SUPREME COURT OF INDIA

Dinesh Chandra Pandey

Vs.

High Court of M.P.

C.A.No.2622 of 2005

(Dr.B.S.Chauhan and Swatanter Kumar JJ.)

08.07.2010

JUDGEMENT

Swatanter Kumar, J.

1. Dinesh Chandra Pandey, appellant herein, was appointed to the post of Civil Judge in the M.P. Judicial Service (Class II) on 27th January, 1982. On completion of the training period, he joined as Civil Judge, Dhamtari on 12 th September, 1982.

> "During his tenure as Civil Judge, certain irregularities were noticed by the competent authority and on 7th December, 1988, a charge-sheet was served upon him, primarily, on the ground that he was possessed of disproportionate money/assets to his known sources of income. He was served with a charge sheet containing two articles of charges. One out of them (Charge 2) had not been proved while other Charge (Charge 1) stood proved against the delinquent officer.
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> Article 1 which had been established reads as under:
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> "That the said Shri D.C. Pandey while his posting as Civil Judge, Class-II and J.M.F.C. Raipur had a Bank account in State Bank of India Account No. SB/8833, the balance whereof swelled from Rs.2170.01 to Rs.35036.92 paise within the period from January 1984 to 6th May, 1985, his explanation in this behalf having been found unconvincing considering the disproportionateness of the said increase in his bank balance to his salary income and pattern and frequency of deposits the said increase in balance is capable of no other reasonable explanation than that of illicit gains as the source of money which renders his integrity gravely doubtful."

2. The allegations were denied by him and on 30 th January, 1989 he submitted that he owns 37 acres of land in Bilaspur and has agricultural income to the extent of Rs. 50,000/- p.a.

"It is out of this agricultural income that he has been depositing amounts in the bank and has not committed any violation of service regulations or other offence which would attract disciplinary action against him. The competent authority decided to conduct a regular departmental enquiry and appointed Shri G.R. Pandya, District & Sessions Judge, Raipur as enquiry officer. Besides appointing an enquiry officer, the High Court also appointed Shri Ram Krishna Behar, Addl. Judge as Presenting Officer. During the course of enquiry, the appellant made an application for permission to engage a legal practitioner to assist him in the departmental enquiry. This request was declined by the High Court vide order dated 4th December, 1989. The appellant participated in the enquiry and the enquiry officer submitted his report on 4 th April, 1990 and returned the finding of guilt against the appellant. The concluding paragraphs of the report read as under:

"Shri Pandey was saving Rs.600/- p.m. out of his salary and, therefore, this amount was quite insufficient for making such a large saving. More saying of Shri Pandey received the amounts frequently from his mother is not sufficient.

Something more was required to explain the deposits. This type of explanation was already given by Shri Pandey during the preliminary inquiry and was already found unsatisfactory, hence further opportunity was given to Shri Pandey, by holding this inquiry to give reasonable and convincing explanation regarding the source of his income. I am sorry to say that Shri Pandey could not assess the seriousness of the matter and went on repeating that the money was sent by his mother. The mother of Shri Pandey as well as the customers who had purchased the produce of the messenger who used to bring the money frequently from Bilaspur to Raipur have not been examined. Under these circumstances, bald statement of Shri Pandey that money was received by him from his mother does not appear to be correct.

Thus, I come to the conclusion that charge no. 1 regarding the frequent deposits made by Shri Pandey within a span of short period is proved against him."

3. Disciplinary authority, after receiving the said report, issued show cause notice to the appellant on 16th March, 1991 informing the appellant that finding of the enquiry officer on Article (1) had been accepted and as to why punishment should not be imposed upon him to which he submitted a detailed reply. The disciplinary authority vide its order dated 10th June, 1992, opined that the stand taken by the appellant was not satisfactory and consequently, imposed the punishment of removal from service. The appellant preferred an appeal against this order before the Governor which also came to be dismissed vide order dated 3rd February, 1993.

"The order of removal from service, as confirmed by the appellate authority, was challenged by the appellant by filing a Writ Petition being Misc. Petition No. 3847 of 1992 in the High Court which also came to be dismissed by the Ld. Single Judge vide its order dated 1st July, 2003. Still dissatisfied with the judgment of the Court, Letter

> Patent Appeal was filed which also met the same fate and was dismissed by the Division Bench of the Madhya Pradesh High Court vide order dated 17th December, 2004. The legality and correctness of this order has been challenged by the appellant in the present appeal under Article 136 of the Constitution."

