Before P.B. Bajanthri, J.

OM PARKASH SINGH—*Petitioner*

versus

UNION OF INDIA AND OTHERS—*Respondents*

CWP No.4814 of 2014

September 07, 2017

Border Security Forces Act, 1969—S. 117 and 48(f)—Sentence— Rejection of representation—Non-assigning of reasons—Validity—Held, order must contain reasons—Rejection of representation set aside—Petitioner entitled to all service benefits including monetary benefits.

Held that sentence vide order dated 31.08.2012 do not disclose as to how particular penalty of "forfeit 7 years of service for the purpose of promotion and pension" has been ordered in the absence of necessary consideration and analyzing all evidence adduced by the witnesses and the petitioner. This sentence has been ordered under Section 48(f) of the BSF Act. Supreme Court time and again held that even if an administrative order is passed it must be supported by reasons.

(Para 8)

Dr. Shiv Darshan Dutta, Advocate
for the petitioner.

Vivek Singla, Advocate
for the UOI.

P.B. BAJANTHRI, J. (ORAL)

(1) In the instant writ petition, petitioner has challenged validity of the order dated 01.03.2013 (Annexure P-5) by which petitioner's representation under Section 117 of Border Security Force Act, 1969 (For short referred as 'BSF Act') has been rejected with reference to sentence by the court dated 31.08.2012.

(2) Petitioner was appointed as a Constable and he has earned promotion to the post of Head Constable. On 27.08.2012, petitioner was charge-sheeted that he had used criminal force on Manpreet Kaur, Constable (G.D.) 199 Battalion BSF (attached with the Central Athletic Team Jalandhar) intending thereby to outrage her modesty. Deputy

Inspector General (for short 'DIG')-Sh. Chaman Rana received complaint. After perusal of the complaint it was recommended for inquiry. Thus, charge-sheet was filed by him. Statement of witnesses have been recorded including the petitioner. Proceedings were drawn on 01.06.2012 by Sh. Chaman Rana in the capacity of DIG. Thereafter, proceeded to pass sentence to the extent of "forfeiting 7 years of service for the purpose of promotion and pension on 31.08.2012" as a Commanding Officer by Sh. Chaman Rana. Petitioner while invoking Section 117 of the BSF Act submitted representation against sentence by the court. Representation/application was forwarded to the Director General. Director General proceeded to pass order on 01.03.2013 while upholding the sentence passed by the Commanding Officer - Sh.Chaman Rana. Hence the present petition.

(3) Learned counsel for the petitioner submitted that while drawing proceedings by the DIG-Chaman Rana on 01.06.2012 score out portion of the proceedings. The same is not disputed by the respondents. While passing order on 01.03.2013, Director General has recorded that inadvertently the portion related to charge and offence report got scored off. Therefore, respondents have violated mandatory provisions to the extent that the charge against the accused has been read out, explained to the accused and attached as Annexure I. Recorded statement of the witnesses and documents have been read over to the accused person-petitioner. Rule 45 of the BSF Rules 1969 is mandatory in respect of aforesaid issue. It was further contended that Sh. Chaman Lal who was a Deputy Inspector General who had received the complaint and acted upon the complaint for the purpose of holding Summary Security Force Court (for short 'SSFC') and he was also acted as an Officer to draw proceedings on 01.06.2012 and further as an Officer/authority for sentencing petitioner on 31.08.2012. Therefore, Sh. Chaman Rana has already formed his opinion before proceedings were drawn and further at the stage of drawing proceedings and sentencing the petitioner. Hence, Sh. Chaman Rana should not have functioned dual post of DIG and Commandant in respect of forwarding the complaint for the purpose of SSFC proceedings and for sentencing. It was also submitted that one Sh. Surinder Kumar, Inspector has been examined as PW6 whereas the petitioner has not been permitted to cross examine him whereby Rule 88(1) of the BSF Rules 1969 is violated. In view of the aforesaid lacunas impugned action relating to sentencing petitioner so also order passed by the Director General under Section 117 of BSF Act are liable to be set aside. Learned counsel for the petitioner also pointed out that

while passing order of sentence no reasons have been assigned. It was only a recording of statement of petitioner and witnesses and proceeded to pass a sentence. It was submitted that minimum consideration is relating to analyzation of evidence adduced by the witnesses before imposing sentence is required. Order of sentencing and its affirmation are quasi-judicial function and it has a civil consequence. Therefore, minimum requirement are to analyze the evidence, findings and opportunity of submission of say on such finding are required. Even though provision of BSF Act and rules do not provide such procedure but still sentencing would be major penalty. Supreme Court held that even administrative decisions must be reasoned and speaking. Perusal of sentence reveals that it is not supported by any reason. Consequently, petitioner was denied opportunity of making effective representation under Section 117 of BSF Act.

