

Court No. 1

**ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW****ORIGINAL APPLICATION No 37 of 2016**Thursday, this the 26<sup>th</sup> day of July, 2018**Hon'ble Mr. Justice SVS Rathore, Member (J)****Hon'ble Air Marshal BBP Sinha, Member (A)**

No. 15128345Y Ex Nk (DS) Shreepal son of Om Prakash Singh, resident of village Mustfabad Daduva,. Post office Mustfabad Duduva, Tehsil Sikarpur, district Bulandshahar (UP).

...**Applicant**Ld. Counsel for the Applicant : **Shri Abhishek Singh, Advocate.**

Versus

1. Union of India through the Secretary to the Government of India, Department of Ex-Servicemen Welfare, Ministry of Defence New Delhi.
2. Chief of the Army Staff, IHQ of MoD (Army), New Delhi-110011
3. Officer In-Charge Adjutant General Branch, IHQ of MoD (Army) Wing No.-3, Ground Floor, West Block-III, R.K. Puram, New Delhi.
4. P.C.D.A. (Pension) Draupadi Ghat, Allahabad-211014

.... Respondents

Ld. Counsel for the : **Shri Amit Jaiswal,**  
Respondents Addl Central Government Counsel.

**ORDER (ORAL)**

1. This O.A. was earlier decided by a co-ordinate Bench consisting of Hon'ble Mr. Justice D.P.Singh, (Judicial Member) and one of us (Hon'ble Air Marshal BBP Sinha (Administrative Member) vide judgment and order dated 19.01.2018. Hon'ble Judicial Member was of

the view that since the applicant had sustained injuries while he had gone to receive his relatives at the bus stop after obtaining permission from the competent officer, as such, he shall be treated to be on duty and accordingly shall be entitled to disability pension for injuries sustained by him. Contrary to it, the Administrative Member had expressed opinion which is reproduced as under:-

*“I am in respectful disagreement with the opinion of Brother Honble Mr. Justice D.P. Singh, Member (J).*

*This is a case where the applicant is primarily demanding disability pension for an incident which happened when the applicant had taken out-pass while on duty to receive his relatives at the railway station.*

*The respondents have vehemently denied that the applicant was on military duty or had any casual relation with military duty.*

*Therefore, I feel that the case should be re-heard providing a chance to the respondents to put their point of view with documentary evidence and policy on the matter as to how an out-pass taken for personal work is not related to military duty and also as to how permission given by the Commanding Officer to the applicant to leave the Unit and go for personal work is not connected with military duty.*

*In my opinion, unless the respondents are given one more chance and heard of these two points, it will not be in the interest of justice to presume that the out-pass or permission given by the Commanding Officer to leave Unit for personal work would amount to military duty or have casual connection with military duty.*

*I propose that the case may be listed for re-hearing.”*

2. Though the Administrative Member had expressed view for the matter to be re-heard again, but opinion was also expressed that there should be casual connection between military duty and the accident in which the applicant had received injuries. Since there was difference of opinion, as such the matter was referred to Hon'ble the Chairperson, Armed Forces Tribunal, Principal Bench, New Delhi under Section 28 of the Armed Forces Tribunal Act, 2007. Vide order dated 28.02.2018, Hon'ble Chairperson had entrusted the matter to one of us (Hon'ble Mr. Justice SVS Rathore, Judicial Member) as third Member. It is pertinent to mention here that at present no other Bench is available in this Regional

Bench. Two other Benches are lying vacant. . After long discussion of the legal position, vide order dated 23.07.2018, the following opinion has been given by the third Member:-

*“26. In view of discussion made in the foregoing paragraphs, I am of the view that the applicant who had sustained injuries while he was on gate-pass and had gone to receive his relatives, had absolutely no nexus with Army duty, therefore, injuries sustained by him while on such out-pass to receive his relatives, cannot be treated to have been suffered while on duty. Hon’ble Apex Court has repeatedly held that there must be some nexus with the Army duty and the accident which resulted into injuries to the soldier. Therefore, the points referred to above are hereby decided accordingly.”*

3. In view of Section 28 of the Armed Forces Tribunal Act, 2007 the matter is to be decided as per majority decision. Hon’ble Administrative Member after going through the opinion of third Member has concurred with the view expressed by the Hon’ble third Member. For ready reference, we would like to reproduce entire order dated 23.07.2018 of the Hon’ble Third Member as under:

*“2. Brief facts necessary for the purpose of the instant O.A. are that the applicant was engaged in the Indian Army on 24.04.1996. While the applicant was posted in 3223/322 Field Regiment, on 12.10.2011, he went on out-pass with permission of Officer Commanding to receive his relatives when he met with an accident and suffered the following injuries:*

- (a) multiple injuries with contusion wound Lt Parietal region and depressed fracture Lt Parietal bone,*
- (b) Multiple abrasion over face, nose and toes and fracture clavicle (Lt) and fracture 1<sup>st</sup> and 2<sup>nd</sup> Ribs and fracture RT Radius Lower end and fracture Lt Radius.*

*The Medical Board placed the applicant in category S1H1A2(P)P1E1 and recommended for discharge from service.*

3. *Submission of learned counsel for the applicant was that since the applicant had obtained out-pass from the Officer Commanding, therefore, he ought to have been treated on duty and entitled for the benefit of disability pension for the injuries resulted due to accident while he was on such out-pass. Learned counsel for the applicant has placed reliance on a decision of the co-ordinate Bench rendered in O.A. No. 312 of 2013: **B.K.Tyagi vs Union of India & ors**, decided on 04.07.2016.*

4. *On behalf of the respondents, it has been argued that Hon’ble the Apex Court in a recent judgment has considered this aspect and there are repeated judgments which show that there must be some*

*nexus/casual connection between the Army duty and the accident to entitle an Army personnel to get benefit of disability pension.*

5. *Since there was difference in opinion, therefore, the following questions were formulated:-*

*“(1) Whether short permission granted by the Commanding Officer to receive some relatives at bus station amounts to sanctioned leave and no disability pension may be paid to the incumbent on account of such permission to leave station?”*

*(2) Whether an incumbent posted far away from his residence while serving the nation and with intention to meet his relatives or friends whosever visited him or to receive them at the bus stop leaving the station with due permission and suffers injury, does not make out a case for payment of disability pension, moreso, when such instances are permitted by military service being posted far away from the residence and do not fall under ‘sanctioned leave’?*

*(3) Whether beneficial provisions meant to provide certain relief to the members of the Armed Forces may be interpreted strictly and harshly to deprive such benefits contrary to law settled by Hon’ble Apex Court in a catena of decisions?”*

6. *A perusal of all the three formulated questions shows that the questions are inter-related and the sum and substance of these questions is, ‘whether a person who is on leave or on out-pass shall be treated to be on duty for all purposes including accidental injuries which do not have any nexus/causal connection with Army duty?’*

7. *The case law on which learned counsel for the applicant has placed reliance is not applicable in the facts and circumstances of this case for the reason that; firstly, the facts of that case were entirely different; and secondly, there are contrary decisions of Hon’ble Apex Court on this aspect of the matter. The settled legal position is that the views expressed by Hon’ble Apex Court shall prevail.*

8. *The moot question which arises for consideration is, “whether a person who is on casual leave or on out-pass, if he sustains injury in an accident while doing personal work, whether the injury so sustained can be treated to be attributable to or aggravated by Army service?” Admittedly, in the instant case, the applicant while on out-pass with permission of the Commanding Officer had gone at the bus station to receive his relatives where he met with an accident and sustained injuries.*

9. *Hon’ble Apex Court has in the case of **Madan Singh Shekhawat**, AIR 1999 SC 3378 has held that an Army personnel will be deemed to be on duty when he is on any type of authorized leave during travelling to or from home from place of posting. Since in the facts of the instant case, as stated earlier, the applicant had taken out-pass and had gone to receive his relatives from bus station when he met with an accident. He was permitted out-pass to receive relatives which was only a personal reason to apply for out-pass. So by no stretch of imagination, it can be treated to be an Army duty and was entirely a private act. The case of **Madan Singh Shekhawat** (supra) cannot be stretched to such an extent to entitle Army personnel to claim disability pension for the injuries sustained which has no connection with Army duty.*

10. In the case relied upon by the learned counsel for the respondents in the case of **Ex Naik Vijay Kumar (supra)**, Hon'ble Apex Court in para-19 has held, to quote:-

*"19. In the light of above discussion, it is clear that the injury suffered by the respondent has no casual connection with the military service. The tribunal failed to appreciate that the accident resulting in injury to the respondent was not even remotely connected to his military duty and it falls in the domain of an entirely private act and therefore the impugned orders cannot be sustained."*

11. In the facts of the above mentioned case, the respondent was on annual leave for 30 days. While in the house of his sister, on second floor he fell down from the stairs due to darkness and sustained injuries. In that factual background, it was held that the incident resulting in the injury had no casual connection with Army service. Accordingly, the judgment passed by the Armed Forces Tribunal granting disability pension to the respondent was set aside and the appeal of the Union of India was allowed.