4. As would be evident from the above narrated facts, the charge against the appellant was a very limited one. In fact, the deposit of the amount in the bank was not disputed by the appellant. However, he rendered the explanation that he had agricultural land from where he was getting Rs. 50,000/-p.a. as income and had, therefore, deposited these amounts in the bank during the period stated in the charge sheet i.e. between January, 1984 to May, 1985. He had also taken up the stand before the Courts that while he was functioning as a Civil Judge (Class II), Dhamtari in December, 1982, a crime had taken place in which one Shri Pandri Rao Pawar, Advocate and one of his nephew were involved. They had caused serious injuries to the brother of Shri H.L. Warda, the then Judicial Magistrate, 1st Class, Dhamtari who had lost his one eye in the assault. A case under Sections 294, 325, 506B of IPC was registered. The appellant herein had rejected their bail application and did not succumb to the pressure brought in by the advocate which resulted in enmity between the parties. It was also alleged that the said advocate filed a complaint on 9th December, 1982 against the appellant stating therein that one witness Dayaram Sahu in Criminal Case No. 1153 of 1986 under Section 325/34 IPC was directed to be handcuffed without any justification and later on the appellant was transferred from Dhamtari and posted to Raipur. As such there was a different motive for taking disciplinary action against the appellant than what was apparent from the record of the disciplinary proceedings.

> "According to the appellant, he was possessed by sufficient means as he had income from salary as well as agricultural activity. In light of the facts given by him, there was no occasion to frame any charge against the appellant. Further, the contention is that none of the article of charges have been proved against the delinquent in accordance with law."

5. On the contrary, the learned counsel appearing for the respondents contended that this Court should not re- appreciate the evidence. The enquiry officer, the disciplinary authority, the learned Single Judge and even the Division Bench have accepted the fact that the appellant had been rightly charged with Article 1, which stands proved and, as such, no interference is called for on merits or even on the question of quantum of punishment. It is also stated by him that in terms of Govt. Servant Conduct Rules, 1985, which are applicable to the members of the Judicial Service in the State of Madhya Pradesh, a Government servant who either fails to file a return prescribed in sub-rule (i) or files a return for any year, which does not fully disclose all the property that is required to be indicated or otherwise conceals any such property, would amount to misconduct. Further, the argument raised is that the Enquiry Officer has examined all the relevant aspects and after being satisfied that there was no plausible explanation for depositing the money in the bank at such short intervals, no fault can be found with the finding of the Enquiry Officer. Referring to the behaviour of a common prudent person/agriculturist, the income from agriculture could hardly be on day-to-

day basis. It was nobody's case that vegetable or allied crop was being grown on the land in question. In normal course, the money would be available to agriculturist only when the crop is harvested and sold in the market. No such evidence had been produced by the appellant during the course of enquiry. Thus, no interference is called for.

6. The challenge to the impugned order is, primarily, on two grounds. Firstly, the appellant had asked for assistance of a legal practitioner which had been unfairly denied to him.

> "Denial of assistance of a legal practitioner tantamount to violation of principles of natural justice as well as M.P. Civil Services (Classification, Control and Appeal) Rules, 1966 (for short "1966 Rules"), and, as such, the entire departmental proceedings as well as the impugned order of punishment are vitiated. Secondly, the enquiry officer as well as the High Court have not appreciated the evidence in its proper perspective and has failed to accept plausible defence raised by the appellant in regard to deposit of money in the bank.
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> The order of removal from service, thus, is based on no evidence and is required to be set aside. In support of this contention learned counsel referred to Rule 14(8) of the 1966 Rules as well as Judgment of this Court in the case of *J.K. Aggarwal v. Haryana Seeds Development Corporation Ltd.*[1] *and Board of Trustees of the Port of Bombay v. Dilipkumar Raghavendranath Nadkarni*[2]. The 1966 rules are applicable to the member of judicial services of the State of Madhya Pradesh as the Government, in consultation with the High Court, has only framed one set of Rules i.e. M.P. Judicial Service (Classification, Recruitment and Conditions of Service) Rules, 1955 (which primarily deal with the eligibility, methodology relating to appointment to the judicial services of the States and its cadre etc. As far as the disciplinary rules are concerned, it is a common case of the parties that the above 1966 Rules are the Rules applicable to the members of judicial services. These Rules came into force from the date of their publication. They deal with power to suspend, conduct departmental enquiry, the procedure which is to be adopted in a departmental enquiry and punishments which can be inflicted upon an officer by the Competent Disciplinary Authority. While Rule 10 deals with the punishment and penalties which can be imposed on the member of the service, Rules 12 and Rule 13 deal with the Disciplinary Authority and the authority who can institute the proceedings. While Rule 14 deals not only with imposition of punishment but also gives the entire procedure which is required to be followed by the Enquiry Officer as well as the Disciplinary Authority before inflicting any punishment upon the charged officer, Rule 14(8) deals with providing of legal assistance or engagement of a legal practitioner during the course of a departmental enquiry. As the reliance has been placed by both the parties on this Rule, it will be useful to reproduce the same here:
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> "Rule 14(8): The Government servant may take the assistance of any other Government servant to present the case on his behalf, but may not engage a legal practitioner for the purpose unless the Presenting Officer appointed by the