(4) Per contra, learned counsel for the respondents while resisting the petitioner's claim submitted that Rule 45 of the BSF Rules are not mandatory. No doubt in the proceedings two portions/issues have been scored out and which has been taken note of by the Director General while exercising power under Section 117. It was admitted that it is inadvertently portion relating to charge and offence report got scored off and the said issues were not mandatory. Therefore, there is no lacuna in striking off portion. Sh. Chaman Rana discharge dual post since regular Commanding Officer was not available. Cross examination of Sh. Surinder Kumar is concerned, he was formal witness. Therefore, no necessity of cross examination is required. Director General has considered the petitioner's representation in detail. Hence, no interference is called for.

(5) Heard learned counsel for the parties.

(6) Before adverting the contentions and counter contentions it is relevant to read the following statutory provisions of the BSF Act and Rules

> **Sections48. Punishments awardable by Security Force Courts-**
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> (1) Punishments may be inflicted in respect of offences committed by persons subject to this Act and convicted by Security Force Courts according to the scale following, that is to say:-
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> (a) death;

(b) Imprisonment which may be for the term of life or any other lesser term but excluding imprisonment for a term not exceeding three months in Force custody,

(c) dismissal from the service;

(d) imprisonment for a term not exceeding three months in Force custody;

(e) reduction to the ranks or to a lower rank or grade or place in this list of their rank in the case of an under-officer;

(f) forfeiture of seniority of rank and forfeiture of all or any part of the service for the purpose of promotion;

(g) forfeiture of service for the purpose of increased pay, pension or any other prescribed purpose;

(h) fine, in respect of civil offences;

(i) severe reprimand or reprimand except in the case of persons below the rank of an under officer;

(j) forfeiture of pay and allowances for a period not exceeding three months for an offence committed on active duty;

(k) forfeiture in the case of person sentenced to dismissal from the service of all arrears of pay and allowances and other public money due to him at the time of such dismissal;

(l) stoppage of pay and allowances until any proved loss or damage occasioned by the offence for which he is convicted is made good.

(2) Each of the punishments specified in sub- Section (1) shall be deemed to be inferior in degree to every punishment preceding it in the above scale.

Section117. Remedy against order, finding orsentence of Security Force Court.

(1) Any person subject to this Act who considers himself aggrieved by any order passed by any Security Force Court may present a petition to the officer or authority empowered to confirm any finding or sentence of such Security Force Court, and the confirming authority may take such steps as

may be considered necessary to satisfy itself as to the correctness, legality or propriety of the order passed or as to the regularity of any proceeding to which the order relates.

(2) Any person subject to this Act who considers himself aggrieved by a finding or sentence of any Security Force Court which has been confirmed, may present a petition to the Central Government, the Director- General, or any prescribed officer superior in command to the one who confirmed such finding or sentence, and the Central Government, the Director-General, or the prescribed officer, as the case may be, may pass such order thereon as it or he thinks fit.

Rule: 45 Hearing of the charge against an enrolled person.-

(1) The charge shall be heard by the Commandant of the Accused in the following manner:-

(i) The charge and statements of witnesses if recorded shall be read over to the accused.

(ii) If written statements of witnesses are not available, or where the Commandant considers it necessary to call any witness, he shall hear as many witnesses as he may consider essential to enable him to determine the issue;

(iii) Whenever witnesses are called by the Commandant, the accused shall be given an opportunity to cross examine them.

(iv) Thereafter, the accused shall be given an opportunity to make a statement in his defence.

