signed only by the advocate himself who is arguing this case but the advocate is unjustified in stating that the counsel who appeared on 11.03.2015 should not have been put questions with respect to the illness of the main counsel, inasmuch as, once adjournment is strongly opposed by the respondents in a case such as the present, a court is bound to ask questions as to the validity of the claim of adjournment and as to from when and whether the counsel was sick. The contents of the order dated 11.03.2015 clearly show that a very ambiguous stand was taken up before the court by the proxy counsel as to the main counsel being unwell but still appearing in court and then again stated that counsel was not appearing in court etc etc, and as a result of this, the court had passed an order on 11.03.2015 and which has been reproduced in the subsequent order dated 13.03.2015.

6. I must note at this stage with a bit of angst that even with the present application, no documents have been filed with respect to the stated illness of the counsel for the petitioner and who on account of the illness had sought adjournment through a proxy counsel on 11.03.2015.

7. Another important aspect is that while on 13.03.2015 petitioner appeared in person and said that he wanted to change his Advocate and hence adjournment was granted, however, once again today the same advocate is appearing who has since the beginning been appearing on behalf of the petitioner with the alleged reason that the petitioner is not in a financial condition to engage another Advocate. Thus and clearly the adjournments sought on 11.03.2015 and 13.03.2015 were unjustified and therefore, there is no reason that costs should not be paid by the petitioner and that this Court should recuse itself from the matter. In fact the filing of the present application is itself most unfortunate and probably an endeavour to over reach the court in a case where adjournments and the main claim made by the petitioner, were vehemently opposed by the respondents and whereby only short adjournment was granted on 13.3.2015 because the petitioner wanted to engage a new Advocate and which as stated above has not been done.

8. I must note that these days it has become an unfortunate practice of some of the Advocates and litigants in asking the courts to recuse themselves from hearing the cases. This unfortunate practice has developed and courts feel that in the interest of justice they must recuse themselves from the matter. I think this type of practice must and should come to an end because courts are expected to take a *prime facie* view of the matter, put the same to the counsel so that the same is answered and any doubts of the court are cleared, so that the case is decided. Taking of a *prima facie* view cannot be urged to be a bias of the court. Though I was inclined to consider strictly the averments made in the application for issuing of notices of contempt passed against both the petitioner and the counsel who appears before me today, considering that this is a case for first infraction by the petitioner and the counsel before this Court, I am letting the matter go. However, the application being totally frivolous, in addition to the costs of Rs.10,000/- imposed on 13.03.2015, further costs of Rs.25,000/- are imposed and which costs of Rs.25,000/- shall be positively deposited by the petitioner before the Delhi High Court Legal Services Committee within four weeks, failing which Registry will be entitled to recover the same as arrears of land revenue from the monetary dues of the petitioner payable

by/from the respondent no. 2/employer.

9. The application is accordingly dismissed.

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10. The time for payment of costs of Rs.10,000/- as imposed vide order dated 13.03.2015 is extended for a period of four weeks from today. Let the writ petition be now heard on merits.

11. By this writ petition filed under Article 226 of the Constitution of India, the petitioner who is a Group B employee (Superintendent) with the respondent No. 2/employer/Central Warehousing Corporation (CWC) impugns the transfer order dated 08.05.2014 by which petitioner was transferred to Sikar in Rajasthan.

12. At the outset, I would like to note that an interim application was filed by the petitioner along with the writ petition seeking stay of the transfer order, and that application being CM No. 6714/2014 was dismissed by a learned Single Judge of this Court on 21.05.2014 by making the following observations:

“1. The challenge in the writ petition is to the order dated 08.05.2014 whereby the petitioner has been transferred to Sikar, Rajasthan.

1.1 There is yet another prayer made by the petitioner, which is, in respect of a consequential order whereby, the petitioner has been relieved from his present posting. That order is passed on 13.05.2014. The petitioner seeks quashing of the said order as well.

2. Briefly, the case of the petitioner is that, he being an office bearer of the officers association, respondent no.3, who is the Managing Director carries malice against him and therefore, the impugned orders have been passed. In this context, the learned counsel for the petitioner has taken me through complaints made qua respondent no.3. The learned counsel for the petitioner also says that an enquiry has been initiated against respondent no.3. These assertions, however, are disputed by the counsel for respondent nos.2 and 3 i.e., the contesting respondents, who appear on advance notice.