disciplinary authority is a legal practitioner, or, the disciplinary authority, having regard to the circumstances of the case, so permits."

7. The bare reading of this Rule shows that the Government servant may take the assistance of any other Government servant to represent his case but may not engage a legal practitioner for the purpose unless the presenting officer appointed by the authority is a `legal practitioner' or the disciplinary authority, having regard to the circumstances of the case, so permits. The expression `may' cannot be read as `shall'. The normal Rule is that a delinquent officer would be entitled to engage another officer to present his case. But if the presenting officer is a `legal practitioner', he may normally be permitted to engage a legal practitioner. The third category is where the disciplinary authority having regard to the circumstances of the case so permits. It is, therefore, not absolutely mandatory that the disciplinary authority should permit the engagement of a legal practitioner irrespective of the facts and circumstances of the case. There is some element of discretion vested with the authority which, of course, has to be exercised properly and in accordance with the settled principles of service jurisprudence. The Courts have taken a view that where expression `shall' has been used it would not necessarily mean that it is mandatory. It will always depend upon the facts of a given case, the conjunctive reading of the relevant provisions along with other provisions of the Rules, the purpose sought to be achieved and the object behind implementation of such a provision. This Court in the case of *Sarla Goel v. Kishan Chand*[3], took the view that where the word `may' shall be read as `shall' would depend upon the intention of the legislature and it is not to be taken that once the word `may' is used, it per se would be directory. In other words, it is not merely the use of a particular expression that would render a provision directory or mandatory. It would have to be interpreted in light of the settled principles, and while ensuring that intent of the Rule is not frustrated. Further, in the case of *Malaysian Airlines Systems BHD (II) v. Stic Travels (P.) Ltd.*[4], this Court took the view that word `may' in Section 11(1) of the Arbitration and Conciliation Act, 1996 is not to be construed as `must' or `shall', as the word `may' has not been used in the sense of `shall', the provision is not mandatory. In the light of these principles, we are of the considered view that the expression `may', used in Rule 14(8) of 1966 Rules would have to be construed as directory and not absolutely mandatory with reference to the facts and circumstances of a given case.

"Of course, it would be desirable that wherever the presenting officer is a legal practitioner, the delinquent officer should be given the option and may be permitted to engage a legal practitioner if he so opts. But this Rule is hardly of any assistance and help to the appellant in the present case. The Presenting Officer was an Additional District Judge. He was possessed of similar qualification, professionally or otherwise, as was the appellant himself. The appellant could have asked for permission to engage and take assistance of any other judicial officer of that rank or of any rank that he wanted which request ought to have been considered by the Disciplinary Authority. It will be entirely uncalled for that an Additional Judge should be termed as a legal practitioner and, therefore, vesting in the appellant a right to engage a legal practitioner or an advocate for defending him in the departmental proceedings. It will

be rather appropriate to apply the principles of contextual interpretation in the facts and circumstances of the case. In the case of *Muddada Chayanna vs. K. Narayana*[5] it was held by this Court that interpretation of statute, contextual or otherwise, must further and not frustrate the object of the statute. In other words, the expression `medical practitioner' appearing in the Maharashtra Nurses Act, 1966 should be given a meaning in the context in which it is sought to be applied to achieve the real object of the statute. It is also to be kept in mind that while dealing with the provisions of the statute, the Court would not adopt an approach or give meaning to an expression which would produce unintelligible, absurd and unreasonable result and would render the legislative intent unworkable or totally irreconcilable with the provisions of the statute (*Bhavnagar University vs. Palitana Sugar Mills Pvt. Ltd.*[6]). The learned counsel for the appellant referred to P. Ramanatha Aiyar's Law Lexicon to emphasise that the expression `legal practitioner' appearing in Rule 14(8) would cover even a judicial officer. He relied upon the following explanations given to this expression:

"Legal practitioner" defined (See also Advocate of a High Court; Barrister;

Government pleader; Pleader; Public Prosecutor; Recognized agent) Act 18, 1879, S. 3; Act 18, 1881, S. 4(2); Act 16, 1887, S.4(16); Act 17, 1889, S 3(13); Act 23, 1923, S.2; Act 21, 1926, S.2 `Legal Practitioner' means an advocate vakil or attorney of any High Court, a pleader, mukhtaro revenue agent. Act XVIII of 1879 (Legal Practitioners), S.3]"

8. The above referred explanations clearly show that a judge in service cannot be termed as a legal practitioner, as it will mean and include only an Advocate or a vakil of Court practicing in a Court, may even be a Barrister, Special Pleader, solicitors depending on the facts of a given case. Rule 2 (e) of the Central Administrative Rules, 1987 also defines the word `legal practitioner'. However, it, in turn, requires that this expression shall have the same meaning as is assigned to it under the Advocates Act, 1961. In that Act the word `legal practitioner' has been defined under Section 2(i) to mean an advocate or vakil of any High Court, a pleader mukhtar or revenue agent. In other words, this is an expression of definite connotation and cannot be granted an extended or inclusive meaning, so as to include what is not specifically covered. A Judge may be law graduate holding a Bachelor Degree in Law from any University established by law in India but this by itself would not render him as a `legal practitioner'.

"On the contrary, there is a definite restriction upon the Judge from practicing law. Such an implied inclusion, as argued by the appellant, would not lead to absurdity but would even offend the laws in force in India. John Indermaur, Principles of the Common Law 169 (Edmund H. Bennett ed., 1st Am.ed. 1878 explains the term as follows :

"Legal practitioners may be either barristers, special pleaders not at the bar, certified conveyancers, or solicitors.

> The three latter may recover their fees, but the first may not, their acting being deemed of a voluntary nature, and their fees merely in the light of honorary payments; and it follows from this, that no action lies against them for negligence or unskilfulness."

9. Thus, the expression `legal practitioner' is a well defined and explained term. It, by any stretch of imagination, can include a serving Judge who might have been appointed as a presenting officer in the departmental proceedings. Besides this legal aspect of the matter, even on principle of fairness we do not think that the order has caused any prejudice to the appellant. The appellant could have asked for appointment of any colleague whose assistance he wanted to take and who would have been as well qualified and experienced as the presenting officer. The request of the appellant has been rightly rejected by the disciplinary authority. Furthermore, the application was made on 7th December, 1988 itself and thereafter the appellant took no steps whatsoever to challenge the order of the Disciplinary Authority declining assistance of an advocate. On the contrary, he participated without any further protest in the entire departmental enquiry and raised no objections. The Enquiry Officer conducted the proceedings in a just, fair manner and in accordance with rules. In fact, there is no challenge to that aspect of the matter. In the application, the appellant had stated "that the complainant neither has necessary experience nor the required skill to handle his defence in such circumstances." This statement ex facie is not correct. The appellant must have dealt with variety of cases during his tenure as a Judge. He was fully capable of defending himself in the departmental enquiry. In the alternative he could easily ask for assistance of any senior colleague from the service if he was under pressure of any kind that the Presenting Officer was senior to him and belonged to Higher Judicial Service. He did not exercise this choice, at any stage, for reasons best known to him. However, he made an application praying for permission to engage an advocate and nothing else. Charge against the appellant was not of a very complicated nature, which a person having qualification and experience of the appellant would not be able to defend. In these circumstances, we are of the considered view that no prejudice whatsoever has been caused to the interest of the delinquent officer. These are the rules primarily of procedure, an element of prejudice would be one of the necessary features, before departmental proceedings can be held to be vitiated on that ground. The reliance placed upon the case of J.K. Aggarwal (supra) is totally unwarranted.

