

Central Administrative Tribunal, Principal Bench

O.A. No.2412/2002

New Delhi this the 21st day of September, 2006

Hon'ble Mr. Justice M.A. Khan, Vice Chairman (J)
Hon'ble Mr. N.D. Dayal, Member (A)

1. Shri Jayanta Barua
S/O Shri K.R. Barua
Aged 32 years
R/o L-II/22-B,
DDA Flats, Kalkaji,
New Delhi.
2. Shri Ajay Kumar
S/o Shri Shanker Lal
Aged 30 years
R/o L-II/59-A,
DDA Flats, Kalkaji,
New Delhi.
3. Smt. Arti Agarwal
D/o Shri B.B. Agarwal
Aged 37 years
R/o H-203 Vikas Puri,
New Delhi-110 018.
4. Shri R. Venugopalan
S/o Shri Rajagopalan
Aged 32 years
R/o 427 Dhruva Apartments
Plot No.4,
I.P. Extension,
Delhi-110 092.
5. Shri Awadhesh Singh Khushwaha
S/o Shri R.N.R. Kushwaha
Aged 32 years
R/o 608 Sharda Apartments, Section-IV,
Vaishali, Ghaziabad-201010.
6. Smt. Anita Verma
D/o Shri Ved Prakash
Aged 32 years
R/o B-11293,
Shastri Nagar,
Delhi-110 052.

...Applicants

By Advocate: Shri Ramji Srinivasan with Shri Priyabant Tripathi and Ms. Harvinder Oberoi.

Vesuv

1. Union of India
Through its Secretary,
Ministry of Finance,
Department of Revenue,
North Block,
New Delhi-110 001.

2. The Chairman,
Central Board of Direct Taxes,
North Block,
New Delhi.
3. The Chief Commissioner of Income Tax-1,
Income Tax Office,
C.R. Building,
New Delhi.
4. The Directorate Income Tax (System)
ARA Building, Jhandewalan Extension,
New Delhi.
5. Shri Rakesh Bhushan
S/o Late Shri Bharat Bhushan,
Aged 48 years,
R/o 139 Ram Nagar,
Delhi-110 051.
6. Shri S.R. Gautam
S/o Late Shri J.P. Gautam
Aged 56 years
R/o Flat No.1181, Laxmibai Nagar,
New Delhi.
7. Shri V. Swaroop
S/o Shri B.S. Sharma
Aged 54 years
R/o Sector-IV-391, R.K. Puram,
New Delhi-110 022.
8. Shri Praveen Punj
S/o Shri M.R. Punj
Aged 42 years
R/o L-II/131-A DDA Flats, Kalkaji,
New Delhi-110 019.
9. Ms. Amita Sharma
W/o Shri Ashwani Sharma
Aged 40 years,
R/o E-16, Green Park Extension,
New Delhi.
10. Shri P.K. Kar
S/o Shri Narasingh Kar
At present working as Assistant Director (Systems)
In the office of the Commisisoner of Income Tax,
Computer Operations,
Bhubneshwar, Orissa,
R/o Type-III Quarters No.11, New Block,
Central Revenue Colony,
Rajaswa Vihar,
Bhubaneswar-751004.
11. Smt. V. Uma
W/o Shri Krishnan
Aged 42 years, Soundararajan Street,
T-Nagar, Chennai-17.