12. In the Full Bench decision of Hon'ble Delhi High Court in the case of **Ex Nk Dilbag Singh vs Union of India & Ors** delivered on 22.08.2008 in Writ Petition No. (C) 6959 of 2004 and connected matters is very relevant here. In that case their Lordships observed in para-19, 23 and 24 as under:-

*"19. For similar reasons we are unable to subscribe to the views in Ex. Sepoy Hayat Mohammed -vs- Union of India, 138(2007) DLT 539(DB) to the effect that the petitioner was eligible for the grant of Disability Pension owing to the fact that while on casual leave in his home he suffered several injuries owing to a steel girder and roof slabs falling on him. One of the reasons which appear to have persuaded the same Division Bench was that persons on annual leave are subject to the Army Act and can be recalled at any time as leave is at the discretion of the Authorities concerned. A rule of this nature is necessary to cover the eruption of insurgencies or the breakout of a war. They neither envisage nor attempt to deal with liability to pay Disability Pension. It is impermissible to extrapolate a rule catering for a particular situation to altogether different circumstances.*

*23. We have also perused the detailed Judgment of the Division Bench of this Court in Shri Bhagwan wherein Jarnail Singh also came to be discussed. The Bench observed that - "An individual may be "on duty" for all practical purposes such as receipt of wages etc. but that does not mean that he is "on duty" for the purpose of claiming disability pension under the 1982 Entitlement Rules. .... A person to be on duty is required, under the 1982 Entitlement Rules, to be performing a task, the failure to do which would constitute an offence triable under the disciplinary code applicable to him. A person operating a wheat thresher while on casual leave cannot, by any stretch of imagination, be said to be performing an official duty or a task the failure to perform which would lead to disciplinary action". We respectfully affirm these views of the Division Bench.*

*24. To sum up our analysis, the foremost feature, consistently highlighted by the Hon'ble Apex Court, is that it requires to be established that the injury or fatality suffered by the concerned military personnel bears a causal connection with military*

service. Secondly, if this obligation exists so far as discharge from the Armed Forces on the opinion of a Medical Board the obligation and responsibility a fortiori exists so far as injuries and fatalities suffered during casual leave are concerned. Thirdly, as a natural corollary it is irrelevant whether the concerned personnel was on casual or annual leave at the time or at the place when and where the incident transpired. **This is so because it is the causal connection which alone is relevant.** Fourthly, since travel to and fro the place of posting may not appear to everyone as an incident of military service, a specific provision has been incorporated in the Pension Regulations to bring such travel within the entitlement for Disability Pension if an injury is sustained in this duration. **Fifthly, the Hon'ble Apex Court has simply given effect to this Rule and has not laid down in any decision that each and every injury sustained while availing of casual leave would entitle the victim to claim Disability Pension. Sixthly, provisions treating casual leave as on duty would be relevant for deciding questions pertaining to pay or to the right of the Authorities to curtail or cancel the leave.** Such like provisions have been adverted to by the Apex Court only to buttress their conclusion that travel to and fro the place of posting is an incident of military service. Lastly, injury or death resulting from an activity not connected with military service would not justify and sustain a claim for Disability Pension. This is so regardless of whether the injury or death has occurred at the place of posting or during working hours. This is because attributability to military service is a factor which is required to be established."

(Underlined by me)

13. The aforesaid view expressed by Full Bench of Hon'ble Delhi High Court was considered by Hon'ble Apex Court in the case of **Union of India & ors vs. Jujhar Singh**, reported in (2011) 7 SCC 735. Hon'ble Apex Court has also considered the case of **Regional Director, E.S.I. Corporation & anr vs. Francis De Costa and another**, (1996) 6 SCC 1. Though the case of **Francis De Costa** (supra) was not a case relating to Army, but the question involved in that case was whether the injury sustained by respondent in the said case amounted to "employment injury" within the meaning of Employees' State Insurance Act, 1948 and he is entitled to claim disablement benefit. This question was replied by Hon'ble Apex Court in negative. Hon'ble Apex Court observed as under:-

"A road accident may happen anywhere at any time. But such accident cannot be said to have arisen out of employment, unless it can be shown that the employee was doing something incidental to his employment."