(2) After hearing the charge under sub-rule (1), the Commandant may:-

(i) award any of the punishments which he is empowered to award; or

(ii) dismiss the charge; or

(iii)remand the accused, for preparing a record of evidence or for preparation of an abstract of evidence against him;

(iv) remand him for trial by a Summary Security Force

Court:

Provided that, in cases where the Commandant awards more than 7 days imprisonment or detention he shall record the substance of evidence and the defence of the accused:

Provided further that, he shall dismiss the charge, if in his opinion the charge is not proved or may dismiss it if he considers that because of the previous character of the accused and the nature of the charge against him it is not advisable to proceed further with it: Provided also that, in case of all offences punishable with death a record of evidence shall be taken. 1 [Provided further that in case of offences under Sections 14, 15, 17, 18 and offence of 'murder' punishable under Section 46 of the Act, if the accused has absconded or deserted, the Commandant shall hear the charge in his absence and remand the case for preparation of the record of evidence].

45 A. Hearing of charge by an officer specified under Section 53 of the Act.-

(1) A specified officer may proceed against an enrolled person if,-

(a) the charge can be summarily dealt with; or

(b) the case has not been reserved by the Commandant for disposal by himself; or

(c) the accused is not under arrest.

(2) After hearing the charge under sub-rule (1) of the Rule 45 the specified officer may,-

(i) award any of the punishment which he is empowered to award, or

(ii) dismiss the charge, or

(iii) refer the case to Commandant.

45 B. **Hearing of charge against an officer and a subordinate officer**.-

(l) (a) The charge against an officer or a subordinate officer shall be heard by his Commandant:

Provided that charge against a commandant, a Deputy Inspector-General or an Inspector General may be heard either by an officer commanding a Unit or Headquarters to which the accused may be posted or attached or by his Deputy Inspector-General, or his Inspector-General or, as the case may be, the Director-General.

2 [(b) The charge sheet and statement of witnesses, if recorded and relevant documents, if any, shall be read over to the accused.

Provided that where written statements of witnesses are not available, the officer, hearing the charge shall hear as many witnesses as he may consider essential to enable him to know about the case.

(c) Wherever witnesses are called by the Officer hearing the charge, the accused shall be given an opportunity to cross-examine them.

(d) Thereafter, the accused shall be given an opportunity to make a statement in his defence.]

(2) After hearing the charge under sub-rule (1), the officer who heard the charge may :-

(i) dismiss the charge; or

(ii) remand the accused, for preparation of a record of evidence or preparation of abstract of evidence against the accused:

[Provided that he shall dismiss the charge if in his opinion the charge is not proved or may dismiss it if he considers that because of the previous character of the accused and the nature of the charge against him, it is not advisable to proceed further with it and where a charge against an officer is dismissed on any such ground, he shall record reasons for dismissing the same. Provided further that where a case in respect of an officer has been referred to for initiation of disciplinary action by a superior authority, the officer hearing the charge shall not dismiss the same without reference to such authority:

Provided also that in case of all offences punishable

with death, a record of evidence shall be prepared.

[Provided also that in case of offences under Sections 14, 15, 17, 18 and offence of 'murder' punishable under Section 46 of the Act, if the accused has absconded or deserted, the Commandant shall hear the charge in his absence and remand the case for preparation of record of evidence.]

Rule 88. Examination of Witnesses.-

(1) A witness may be examined by the person calling him and may be cross examined by the opposite party to the proceedings and on the conclusion of any such cross-examination may be re- examined by the person who called him on matters arising out of the cross-examination.

Rule 149 Finding.-

(1) The finding on every charge upon which the accused is arraigned shall be recorded and except as mentioned in these rules shall be recorded simply as a finding of 'Guilty' or of 'Not Guilty'.

(2) When the Court is of opinion as regards any charge that the facts proved do not disclose the offence charged or any offence of which he might under the Act legally be found guilty on the charge as laid, the Court shall find the accused 'Not Guilty' of that charge.

(3) When the Court is of opinion as regards any charge that the facts found to be proved in evidence differ materially from the facts alleged in the statement of particulars in the charge, but are nevertheless sufficient to prove the offence stated in the charge, and that the difference is not so material as to have prejudiced the accused in his defence, it may, instead of a finding of 'Not Guilty' record a special finding.

(4) The special finding may find the accused guilty on a charge subject to the statement of exceptions or variations specified therein.

(5) The Court shall not find the accused guilty on more than one of two or more charges laid in the alternative, even if conviction upon one charge necessarily connotes

guilty upon the alternative charge or charges."