2.1 Be that as it may, it is not disputed by the learned counsel for the petitioner that the petitioner has been in Delhi since 2006. It is also not disputed that the impugned order dated 08.05.2014, which is the substantive order, has been passed by the Assistant General Manager (Establishment) and not by respondent no.3, and that, alongwith the petitioner, 15 other employees have been transferred from various locations including locations in Delhi.

2.2 It is also not disputed that under the extant transfer policy dated 03.01.1997, on which, the learned counsel or the petitioner has placed considerable reliance, contemplates that employees falling in Group B, will normally be posted in one station, for a period of five years. The petitioner, admittedly, has passed that period.

2.3 The learned counsel for the petitioner next drew my attention, specifically, to paragraph 31 of the aforementioned transfer policy. Mr. Bisaria, the learned

counsel for the petitioner says that the petitioner should be allowed to continue at Delhi, during the tenure of his office in the Union / Association.

2.4 I may only note that a holistic reading of paragraph 31 of the said transfer policy would reveal that the office bearers are not immune from transfers, they are like any other employee amenable to transfer, as per norms indicated in the policy.

2.5 The fact that the petitioner had made a representation on 12.05.2014 is not disputed by the learned counsel for the petitioner. In the said representation, as a matter of fact it is stated that there is an “absence of transfer policy”, though in the writ petition, as indicated above, substantial reliance is placed on the transfer policy, appended with the petition.

2.6 The only ground, which is adverted to in the representation dated 12.05.2014, is that, the impugned transfer order has been passed qua the petitioner only to harass him for exposing the misdeeds of the petitioner.

3. I have heard the learned counsel for the parties and perused the record.

4. Prima facie, there is nothing to suggest that the complaints made by the petitioner vis-a-vis respondent no.3 and his transfer and relieving order are inter-related. The Personnel Department appears to have taken a decision to rotate some employees of the Organisation, which includes the petitioner herein. Furthermore, Mr. Tyagi, who appears for respondent nos.2 and 3 has stated that even though the representation made was not addressed to the authority concerned, which deals with such representations, the same was routed through the said authority, which has deliberated upon the same and rejected the petitioner’s representation vide communication dated 19.05.2014. A photocopy of the

communication has been placed on record and a copy thereof has been furnished to the counsel for the petitioner, in the presence of the petitioner, who is present in court. A perusal of the communication dated 19.05.2014 shows that it is the stand of the respondent no.2 that transfer order is passed qua the petitioner on account of administrative exigencies?. It is also indicated that the official against whose job function, the petitioner has been transferred, is to retire in July 2014, and therefore, the need to transfer the petitioner to Sikar, to take over the charge of the warehouse, well in advance, so that the work of the said unit does not suffer. The allegation of harassment, etc. have been rejected as being without basis.

5. In these circumstances, in my view, no ground is made out for stay. The application is accordingly dismissed.”

13. Admittedly this order dated 21.5.2014 became final as it was not challenged before an appellate court, but in spite of the same, petitioner has now for over a year failed to join his place of posting, thus showing the completely recalcitrant attitude of the petitioner who is also pleaded to be an office bearer of one of the Associations/Unions of the respondent no. 2 as per the case of the petitioner.

14. Before proceeding to the facts of the present case it needs to be noted that a transfer is an incident of service. It is for the employer to decide how to take work and what work from the employee and at which place. Courts do not interfere with transfer orders because they cannot interfere with the

administration of organization and which administration is best left to the administrative authorities of the employer organisation. Courts do not substitute their views for views of the employer with respect to the posting of an employee and it is only in extremely rare case of violation of stated policy or a gross arbitrariness or *malafides* that courts interfere in the transfer orders. Keeping this in mind, let us examine the facts of the present case and the arguments urged on behalf of the petitioner.