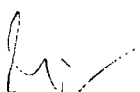
54

12. Shri V. Palanivel
S/o Shri M. Vaiyapun
Aged 51 years
E-8, I. Tax Officers Quarters,
75, Bazulah Road,
Chennai-17.
13. Shri N. Siva Rama
S/o Shri K.P. Narayana Swamy,
Aged 59 years
R/o 45 Bharti Nagar,
III Street, Alappakkam, Maduravoyal,
Chennai-602 102.
14. Shri V.S.S. Chari
S/o Late V.S. Srirangachari
Aged 52 years
B-12, Siddharath Apartment,
5-B Balakrishnana Naicken Street,
West Mambalam,
Chennai-110 033.
15. Shri R. Parmeshwaran
S/o Shri P. Ramaswamy
Aged 47 years, 19, Aswini Street,
Marudha Nagar,
Vadavalli,
Coimbatore-641041.
16. Shri Mahesh
S/o Shri V. Kumar
Aged 48 years
C-53, Income Tax Residential Complex,
Road No.12, Banjara Hills,
Hyderabad-500 034.
17. Smt. R. Rajalakshmi
W/o Shri H. Krishnan
Plot No.6, 12-8/68, Mahanadhi Street,
Mahatma Gandhi Nagar,
Madurai-625014.
18. Shri N.S. Yadu
S/o Shri J.R. Yadu
Regional Computer Centre of Income Tax,
Bhopal, M.P.
19. Shri Rajneesh Kumar
S/o Shri J.N. Srivastava,
N-188, Ashiana, Lucknow-12.
20. Shri A. Mohandas
Aged about 52 years
S/o Late Shri V.K. Ankan,
O/O the Commissioner of Income Tax,
C.R. Building,
I.S. Press Road,
Cochin-682 018.

.....Respondents

By Advocate: Shri V.P. Uppal, Counsel for respondent Nos. 1 to 4.

Shri A.K. Behera, Counsel for respondent Nos. 5 to 9.



ORDER

By Hon'ble Mr. Justice M.A. Khan, Vice Chairman (J)

These five applicants are working as Data Processing Assistants Grade 'B' (DPA Grade 'B' for short) in the Directorate of Income Tax (Systems). They are aggrieved that the private respondent Nos. 5 to 9 who, according to them were their junior, have stolen a march over them in the matter of promotion to the next higher post of Assistant Director (Systems) pursuant to the order of this Tribunal dated 19.4.2001 passed in OA No. 2516/2000 in which they were not arrayed as a party. They have sought the following relief:-

(a) declare the judgment of the Hon'ble Tribunal dated 19.4.2001 passed in OA No. 2516/2000 as being void, ineffective and not operative against the applicants and against the statutory rules called 'The Directorate of Income Tax (Systems), Joint Director (Systems), Deputy Director (Systems) and Assistant Director (Systems) Recruitment Rules, 2001', or in the alternative declare that the order of this Tribunal can be confined and be limited to conferring the right of regularization of the deputation service in DPA Grade-A for the respondent Nos.5 to 9 to enable them to stake their claims for promotion to the posts of Assistant Director (Systems) under the 2001 rules above;

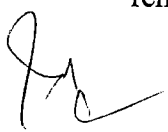
(b) declare that the order of this Hon'ble Tribunal dated 30.10.2001 passed in Contempt Petition No.607/2001 is void, inoperative and vitiated for not hearing the affected persons, and cannot operate in supercession and in derogation of the claims of the applicants and other DPA Grade-B candidates, who are seniors to the private respondent No.5 to 9 in DPA Grade-B post;

© strike down the order of ad hoc promotion dated 27/28.6.2002 as illegal, ultra vires the rules and violative of the rights of the applicants and other senior DPA Grade-B post holders and as in infringement of the principles of natural justice ;

(d) direct the respondent Nos.1 to 4 to prepare and finalized the seniority list of DPA Grade-B candidates within four weeks and thereafter hold the regular DPC to promote the candidates in accordance with the rules of 2001 in accordance with the seniority positions in DPA Grade-B posts;

(e) quash the order dated 26.11.2002 as being illegal, violative of the rights of the petitioners and as contrary to the directions of the orders of the Hon'ble Tribunal, Principal Bench at New Delhi and/or pass any other order or directions as may be deemed fit and proper.