14. In the case of **Jujhar Singh** (supra) Hon'ble Apex Court has concluded in Para 23 as under:-

"23. As rightly pointed by the counsel for the Union of India, the High Court failed to appreciate that even though the respondent sustained injuries while he was on annual leave in 1987, he was kept in service till superannuation and he was superannuated from service w.e.f. 01.07.1998. It is relevant to point out that he was also granted full normal pension as admissible under the Regulations. **In the case on hand, inasmuch as the injury which had no connection with the military service even though suffered during annual leave cannot be termed as attributable to or aggravated by military service. The member of the Armed Forces who is claiming**

**disability pension must be able to show a normal nexus between the act, omission or commission resulting in an injury to the person and the normal expected standard of duties and way of life expected from member of such forces.** Inasmuch as the respondent sustained disability when he was on annual leave that too at his home town in a road accident, the conclusion of the learned Single Judge that he is entitled to disability pension under Regulation 179 is not based on any material whatsoever. Unfortunately, the Division Bench, without assigning any reason, by way of a cryptic order, confirmed the order of the learned Single Judge.”

(Underlined by me)

15. The view expressed by the Full Bench of Hon'ble Delhi High Court, approved by Hon'ble Apex Court, clearly establishes that the requirement of law is that it has to be established that the cause of injury suffered by the Military personnel bears a causal connection with military service. Whether injury was suffered during annual leave or casual leave or at the place of posting or during working hours is not relevant because attributability to military service is a factor which is required to be established in all such cases. A careful study of observations made in the case of *Ex Nk Dilbagh Singh vs Union of India*, 2008 (106) Delhi Reported Judgments 865 shows that it considered the word “duty” as given in Appendix II of Regulation 423 of Medical Services of Armed Forces Regulations, 1983 defining the attributability to service. In order to determine whether there was causal connection with the Army duty, the first and important test is whether failure to do such act would have entailed any disciplinary action or such failure constitute any offence under the Army Act, 1950. In the facts of the instant case, if the applicant had not gone to receive his relatives, it would not have made him liable for any disciplinary action nor would such omission constitute any Army offence.

16. Hon'ble Apex Court in *Union of India & ors vs. Baljit Singh*, reported in (1996) 11 SCC 315 wherein their Lordships observed that in each case where a disability pension is sought for and made a claim, it must be affirmatively established as a fact as to whether the injury sustained was due to military service or was aggravated by military service.

17. The consequence of the principle of law laid down by Hon'ble Full Bench in the case of *Ex Nk Dilbag Singh* (supra) is that there should be a causal connection between the commission or omission of the act of the Army personnel with discharge of his military duty which is sine qua non for the claim of disability pension. This principle of law laid down in the case of *Ex Nk Dilbag Singh* (Supra) was nodded with approval by the Hon'ble Apex Court in the case of *Jujhar Singh* (Supra).

18. It may be noticed that in the case of *Union of India and another vs Talwinder Singh*, (2012) 5 SCC 480, Hon'ble the Apex Court has also considered the same point of grant of disability pension for injury sustained while on annual leave. The Apex Court in Paras 11, 12 and 14 of the judgment has held as follows:-

“11. This Court recently decided an identical case in *Union of India & Ors. v. Jujhar Singh*, AIR 2011 SC 2598, and after reconsidering a large number of earlier judgments including *Secretary, Ministry of Defence & Ors. v. A.V. Damodaran (dead) through L.Rs. & Ors.*, (2009) 9 SCC 140; *Baljit Singh's (supra)*; *Regional Director, ESI Corporation & Anr. v. Francis De Costa & Anr.*, AIR 1997 SC 432, came to the

conclusion that in view of Regulation 179, a discharged person can be granted disability pension only if the disability is attributable to or aggravated by military service and such a finding has been recorded by Service Medical Authorities. In case the Medical Authorities records the specific finding to the effect that disability was neither attributable to nor aggravated by the military service, the court should not ignore such a finding for the reason that Medical Board is specialised authority composed of expert medical doctors and it is a final authority to give opinion regarding attributability and aggravation of the disability due to the military service and the conditions of service resulting in the disablement of the individual.