15. Petitioner has argued the following aspects to question the transfer order dated 08.05.2014:

i). The transfer order is vitiated on account of the *malafides* of the Managing Director (MD) of the respondent no. 2 and who has been sued as the respondent no. 3, inasmuch as the petitioner had made complaints of corruption against the respondent no. 3. It is argued that respondent no.3 in spite of service has not appeared in this petition and has thus not countered the averments made against the respondent no. 3 in the writ petition. I may note that the writ petition has been amended twice and last amended writ petition which is being decided by this court was filed on 01.10.2014.

ii). Petitioner claims that since he is an office bearer of an

association of the respondent no. 2, hence, petitioner is being victimised by the management of the respondent no. 2. Petitioner claims that he is elected General Secretary of CWC Officers Welfare Association.

iii). As per the transfer policy, if only two years of service of an employee is remaining, an employee cannot be transferred.

iv). The petitioner is being singled out inasmuch as, as many as 40 officers in Group B posts are at Delhi since the last thirty years and they have not even been transferred once, and the petitioner therefore who has already been posted out of Delhi should not be posted out of Delhi as this amounts to pick and choose action.

v). The petitioner had made a representation on 12.05.2014 against his transfer order dated 08.05.2014, and the relieving order was issued on the next day being 13.05.2014, thus not allowing the petitioner to make a representation as envisaged in the transfer policy. The representation was rejected on 19.05.2014, but was only informed to the petitioner on 21.05.2014 by giving a copy of the same in this court when the petitioner's application for stay was rejected by this Court.

16. In my opinion, this writ petition, filed under Article 226 of the

Constitution of India, is in fact liable to be dismissed *in limine* for the reason that powers of Article 226 of the Constitution of India are discretionary powers. Once the interim application of the petitioner was dismissed by the learned Single Judge of this Court on 21.05.2014, the petitioner ought to have joined his place of posting but petitioner thinks himself that he is above law and beyond any action of the respondent no. 2/employer and he can out of his own wish simply refuse to comply with the transfer orders. It is now for over more than a year that the petitioner in spite of a transfer order having been passed on 08.05.2014 and his representation having been rejected by order dated 19.05.2014, has not joined his place of posting at Sikar, Rajasthan. The large period and the obdurate attitude of the petitioner affecting the administration of the respondent no. 2, in my opinion is itself sufficient for the writ petition not to be entertained in exercise of discretionary powers under Article 226 of the Constitution of India.

17. The first argument urged by petitioner of the transfer order being affected by *malafides* on account of the petitioner having been made allegations of corruption against the respondent no. 2 erstwhile MD of the respondent no. 2 and who retired during the pendency of the writ petition in September, 2014, is a totally frivolous and malafide argument. This is

because the counsel for the respondent has drawn my attention to the judgment dated 14.07.2014 passed by a learned Single Judge of this Court in W.P.(C) No. 4235/2014 in the case of ***Central Ware Housing Corporation Officers Association v. Union of India & Ors.***, and in which judgment it has been observed that the said case was a *malafide* one and filed on account of the transfer order passed against the present petitioner by the management of the respondent no. 2 and the said case was a proxy litigation on behalf of the present petitioner by the petitioner association in that case. It may be noted that the said W.P.(C) No. 4235/2014 in fact was filed under the signatures of the present petitioner who as already stated above is the General Secretary of the association. Some of the observations in the judgment dated 14.07.2014 in W.P.(C) No. 4235/2014 are relevant and which read as under:-

“1. The present petition has been filed by the petitioner/Association praying inter alia that the appointment of the respondent No.9 to the post of Managing Director, Central Warehousing Corporation (CWC) and that of the respondent No.10, to the post of General Manager (Finance and Accounts), CWC be declared as illegal and void. Further, the petitioner/Association seeks directions to the respondent No.7/CVC and respondent No.8/CBI to investigate the complaint of corruption levelled against respondents No.9 and 10 and take further suitable action. Lastly, the petitioner/Association seeks directions to the respondent

No.7/CVC and the respondent No.8/CBI to investigate the role of the officers/employees allegedly involved in corrupt practices with regard to the appointments of the respondents No.9 and 10.

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3. Additionally, the respondents question the authority of Mr. S.K. Jindal to file the present petition on behalf of the Central Warehousing Corporation Officers Association, in his capacity as its General Secretary. It is submitted that there is no authorization placed on record by Mr.Jindal, authorizing him to do so. In support of the said submission, the attention of the Court is drawn to the affidavits filed alongwith the petition and the interim application, wherein Mr. S.K. Jindal has described himself as the General Secretary of the aforesaid Association but he does not state therein that he has been authorised to file the present petition on behalf of the said Association.