(7) The contention of the petitioner that certain portion of the proceedings have been scored off by the DIG while drawing proceedings on 01.06.2012 namely (i) the charge against the accused has been read out explained to the accused and attached as Annexure-I. (ii) Recorded statements of the witnesses, documents have been read over to the accused person. Perusal of Rule 45 so also reading of the above issues it is crystal clear that it is a mandatory provision since the proceedings would lead to sentencing the member of the BSF Force. Learned counsel for the petitioner submitted that Sh. Chaman Rana exercised power as a DIG and as a Commandant. In other words, he had received the complaint and forwarded the complaint to the competent authority for the purpose of further proceedings. Concerned authority has redirected Sh.Chaman Rana to proceed with the proceedings of SSFC. Thus, Sh. Chaman Rana has played a dual role in respect of invoking various Sections of BSF Act and rules in respect of holding SSFC. Thus, Sh. Chaman Rana was aware of the complaint he should not have held the proceedings since he had already formed opinion for SSFC proceedings as he forwarded papers to the higher authorities. At the same time, higher authorities should not have appointed Sh. Chaman Rana for the purpose of holding proceedings and sentencing the petitioner. Thus, there is error in the proceedings. The inquiring officer must be a person who is impartial and free from bias. If he has some personal knowledge of the dispute or allegation then he is in the position of a witness and, therefore, not fair and eligible to act as an Inquiry Officer as held by Supreme Court in the case of ***Tilak Chand*** versus ***Kamal Prasad Shukla***[1]. Inquiry officer who held preliminary enquiry and expressed against delinquent employee or officer later was appointed to hold departmental enquiry. It was the first principle that a person cannot be a judge of his cause, he being naturally interested to see that his report be later accepted as correct. From the perversity of the order in departmental enquiry, the officer who conducted the enquiry himself became the punishing authority. He is imposing the punishment placed reliance on his own report. Right to cross examination is a very valuable right, hence, prevention in any way by the Inquiry Officer of its effective exercise, would vitiate proceedings. Further contention of the petitioner that PW6-Sh. Surinder Kumar, Inspector was not cross examined is concerned, Rule 88(1) specifically provides for cross-examination of

[1] (1995) Supp. 1 SCC 21

witnesses. Denial of cross-examination is a fatal to the proceedings. The respondents' contention that striking of the portion of the proceedings is inadvertent and it is not mandatory cannot be accepted for the reasons that petitioner would be denied the opportunity of meeting those two issues which were scored of in the proceedings dated 01.06.2012. The sentence imposed on the petitioner reads as under:-

"**SENTENCE BY THE COURT**

Taking all these matters into consideration, I now sentence the accused No. 860030728 Head Constable Om Prakash Singh of Frontier HQ BSF Jalandhar (Punjab) to "forfeit seven year of service for the purpose of promotion and pension" Signed at Frontier HQ BSF Jalandhar (Punjab) on 31 August' 2012.

DIG(OPS)FTRHQ
JAL
Holding the trial"

(8) The above sentence vide order dated 31.08.2012 do not disclose as to how particular penalty of "forfeit 7 years of service for the purpose of promotion and pension" has been ordered in the absence of necessary consideration and analyzing all evidence adduced by the witnesses and the petitioner. This sentence has been ordered under Section 48(f) of the BSF Act. Supreme Court time and again held that even if an administrative order is passed it must be supported by reasons. ***Lord Denning M.R. In Breen*** versus ***Amalgamated Engineering Union***[2] observed "The giving of reasons is one of the fundamentals of good administration". In ***Alaxander Machinery (Dudley) Ltd.*** versus ***Crabtree***[3] it was observed "failure to give reasons amounts to denial of justice". Supreme Court in the case of ***D.P.S. Rural Regional Bank*** versus ***Munna Lal Jain***[4] also held that order/s must contain reasons. Therefore, sentencing order cannot be said to be a speaking order it is arbitrary to the core. In the present case, respondents are exercising various statutory provisions of BSF Act and rules for the purpose of imposing sentence. Therefore, order of sentence must contain reasons to Zx the extent of analyzing the evidence. Even though Rule 149 of the BSF Rules, 1969 do not speak