**“12. A person claiming disability pension must be able to show a reasonable nexus between the act, omission or commission resulting in an injury to the person and the normal expected standard of duties and way of life expected from such person. As the military personnel sustained disability when he was on an annual leave that too at his home town in a road accident, it could not be held that the injuries could be attributable to or aggravated by military service. Such a person would not be entitled to disability pension. This view stands fully fortified by the earlier judgment of this Court in Ministry of Defence v. Ajit Singh.”**

**14. We are of the view that the opinion of the Medical Board which is an expert body must be given due weight, value and credence. Person claiming disability pension must establish that the injury suffered by him bears a causal connection with military service. In the instant case, as the injury suffered by the respondent could not be attributable to or aggravated by the military service he is not entitled for disability pension.”**

(Underlined by me)

19. Hon'ble Apex Court in the case of **Sukhwant Singh vs Union of India & Ors**, (2012) 12 SCC 228 has again considered this point and held in para 6 as under:-

**“6. In our view, the Tribunal has rightly summed up the legal position on the issue of entitlement of disability pension resulting from any injuries, etc. and it has correctly held that in both cases there was no casual connection between the injuries suffered by the appellants and their service in the military and their cases were, therefore, clearly not covered by Regulation 173 of the Regulations. The view taken by the Tribunal is also supported by a recent decision of this Court in Union of India vs Jujhar Singh.”**

20. Thus, Hon'ble Apex Court has confirmed the view taken by the Armed Forces Tribunal. By the said judgment, Hon'ble Apex Court has decided two Appeals by a common judgment. First Appeal was of **Sukhwant Singh vs. Union of India**, (Civil Appeal No. 1987/2011 and the other was **Jagtar Singh vs. Union of India** (Civil Appeal No. 1988 of 2011.

21. Facts of Civil Appeal No. 1987 of 2011, as they appear from the judgment of Hon'ble Apex Court, were as under:-

**“Appellant Sukhwant Singh, enrolled in the Army, while he was on nine days' casual leave, sustained an injury in a scooter accident that rendered him unsuitable for any further military service. Therefore, he was discharged from service and his**



*claim for the disability pension was rejected by the authorities concerned on the ground that the injury sustained by the appellant was not attributable to military service as stipulated in Regulation 173 of the Army Pension Regulations, 1961.”*

22. *Facts of Civil Appeal No. 1988 of 2011, as noticed by Hon’ble Apex Court in aforesaid Civil Appeal, were as under:-*

*“Appellant Jagtar Singh was on two months’ annual leave. He met with an accident in which his brother died and he himself received serious injuries that led to the amputation of his left leg above the knee. In his petition appellant did not disclose the circumstances in which the accident took place.”*

23. *In the above mentioned factual background the Tribunal rejected the claim of the Army personnel for grant of disability pension for the reasons mentioned in detail in its judgment. The reasons given by the Tribunal were considered by Hon’ble Apex Court in its judgment and the same were confirmed. We feel it pertinent to mention that facts of above mentioned both the cases are to a large extent similar to the present case before as the applicant was on out-pass to receive his relatives from the bus stand.*

24. *To consider as to what acts are covered by the term ‘duty’ we may like to make reference to Entitlement Rules Appendix II of Clause 12 which defines the word duty, which for convenience sake may be reproduced as under:*

*“DUTY: 12. A person subject to the disciplinary code of the Armed Forces is on “duty”:- (a) When performing an official task or a task, failure to do which would constitute an offence triable under the disciplinary code applicable to him.*

*(b) When moving from one place of duty to another place of duty irrespective of the mode of movement.*

*(c) During the period of participation in recreation and other unit activities organised or permitted by Service Authorities and during the period of travelling in a body or singly by a prescribed or organised route.*

*Note:1*

*(a) Personnel of the Armed Forces participating in*

*(i) Local/national/international sports tournaments as member of service teams, or,*

*(ii) Mountaineering expeditions / gliding organised by service authorities, with the approval of Service Hqrs. will be deemed to be “on duty” for purposes of these rules.*