4. Lastly, it is contended by learned Senior counsel appearing for the respondents No.6, 9 and 10 that the present petition is a proxy litigation initiated by Mr. S.K. Jindal, who is working as a Superintendent in the CWC and is aggrieved by a recently issued transfer order dated 8.5.2014, transferring him from Delhi to Sikar, Rajasthan, which he has challenged by filing a writ petition in this Court, registered as W.P.(C) 3264/2014, that is pending consideration but the interim application filed by the petitioner for stay of the transfer order was dismissed by a speaking order dated 21.05.2014.

6. If the aforesaid information was sought by the petitioner/Association and its General Secretary through the RTI route several months ago as stated above, then it is rather curious that the petitioner/Association has elected to file the present writ petition only on the eve of

the superannuation of the respondent No.9 and immediately after the transfer orders in respect of Mr.S.K. Jindal, General Secretary of the petitioner/Association came to be issued on 08.05.2014. In the aforesaid backdrop, the timing of the present petition assumes significance.

7. Further, learned counsel for the petitioner/Association states that Mr. S.K. Jindal had filed a complaint dated 10.10.2013 with the Department of Food and Public Distribution. Though a copy of the said complaint is not on record, but the response to the said complaint has been filed as Annexure A-2 (colly) (Page 108), wherein vide office memorandum dated 02.01.2014 issued by the Under Secretary, Department of Food and Public Distribution, it was noted that the complaint filed by Mr. S.K. Jindal was found to be devoid of merits and the matter had been examined by the Department in consultation with the respondent No.3/Department of Public Enterprises and the respondent No.5/PESB, being the Nodal Departments and it was further noted that the eligibility of the respondent No.9 for applying for the post of Managing Director, CWC in the year 2008 was not questionable and that he was clearly eligible for the said post.

9. Having heard the counsel for the petitioner/Association and taking into consideration the arguments advanced by the counsels for the respondents, this Court is of the opinion that the present petition is not bona fide and is a motivated one. The hidden motive of filing such a belated petition appears to be the recent transfer order dated 08.05.2014 issued by the management to Mr. S.K. Jindal, calling upon him to report to Sikar, Rajasthan. Even otherwise, for the petitioner/Association to approach the Court after such an inordinate delay and that too without offering any explanation much less a plausible explanation for the

delay, is in itself a ground for the Court to decline to exercise its discretionary powers of judicial review under Article 226 of the Constitution of India. Except for a bald statement made by learned counsel for the petitioner/Association that the delay has taken place on account of the fact that the petitioner/Association had adopted the RTI route to gather information in respect of respondents No. 9 and 10, no averment to the said effect has been made in the petition and nor has anything been filed to substantiate the said submission. In such circumstances, the court is rather skeptical about the explanation offered by learned counsel for the petitioner/Association to explain the delay in approaching the court for relief.”

(underlining added).

18. It is clear that the issues of alleged corruption charges against the respondent no. 3 in this petition and his alleged *malafides* against the petitioner which are raised by the petitioner in this writ petition stand decided against the petitioner in terms of the judgment dated 14.07.2014 in W.P.C No. 4235/2014 and the petitioner has been found to be clearly guilty of misusing the process of the law. The argument of *malafides* urged on behalf of the petitioner is, therefore, rejected in respect of the respondent no. 3 though respondent no. 3 does not appear in this Court and has not filed any counter affidavit.