> "In that case, the Court came to the conclusion that refusal to sanction the service of lawyer in the inquiry proceedings was not a proper exercise of discretion under the Rule resulting in failure of justice. The Court held that the discretion was vested in the disciplinary authority in terms of Rule 7(5) of the relevant Rules. The language of that Rule was entirely different and permission to engage a legal practitioner was relatable to the nature of the punishment which could be imposed upon the delinquent officer in the departmental proceedings. If the charges were likely to result in dismissal of the person from service, in that event, that officer may with the sanction of the Enquiry Officer be permitted to be represented through a counsel. Language of this Rule is

entirely different from the language of the Rule in question in the present case. On the basis of the facts of that case and Rule 7(5) of the said Rules the Court held:

"The right of representative by a lawyer may not in all cases be held to be a part of natural justice. No general principle valid in all cases can be enunciated. In non-statutory domestic tribunals, Lord Denning in the Court of Appeal in England favoured such a right where a serious charge had been made which affected the livelihood or the right of a person to pursue an avocation and observed:

"I should have thought, therefore, that when a man's reputation or livelihood is at stake, he not only has a right to speak by his own mouth. He also has a right to speak by counsel or solicitor."

But this was not followed by Lyell, J. in Pett case (No.2) It would appear that in the inquiry, the respondent-Corporation was represented by its Personnel and Administration Manager who is stated to be a man of law. The rule itself recognizes that where the charges are so serious as to entail a dismissal from service the inquiry authority may permit the services of a lawyer. This rule vests a discretion. In the matter of exercise of this discretion one of the relevant factors is whether there is likelihood of the combat being unequal entailing a miscarriage or failure of justice and a denial of a real and reasonable opportunity for defence by reasons of the appellant being pitted against a presenting officer who is trained in law.

Legal Adviser and a lawyer are for this purpose somewhat liberally construed and must include "whosoever assists or advises on facts and in law must be deemed to be in the position of a legal adviser". In the last analysis, a decision has to be reached on a case to case basis on the situational particularities and the special requirements of justice of the case. It is unnecessary, therefore, to go into the larger question "whether as a sequel to an adverse verdict in a domestic enquiry serious civil and pecuniary consequences are likely to ensue, in order to enable the person so likely to suffer such consequences with a view to giving him a reasonable opportunity to defend himself, on his request, should be permitted to appear through a legal practitioner" which was kept open in Board of Trustees of the Port of Bombay v. Dilip Kumar. However, it was held in that case (SCC p. 132, para 12) "...In our view we have reached a stage in our onward march to fair play in action that where in an enquiry before a domestic tribunal the delinquent officer is pitted against a legally trained mind, if he seeks permission to appear through a legal practitioner the refusal to grant this request would amount to denial of a reasonable request to defend himself and the essential principles of natural justice would be violated...."

On a consideration of the matter, we are persuaded to the view that the refusal to sanction the service of a lawyer in the inquiry was not a proper exercise of the discretion under the rule resulting in a failure of natural justice; particularly, in view of the fact that the Presenting Officer was a person with legal attainments and

experience. It was said that the appellant was no less adept having been in the position of a Senior Executive and could have defended, and did defend, himself competently; but as was observed by the learned Master of Rolls in Pett case that in defending himself one may tend to become "nervous" or "tongue-tied". Moreover, appellant, it is claimed, has had no legal background. The refusal of the service of a lawyer, in the facts of this case, results in denial of natural justice."

10. Thus, the appellant can hardly take any help from that case. Even in the case of Dilipkumar Raghavendranath Nadkarni (supra), the Board of Trustees had appointed its law officer as a presenting officer. The Presenting Officer was legally trained and experienced in handling departmental enquiries, it was in those circumstances that this Court found, as a matter of fact, that there was violation of principles of natural justice and that a legally expert person has been permitted to be engaged by the delinquent worker.

"In that case the provisions similar to the present provisions also came into force during the pendency of the departmental proceedings. The Court remanded the matter and directed re-conducting of the departmental enquiry with specific liberty to the workman to cross-examine all the witnesses afresh in accordance with law. The facts of that case are thus entirely different from the case in hand wherein no such ground is made out. Firstly, the petitioner himself was equally qualified and trained as the presenting officer and/or he could even ask for assistance for a fellow colleague with similar experience and status as that of the presenting officer which he choose not to do. Having given up the right, he cannot now be permitted to turn back and raise a grievance in that regard.

This contention of the appellant is without any merit."