[2] 1971 (1) A11 ER 1418
[3] (1974) LCR 120
[4] **(**2005 AIR SCW 95)

of assigning reason. Since against order of sentence petitioner has a remedy before the next higher authority under Section 117. For the purpose of making effective petition/representation before the next higher authority petitioner must be in a position to know the finding on the allegations for sentencing the petitioner. In the absence of reasons awarding sentence, petitioner is not in a position to submit his effective petition/representation to the next higher authority for reconsideration of sentence. Decision must not only be tested by the application of wednesbury principle of reasonableness but also free from arbitrariness and must not be affected bias or actuated by mala fide. Supreme Court in the case of ***Oryx Fisheries Pvt. Ltd.*** versus ***Union of India***[5] while referring to earlier decision M/s Kranti Associates formulated certain principles how the judge or quasi judicial authority are required to pass order. It was held that "**reasons in support of decisions must be cogent, clear and succinct. A pretence of reasons or 'rubber-stamp reasons' is not to be equated with a valid decision making process.**" An extract of para 40 reads as under:-

> "40. In Kranti Associates, this Court after considering various judgments formulated certain principles in SCC para 47 of the judgment which are set out below : (SCC pp.510-12).
>
> > "(a) In India the judicial trend has always been to record reasons, even in administrative decisions, if such decisions affect anyone prejudicially.
> >
> > (b) A quasi-judicial authority must record reasons in support of its conclusions.
> >
> > (c) Insistence on recording of reasons is meant to serve the wider principle of justice that justice must not only be done it must also appear to be done as well.
> >
> > (d) Recording of reasons also operates as a valid restraint on any possible arbitrary exercise of judicial and quasi-judicial or even administrative power.
> >
> > (e) Reasons reassure that discretion has been exercised by the decision maker on relevant grounds and by disregarding extraneous considerations.
> >
> > (f) Reasons have virtually become as indispensable a

[5] 2010(13)SCC 427

component of a decision making process as observing principles of natural justice by judicial, quasi-judicial and even by administrative bodies.

(g) Reasons facilitate the process of judicial review by superior Courts.

(h) The ongoing judicial trend in all countries committed to rule of law and constitutional governance is in favour of reasoned decisions based on relevant facts. This is virtually the life blood of judicial decision making justifying the principle that reason is the soul of justice.

(i) Judicial or even quasi-judicial opinions these days can be as different as the judges and authorities who deliver them. All these decisions serve one common purpose which is to demonstrate by reason that the relevant factors have been objectively considered. This is important for sustaining the litigants' faith in the justice delivery system.

(j) Insistence on reason is a requirement for both judicial accountability and transparency.

(k) If a Judge or a quasi-judicial authority is not candid enough about his/her decision making process then it is impossible to know whether the person deciding is faithful to the doctrine of precedent or to principles of incrementalism.

(l) Reasons in support of decisions must be cogent, clear and succinct. A pretence of reasons or `rubber-stamp reasons' is not to be equated with a valid decision making process.

(m)It cannot be doubted that transparency is the sine qua non of restraint on abuse of judicial powers. Transparency in decision making not only makes the judges and decision makers less prone to errors but also makes them subject to broader scrutiny. (See David Shapiro in Defence of Judicial Candor (1987) 100 Harv. L. Rev. 731- 37).

(n) Since the requirement to record reasons emanates from the broad doctrine of fairness in decision making,

> the said requirement is now virtually a component of human rights and was considered part of Strasbourg Jurisprudence. See Ruiz Torija v. Spain EHRR at p. 562 para 29 and Anya v. University of Oxford, wherein the Court referred to Article 6 of European Convention of Human Rights which requires, "adequate and intelligent reasons must be given for judicial decisions".
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> (o) In all common law jurisdictions judgments play a vital role in setting up precedents for the future. Therefore, for development of law, requirement of giving reasons for the decision is of the essence and is virtually a part of "due process".

(9) Supreme Court in the case of ***Veerendra Kumar Dubey*** versus ***Chief of Army Staff and others***[6] held as under:-

> "17. The procedure presented simply regulates the exercise of power which would, but for such regulation and safeguards against arbitrariness, be perilously close to being ultra vires in that the authority competent to discharge shall, but for the safeguards, be vested with uncanalised and absolute power of discharge without any guidelines as to the manner in which such power may be exercised. Any such unregulated and uncanalised power would in turn offend Article 14 of the Constitution."

Since sentencing Section do not provide to the extent of recording of reasons.