*(b) Personnel of the Armed Forces participating in the above named sports tournaments or in privately organised mountaineering expeditions or indulging in gliding as a hobby in their individual capacity, will not be deemed to be „on duty” for purposes of these rules, even though prior permission of the competent service authorities may have been obtained by them.*

*(c) Injuries sustained by the personnel of the Armed Forces in impromptu games and sports outside parade hours, which are organised by, or disability arising from such injuries, will continue to be regarded as having occurred while „on duty” for purposes of these rules.*

**Note: 2**

*The personnel of the Armed Forces deputed for training at courses conducted by the Himalayan Mountaineering Institute, Darjeeling shall be treated on par with personnel attending other authorised professional courses or exercises for the Defence Services for the purpose of the grant of disability family pension on account of disability/death sustained during the courses.*

*(d) When proceeding from his leave station or returning to duty from his leave station, provided entitled to travel at public expenses i.e. on railway warrants, on concessional voucher, on cash TA (irrespective of whether railway warrant/cash TA is admitted for the whole journey or for a portion only), in government transport or when road mileage is paid/payable for the journey.*

*(e) When journeying by a reasonable route from one's quarter to and back from the appointed place of duty, under organised arrangements or by a private conveyance when a person is entitled to use service transport but that transport is not available.*

*(f) An accident which occurs when a man is not strictly on duty " as defined may also be attributable to service, provided that it involved risk which was definitely enhanced in kind or degree by the nature, conditions, obligations or incidents of his service and that the same was not a risk common to human existence in modern conditions in India. Thus for instance, where a person is killed or injured by another party by reason of belonging to the Armed Forces, he shall be deemed „on duty" at the relevant time. This benefit will be given more liberally to the claimant in cases occurring on active service as defined in the Army/Navy/Air Force Act."*

25. *The co-ordinate Bench of the Armed Forces Tribunal, Regional Bench, Chandigarh in the case of **Baldev Singh vs Union of India O.A. No. 3690 of 2013 decided on 02.03.2016** has considered this question in great detail. It would be fruitful to reproduce para-21 as follows:-*

*"21. Recently, the Apex Court in Civil Appeal No.6583 of 2015 Union of India & others Versus Ex Naik Vijay Kumar, vide its judgment dated 26th August, 2015 has held that if the injury suffered or death caused to an individual, has no causal connection with the military service, it cannot be said that the said disability or death is attributable to military service. In the said judgment, the apex court has considered para 12 of the judgment given in another case Union of India and Another Vs. Talwinder Singh (2012) 5 SCC 480 which is reproduced as below :*

*"12. A person claiming disability pension must be able to show a reasonable nexus between the act, omission or commission resulting in an injury to the person and the normal expected standard of duties and way of life expected from such person. As the military personnel sustained disability when he was on annual leave that too at his home town in a road accident, it could not be held that the injuries could be attributable to or aggravated by military service. Such a person would not be entitled to disability pension. This view stands fully*

*fortified by the earlier judgment of this court in Ministry of Defence V. Ajit Singh, (2009) 7 SCC 328.”*

4. Hon'ble Administrative Member has concurred with the reasons mentioned in the above quoted order. Thus, the majority opinion is of the view that there must be casual connection between Army duty and the incident whereby the applicant sustained injuries. Since in the instant case the applicant had gone out on out-pass to receive his relatives, so by no stretch of imagination, the factum of receiving relatives would fall within the definition of duty. Prima facie, test to consider whether it was part of the duty or not would be whether the commission or non commission of such act would have rendered the applicant liable for any disciplinary action or such commission or non commission would fall within the definition of any offence under the Army Act, 1950. When the facts of the instant case are tested in this perspective, then the conclusion is irresistible that the same cannot be termed as Army duty because its commission or non commission would not have rendered the applicant liable for any disciplinary action. If the applicant would not have gone to receive his relatives, then he would not have committed any offence under Army Act, 1950 nor would he be treated to be failing in his Army duty. Hence, there was absolutely no casual connection between the incident which led to the injury to the applicant and Army Duty Therefore, in view of the majority decision, this O.A. lacks merit and deserves to be dismissed.

5. It is accordingly **dismissed**.

No order as to costs.

**(Air Marshal BBP Sinha)**  
**Member (A)**

**(Justice SVS Rathore)**  
**Member (J)**

Dated : 26<sup>th</sup> July, 2018  
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