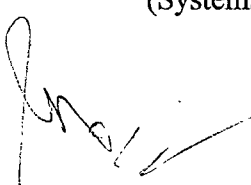
2. The background of the case, as stated by the applicants, is that in 1988, the Department of Income Tax established a Systems Wing called Directorate of Income Tax (Systems) which comprised of Programme Assistant/Console Operator (PA/CO for short) in the pay scale of Rs.1640-2900 at the base level and the higher post of Programmer in the pay scale of Rs.2200-4000 and the post of Assistant Directors and Deputy Directors in the pay scale of Rs.3000-4500 and Rs.3700-5000 respectively. Initially the post of PA/COs was filled up on transfer on deputation from other departments as no Recruitment Rules were framed. The respondent No.5 to 9 were also initially appointed on deputation basis on the post of PA/COs on various dates between 1.8.1988 and 26.7.1991 which has been mentioned in para 4.4 of the OA. In 1990 the Directorate of Income Tax (Systems) Recruitment Rules, 1989 were promulgated under Article 309 of the Constitution of India and they were notified on 25.5.1990. The schedule annexed to these rules provided for the post of PA/CO; Programmers, Assistant Directors and Deputy Directors. The post of Programmer was to be filled up by promotion and by direct recruitment in the ratio of 50% each. The promotion was from the feeder cadre of PA/CO with 5 years regular service in the grade in the order of seniority. By an order dated 18.8.1994 the base level post of PA/CO was restructured and was split into Data Processing Assistant Grade-A (DPA Grade-A for short) and Data Processing Grade-B (DPA Grade 'B' for short). The restructuring came into force on 11.9.1994. All existing PA/COs who were in the pay scale of Rs.1640-2900 were placed as DPA Grade 'A' with pay protection as the post of DPA Grade 'A' was in the lower scale of Rs.1660-2660. The Recruitment Rules for the restructured post of DPA Grade 'A' and DPA Grade 'B' were under the process of formulation. By a notification dated 14.9.1995 the Income Tax Department (Data Processing Assistants Grade-A and Grade-B) Recruitment Rules, 1995 were promulgated which provided for DPA Grade 'A' and Grade 'B' posts. DPA Grade 'B' was a non-selection post. 60% of the posts were to be filled by promotion and the remaining 40% were to be filled by direct recruitment. DPA



Grade 'A' was eligible for promotion to DPA Grade 'B' on completion of 4 years regular service in the said grade. The private respondent Nos.5 to 9 were absorbed in the service as DPA Grade 'A' simultaneously on promulgation of the said Rules on 14.9.1995. The applicants were directly recruited to the post of DPA Grade 'B' in an open competition in 1996. Meanwhile, the post of Programmer Group 'A' was re-designated as Assistant Director (Systems). The respondent Nos.5 to 9 were promoted to DPA Grade 'B' on ad hoc basis on different dates between 1997 to 1998. The promotion was not as per the rules as they have not completed 4 years of regular service as DPA Grade 'A'. Conversely, the applicants were regularly recruited to the post of DPA Grade 'B' and some of them were even confirmed on the said post. Respondent Nos. 5 to 9 were promoted on regular basis to DPA Grade 'B' on ad hoc basis by order dated 19.4.2000 although they had not completed 4 years regular service in the Grade 'A' and did not fulfil the qualifying service for eligibility.

3. The applicants further submitted that the private respondents had filed OA No. 2516/2000 before this Tribunal in which they (the applicant herein) were not party and sought a declaration that the service rendered by them as PA/COs from the date of their deputation to the date of their absorption is to be treated as regular service for the purpose of being considered for promotion as Programmer, Group 'A'/Assistant Director (Systems) and further direction to the respondents to consider them for promotion as Programmer Group 'A'/Assistant Director (System) from the due date, if found fit by the DPC or review DPC with all consequential benefits.

4. The relief which these respondents sought was for regularization of their service and if it was granted, would have resulted in giving them seniority only in DPA Grade 'A' post. The private respondent Nos. 6 to 10 did not pray for regularization of their service in DPA Grade 'B' post. Other relief was consequential to the first relief and further on being found fit, they were to be promoted to the higher grade. The rules for promotion to the post of Programmer Grade 'A' had become redundant as the post was re-designated as Assistant Director (Systems). In the OA the private respondents alleged that they had been regularised in the post of DPA Grade 'B' on 19.4.2000. They also did not deny that the post of Programmer Grade 'A' was designated as Assistant Director (Systems) so the promotion to the non-existent post of Programmer Grade 'A' was