19. The second argument urged on behalf of the petitioner that petitioner could not be transferred because he had only two years remaining in service,

is once again an argument which is misconceived because paragraph 28 of the policy which is relied upon by the petitioner itself says that it is only as far as possible that within two years of retirement a person must be posted near his home town, however, this does not mean that the employer for administrative exigency cannot post an employee outside. An employer cannot be directed to effect its administration by this Court asking a particular employee to be placed at a particular place. Also, reliance on paragraph 28 is not well placed inasmuch as paragraph 28 talks of transfer order as far as possible near the home town and which obviously means that a person posted out of his home town has to be near his home town, but in the present case, petitioner's home town as stated by him is in Delhi, and therefore, petitioner cannot use paragraph 28 of the policy to state that he should not at all be transferred because Delhi is his home town. In any case respondent no. 2 has clearly given valid reasons in its counter affidavit for transfer of the petitioner so that he can fill the place of the Manager who was taking care of the organisation at Sikar, Rajasthan and was to superannuate. These relevant averments have been made by the respondent no. 2 in paragraph 2(ii) of the counter affidavit and this paragraph reads as under:

“In response to this para it is stated that his representation

for cancellation of his transfer to the Managing Director and not to his competent authority. He was relieved as per office order dated 08.05.2014 because of administrative requirement as he was required to take over the charge of Central Warehouse, Sikar from Shri Ram Shankar who was to superannuate on 31.07.2014. In order to relieve Shri Ram Shankar on superannuation Shri S.K. Jindal was required to be stationed at CW, Sikar well in advance in order to get him well acquainted and properly take over charge of CW, Sikar from a retiring officer. It is specifically denied that the transfer is in violation of the transfer policy as has been explained in preliminary submissions.”

(underlining added).

Therefore, second argument urged on behalf of the petitioner is also unsustainable and is accordingly rejected.

20. The third argument which is urged by the petitioner that he is being victimised because he is an office bearer of an Association, is again a misconceived argument because it is not part of the transfer policy that merely because a person is an office bearer in an Association such a person will not be transferred. Obviously this cannot be the policy that an office bearer of the Association merely on account of his being an office bearer of the Association will not be transferred because then a person in order to avoid transfer will simply make this as basis and avoid any transfer order and which may in fact be initiated on account of exigencies of services with

the employer. I, therefore, reject the argument that merely because the petitioner is an office bearer he is being victimised and he should not be subjected to the transfer order dated 08.05.2014. I may also state that the aspect in respect of *malafides* of the petitioner as an office bearer of the Association, and thereby he sought to circumvent the transfer order, is noted in detail against the petitioner in terms of the judgment dated 14.07.2014 passed in W.P.(C) No. 4235/2014. The third argument of the petitioner is also, therefore, rejected.

21. The fourth argument urged by the petitioner is that many officials as mentioned in paragraph 3(XXV) of the writ petition have not been transferred, and that this shows *malafides*, is also a misconceived argument, because, unless facts of each specific individual are known and established before the court no conclusion can be reached, and even if that is established, the same cannot be considered because even if other officers are not transferred cannot not mean that the employer because of existence of exigency of service, and which has already been stated in the counter affidavit, paragraph 2(ii) as reproduced above, cannot transfer the petitioner. At the cost of repetition, this Court does not decide as to which employee must be posted where by the employer for performing his services because

courts are ill-equipped to decide this aspect. I, therefore, cannot infer an illegality against the transfer order of the petitioner merely because other persons are not transferred.

22. The last argument urged on behalf of the petitioner is that the petitioner was given the relieving order dated 13.05.2014 on the next date of the representation made by the petitioner against the transfer order i.e 12.05.2014, and thereby not giving him an opportunity to make representation against the transfer in terms of the transfer policy, is once again an argument without merit, because, the very clause of the transfer policy at paragraph 18 which is relied upon by the petitioner itself, states at the very beginning that normally no representation should be made against the transfer order and it should be discouraged. Also, it is nowhere stated that pending the representation, the employee is not bound to obey the transfer order. In any case, this argument is more technical in nature rather than of substance, inasmuch as, the petitioner was communicated the rejection of his representation way back on 21.05.2014, but as already stated above, petitioner for now about one year has acted as a most indisciplined and disobedient employee by refusing to join his place of posting in Sikar, Rajasthan.

23. In view of the above, the writ petition clearly being an abuse of the

process of the law, and no grounds having been made and much less for exercise of discretionary jurisdiction under Article 226 of the Constitution of India, the writ petition is dismissed with costs of Rs.50,000/- . Costs can be recovered by the respondent no. 2 from the monetary emoluments which are payable to the petitioner.

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APRIL 28, 2015/hk

VALMIKI J. MEHTA, J