(10) Learned counsel for the respondents relied on ***S.N.Mukherjee's*** case (Constitution Bench) wherein Supreme Court affirmed the decision of the authority to the extent that while sentencing no reasons are required to be recorded and even for affirmation of the sentence. Whereas Supreme Court in the case of ***Managing Director ECIL, Hyderabad and others*** versus ***B.Karunakar and others*** (Constitution Bench)[7] in paras 26 and 30 held as under:-

> "26. The reason why the right to receive the report of the Inquiry Officer is considered an essential part of the reasonable opportunity it the first stage and also a principle

[6] (2016) 2 SCC 627
[7] 1993(4) SCC 727

of natural justice is that the findings recorded by the Inquiry Officer form an important material before the disciplinary authority which along with the evidence is taken into consideration by it to come to its conclusions. It is difficult to say in advance, to what extent the said findings including the punishment, if any, recommended in the report would influence the disciplinary authority while drawing its conclusions. The findings further might have been recorded without considering the relevant evidence on record, or by misconstruing it or unsupported by it. If such a finding is to be one of the documents to be considered by the disciplinary authority, the principles of natural justice require that the employee should have a fair opportunity to meet, explain and controvert it before he is condemned. It is the negation of the tenets of justice and a denial of fair opportunity to the employee to consider the findings recorded by a third party like the Inquiry Officer without giving the employee an opportunity to reply to it. Although it is true that the disciplinary authority is supposed to arrive at its own findings on the basis of the evidence recorded in the inquiry, it is also equally true that the disciplinary authority takes into consideration the findings recorded by the Inquiry Officer along with the evidence on record. In the circumstances, the findings of the Inquiry Officer do constitute an important material before the disciplinary authority which is likely to influence its conclusions. If the Inquiry Officer were only to record the evidence and forward the same to the disciplinary authority, that would not constitute any additional material before the disciplinary authority of which the delinquent employee has no knowledge. However, when the Inquiry Officer goes further and records his findings, as stated above, which may or may not be based on the evidence on record or are contrary to the same or in ignorance of it, such findings are an additional material unknown to the employee but are taken into consideration by the disciplinary, authority while arriving at its conclusion. Both the dictates of the reasonable opportunity as well as the principles of natural justice, therefore, require that before the disciplinary, authority comes to its own conclusions, the delinquent employee should have an opportunity to reply to the Inquiry Officer's

findings. The disciplinary authority is then required to consider the evidence, the report of the Inquiry Officer and the representation of the employee against it.

30. Hence the incidental questions raised above may be answered as follows:

(i) Since the denial of the report of the Inquiry Officer is a denial of reasonable opportunity and a breach of the principles of natural justice, it follows that the statutory rules, if any, which deny the report to the employee are against the principles of natural justice and, therefore, invalid. The delinquent employee will, therefore, be entitled to a copy of the report even if the statutory rules do not permit the furnishing of the report or are silent on the subject."

Supreme Court in the case of ***Dwarka Prasad Laxmi Narain*** versus ***State of Uttar Preadesh and two others***[8] it was held that the order itself does not seem to laid down any directions as to how discretion had to be exercised by the Textile Commissioner. No right of appeal was provided against the decision and it does not even seem that he had to record his reasons for refusing permit to a person who applied for it. Therefore, it is clear that if the court can discover a policy underlined the law and if discretion is conferred to arbitrary manner, not in a capricious manner, not in a uncontrolled manner, in a manner so as to effectuate the policy of the law. Again as pointed out by the Supreme Court if the discretion is not exercised in this manner then there is no exercise of the power at all. There is an abuse of the power, and the court has ample jurisdiction to rectify that abuse of power.

(11) In view of the various decisions subsequent to ***S.N. Mukherjee's*** case Supreme Court had an occasion to discuss elaborately in respect of violation of Article 14 of the Constitution. In fact in the case of ***Veerender Kumar Dubey*** cited (Supra) it is held that unregulated and uncanalised power would in turn offend Article 14 of the Constitution.

(12) In view of the above facts and circumstances, order of

[8] AIR 1954 SC 224

sentence dated 31.08.2012 and order dated 01.03.2013 (Annexure P5) are set aside. The petitioner is entitle to all service benefits including monetary benefits. Respondents are directed to calculate and disburse monetary benefits within a period of 4 months from today. Failing which petitioner is entitle to interest on arrears amount @ 6% per annum from today.

(13) CWP stands allowed.

Ritambhra Rishi