neither here nor there. The official respondents resisted the claim of the applicants by stating that the seniority in the DPA Grade 'A' could be computed only from the date of regular absorption of the private respondents, i.e., from 14.9.1995 and computing seniority in DPA Grade 'A' from the date of officiation on deputation would lead to an anomalous situation. The Tribunal by order dated 19.4.2001 allowed both the prayers made in the OA. Thereafter the private respondent Nos.5 to 9 filed Contempt Petition No.607/2001 for their promotion in accordance with the order of the Tribunal in which official respondents were directed to comply with the order of the Tribunal. The rules regulating the recruitment to the post of Joint Director (Systems), Deputy Director (Systems) and Assistant Director (Systems) in the meantime came into force. The erstwhile post of Programmer Group 'A' which was redesignated as Assistant Director (Systems) which was to be filled 60% by direct recruitment and 40% by promotion on the basis of selection-cum-seniority from the cadre of DPA Grade 'B' with 5 years regular service in the grade, failing which combined regular service of 8 years in Grade 'A' and Grade 'B' together with minimum 2 years regular service in Grade 'B' was mandatory. Thus the official respondents issued circular regularising the service of the private respondents from the date of their appointment on deputation to the date of their absorption which was not in accordance with the rules and private respondents were further promoted to the post of Assistant Director (Systems) on ad hoc basis by order dated 27/28.6.2002. Although all of them were junior to the applicants in Grade 'B' and were not eligible for promotion as per the Recruitment Rules, which had superseded the 1989 Recruitment Rules and the post of Programmer Group 'A' was no more in existence. After 1994 there was no post of PA/CO. The ad hoc promotion of the private respondents was, as such, without any authority of law and was in direct contravention of the Recruitment Rules.

5. According to the applicants, on coming to know of the promotion of the private respondents, some of the applicants made representations that they could not be superseded. The seniority list of the post of DPA Grade 'B' was circulated vide order dated 25.7.2002. The applicants were shocked that the official respondents were proposing to regularize the ad hoc promotions of the private respondents to the post of

Programmer Group 'A' and their apprehension came true when the official respondents regularized private respondent Nos. 5 to 9 on the promoted post.

6. Out of 41 persons working in the DPA Grade 'B', first 22 were the direct recruits who were appointed on the basis of the competitive examination on different dates. Out of them, 4 persons whose name were at S.No. 28, 18, 10 and 9 were not eligible for promotion as they had not completed 5 years regular service in Grade 'B'. Out of 29 persons who were appointed on promotion, 18 of them had the qualifying service as they had completed 5 years regular service in Grade 'B'. They included respondent Nos. 5 to 9, who could be considered in the second category of persons as they had completed 8 years service in both DPA Grade 'A' and Grade 'B', out of which they had completed 2 years regular service in DPA Grade 'B'. Out of the remaining persons, 16 persons also had qualifying service for consideration for promotion. But the turn of respondent No.5 to 9 would come for consideration only after exhausting the first category of candidates, who had qualifying 5 years of regular service in DPA Grade-B. But the official respondents in an erroneous interpretation and misunderstanding of the order of the Tribunal were proceeding to consider the cases of respondent Nos.5 to 9 only for promotion. There was no justification for ad hoc promotion of the applicants ignoring the claim of the seniors in DPA Grade-B by order dated 27/28.6.2002. They are also holding a DPC to confirm them. Another person named Shri P.K. Kar, who had obtained an order from Bhubaneswar Bench of the Tribunal is also claiming the benefit similar to that of private respondent Nos.5 to 9 and he is also being considered by the official respondents. There was no response from the official respondents to the representation made by the applicants rather they have promoted six persons (5 private respondents No. 5 to 9 and Shri P.K. Kar, who is a private respondent No.10).

7. The applicants have based their claim on the ground that the deputation period before the absorption of the private respondents as DPA Grade 'A' cannot be regularized. The order of this Tribunal that the official respondents should consider the private respondents for promotion to the post of Programmer Group-A/Assistant Director (Systems) is illegal; no seniority of DPA Grade-B is finalized; no rules regulating the promotions to the said posts were made by then; the direct recruits which included the present applicants were adversely affected but were not provided an opportunity of

hearing and arrayed as a party in the OA; the applicants have vested right for consideration for promotion on their turn to the post of Assistant Director (Systems) as per the statutory rules of 2001 which cannot be taken away on the basis of the impugned orders; the applicants were appointed as DPA Grade-B much prior to respondents Nos.5 to 9 and were as such senior and had prior claim to the post of Assistant Director (Systems); the judgment from the Tribunal was obtained by the private respondents by concealing the legal implications of the restructuring orders and redesignation orders and the order in contempt application was obtained by further abusing the process of justice as the Rules of 2001 which by then had come into force and they were not projected at all in proper prospective before the Tribunal and ; the order dated 30.10.2001 passed in Contempt proceedings in disregard to the statutory rules which came into force on 4.8.2001 which regulated the promotions to the post of Assistant Director (Systems) and which had specifically superseded the Rules of 1989 etc. etc.