11. Coming to the other aspect of the case, that there is perversity in appreciation of the evidence in the impugned judgment under appeal, we may notice that the finding of facts arrived at by the enquiry officer was not interfered with by the learned single Judge as well as the Division Bench of the Madhya Pradesh High Court, it is hardly permissible for this Court to disturb such findings of fact in exercise of its jurisdiction under Article 136 of the Constitution of India.

"Besides that, we must notice that the conduct of the appellant can hardly be appreciated in regard to deposit of money in the Bank regularly during the entire period of 1984-85. The Department had showed that the deposits have been made and the bank balance of the appellant, on a particular date, was beyond the known sources of his income to which, the appellant has raised a defence that he owned the land and the income received was an agricultural income. However, he produced no evidence during the departmental enquiry to show that some person was making payment to him and/or some person was depositing the money in the Bank so received from agricultural activity in every 2-3 days. Once a person is carrying on agricultural activities like the appellant, the obvious result thereof would be that there would be

persons who would be carrying on agricultural activities on the land on his behalf, would be harvesting the crops and then selling the same on his behalf and that there would be persons who would be buying such crops and disposing the crops in the open market directly or indirectly. Thus, these persons would have been easily available to the appellant to be produced in departmental enquiry to substantiate his defence. No such effort was ever made by the appellant. Non- examination of these witnesses and non-production of necessary documents must lead to draw an adverse inference against the appellant. In any case, the appellant cannot take advantage of that fact and contend that the inquiry officer has failed to appreciate evidence in its correct perspective. At this stage, we may also notice that during the course of hearing, we had called for the original personal file of the officer where he had filed property returns to the Department. In the property return for the year 1984-85 (copy of which is stated to have been produced before the Enquiry Officer), which is the relevant year, the appellant is shown to have 1/3 rd share in the agricultural land located at two different places. There is a specific column relating to income from agriculture. In that form it was filled in by the appellant as `uncertain' (anishchit). This return had been filed on 27 th March, 1985.

In other words, on that date he did not know whether he had earned any amount from the agricultural income or not. The period in question was January, 1984 to May 1985, thus, for the substantial period, he was fully aware of his income received from agricultural activity but he still chooses to keep it vague and not declare his true income in the return. Now, in the departmental proceedings and in the reply to the charge-sheet, he submitted that there was an income of more than Rs.50,000/- p.a. and that he owned 37.53 acres of land in village Bilaspur at two different places. It is again strange that he did not disclose in his reply that this was a land jointly owned with his brothers and family members and what was the extent of his holding individually. In the return, he himself claimed one-third share in the property. The total land indicated at two different places being 26 acres + 18 comes to 44 acres and one third of which, merely 14 acres approximately, would be the land owned by him and not 37 acres as claimed. This, itself shows that the appellant has not approached the Court with clean hands and has not disclosed true facts which were known to him alone. In the departmental proceedings, he took incorrect defence contrary to his return and failed to discharge the onus placed upon him. In the departmental enquiry, the appellant produced no income tax returns to show that in addition to his salary, he had other sources of income and what was the extent of income from these sources. In his written statement of defence he never took up the plea that any such returns were filed and he made no effort to bring on record the copies of such income-tax returns, if at all filed. The delinquent officer could have stated in his statement if he was not filing any return and reason thereof. We are certainly of the considered view that it was obligatory on the part of the delinquent officer to disclose all such relevant facts which were only within his personal knowledge. He belongs to a service which is looked upon by the public at large as a service cadre of high integrity and professional values. The Judges are expected to apply stringent social and moral values to their

standard of living. It was expected of the appellant to disclose all true and correct information and documents in his power and possession before the Enquiry Officer. It was not required of him to with- hold relevant material and take such a defence which could not be substantiated during the course of departmental enquiry. Having failed to produce relevant documentary evidence as well as examine the witnesses, the appellant cannot argue that the Disciplinary Authority or the Courts have not appreciated the evidence in its correct perspective.

We are unable to accept the contention of the appellant that the findings are based on no evidence or are perverse in any manner whatsoever."

12. For the reasons afore stated, we find no merit in this appeal. The same is dismissed however, without any order as to costs.

[1]*(1991) 2 SCC 283*
[2]*(1983) 1 SCR 828*
[3]*(2009) 7 SCC 658*
[4]*(2001) 1 SCC 509*
[5]*AIR 1979 SC 1320*
[6]*AIR 2003 SC 511*