8. The OA is contested both by the official respondents No.1 to 4 who have filed a join reply and the private respondent No. 5 to 9 who have also filed a separate common reply. A reply has also been filed on behalf of private respondent No.6.

9. The official respondent Nos. 1 to 4 in their counter reply have stated that the Directorate of Income Tax (Systems) was a separate Directorate under the Central Board of Direct Taxes of the Department of Revenue under the Ministry of Finance, Government of India. Its existing technical posts comprised of Joint Director (Systems), Deputy Directors (Systems), Assistant Directors (Systems), DPAs Grade-B, DPAs Grade-A, Sr. Tax Assistants and Tax Assistants. Previously, the DPA Grade-A had the designation of Programmer Assistant/Console Operator and Assistant Director (Systems) had the designation of Programmer Grade-A. The erstwhile post of Assistant Director (Systems) Analyst had been designated as Deputy Director (Systems) and the Deputy Director/Computer Manager had been re-designated as Joint Director (Systems). The Directorate of Income Tax (Systems) acted as a nodal authority for formulation and implementation of comprehensive computerization Programmer of the Income Tax Department. The private respondents working in the cadre of PA/CO were absorbed as DPA, Grade-A. They were promoted to the post of DPA Grade-B on 19.4.2000 on the vacant posts, i.e. all of them were eligible, as they had completed 4 years mandatory

for

service in the feeder grade. They were promoted to the said post on regular basis on completion of requisite qualifying service of 4 years in the cadre of DPA Grade 'A'. They were absorbed as DPA Grade 'A' with effect from 14.9.1995. The order regularizing the services of the private respondents as Programme Assistant/Console Operator from the date of their initial deputation to the date of their absorption was made in accordance with the order of this Tribunal dated 19.4.2001 in ON 2516/2000. The said order is per incuriam of the judgment of the Hon'ble Supreme Court in SI Rooplal Vs. Lt. Governor 2000 SC (L&S) page 213 wherein it was laid down that the previous service of the transferred official is to be counted for seniority on transferred post provided the two posts were equivalent. Only private respondent No.5 was holding an equivalent post before his appointment on deputation whereas the private respondent No.5 to 9 were holding lower post before joining deputation post as such they were not entitled to count their past services. By Circular dated 18.8.1994, the PA/CO was restructured in two grades, i.e., DPA Grade-A and DPA Grade-B and both these grades were not treated to be a combined grade. In implementation of the Tribunal's order dated 19.4.2001, the private respondents have been promoted after following the regular procedure laid down in the statutory rules. The applicants were not eligible for consideration at that time, so they were not considered. As such the question ignoring their claim would not arise. The Tribunal in its order had specifically directed for taking into consideration the service rendered by the private respondents for the purpose of promotion to the post of Programmer Group 'A'/Assistant Director (Systems) and in view of the specific direction, the restructuring order dated 18.8.1994 had been ignored. The private respondents were to be promoted from the due dates, i.e. from retrospective dates, which were falling before the statutory rules of 2001 came into effect, the question of applying these rules did not arise.


10. Respondent Nos. 5 to 9 in their counter reply raised a preliminary objection that the applicants had filed Annexure A-4 to the OA, certified as true copy of the original but the said document was internal communication of the Department which has never been issued to outsiders or to the private respondents. The applicants have obtained the said document by some fraudulent means. They have filed it to show that Recruitment Rules of DPA Grade-A and Grade-B were issued under proviso to Article 309 of the

Constitution of India whereas the fact is that it is only a draft prepared by the Department and the Rules have never been notified as statutory rules. They are still under consideration. The applicants, as such, have not come to the court with clean hands and the OA is liable to be dismissed on this short ground.

11. It was further stated that applicants are also guilty of suppressio veri and suggestio falsi. From the order of the Tribunal dated 19.9.2002, it appeared that the applicants had drawn attention of the Tribunal to Annexure A-23 which was a document prepared by themselves and in which they had shown themselves to be senior to the private respondent Nos. 5 to 9. But they have not shown the original date of appointment of the private respondents as PA/CO with the mala fide intention of misleading the Tribunal on the question of seniority. The OA is liable to be dismissed on this ground alone. Moreover, the Recruitment Rules of DPA Grade-A and Grade-B have never been issued under Article 309 of the Constitution of India and it was fully in the knowledge of the respondents. It is also submitted that they had suppressed this fact and made false allegation in the OA so they are not entitled to be granted the relief in the present case. Besides the order dated 19.4.2001 passed in the OA of the private respondents has been affirmed by the High Court. The Contempt Petition was filed after the said order but this fact was not mentioned. The present OA is an abuse of the process of law as there is no conflict between the applicants and the private respondents since the applicants were appointed as DPA Grade-B in 1996 and thereafter while the private respondent Nos. 5 to 9 were promoted as Programmer Group 'A' (now holding the post of Assistant Director {Systems}) with effect from 1993 to 1996. The applicants do not claim their promotion from 1993 to 1996. Their appointment is without rules and they have no locus standi to claim promotion whatsoever. Otherwise also, the present OA has become infructuous as their case is build up on the rules of DPA Grade-A and DPA Grade-B dated 14.9.1995 and in the absence of the said rule, they have no case at all. In OA No.925/2002 the Tribunal by its order dated 22.5.2003 had declared the said rule as ineffective. The OA is liable to be dismissed for this reason alone.

12. On merit of other pleas, the private respondents No.5 to 9 have stated that their ad hoc promotion and subsequently regular promotion as Assistant Director (System) is only consequential to the directions of the Tribunal in OA No. 2516/2002. It does not give

any cause of action to the applicants. The validity of the judgment can also not be challenged before the Tribunal as the judgment of the Tribunal has been confirmed by the High Court. The order in the CP was also passed pursuant to the orders of the High Court confirming the earlier order of the Tribunal. The appointment of the applicants to the post of PA/CO was in conformity with the modal Recruitment Rules, which was duly approved by the DOP&T in consultation with the UPSC. These appointments were made between 1988 to 1993 even before the applicants joined the Department. The applicants have omitted to mention that rules of 1989 regulating the post under the Directorate of Income Tax Systems were issued under Article 309 of the Constitution of India. Both the posts of PA/COs and Programmers could be filled by deputation, under the said rules. The order of the Tribunal dated 19.4.2001 was on the basis of those Recruitment Rules of 1989. There was no approval of the President of India or any other competent authority including the concurrence of the Finance Adviser so the letter dated 18.8.1994 about restructuring had no legal force. The PA/CO Recruitment Rules of 1989 were never superseded nor were new rules promulgated in their place. The restructuring could have taken place from the date of promulgation of the new Rules under Article 309 of the Constitution of India. No action, as contemplated in OM dated 18.3.1988 (Annexure PR-3), was taken by the official respondents in respect of the restructuring of the post of PA/CO as such the so called post of DPA Grade-A and Grade-B were non-exist in the eyes of law. There was no statutory Recruitment Rule of DPA Grade 'A' and Grade 'B' and the letter of CBDT dated 14.9.1995 was not statutory rules and the CBDT was not competent to issue statutory rules under the proviso to Article 309 of the Constitution of India. The absorption of private respondent Nos.5 to 9 to the post of DPA Grade-A had no legal consequences as they continued to be in the same scale of pay without any change of their duties and responsibilities. The change in the nomenclature of their post as DPA Grade-A also did not take away any of the rights of these respondents including the right to count their past service as PA/CO for the purpose of promotion to the next higher grade of Programmer Grade-A which has been redesignated as Assistant Director (System). The promotion order dated 19.4.2000 is not under challenge in the present OA. The redesignation of the post of a Programmer in the year 1999 had no effect on their promotion against the vacancies of the year 1993 to 1996. The DPC had been held



on 26.11.2002 and the private respondent Nos. 5 to 9 had been promoted as Programmer Group 'A'/Assistant Director Systems with retrospective effect from 1993 to 1996. Other allegations of the applicants including the grounds on which the applicants sought the relief were traversed in the counter reply.

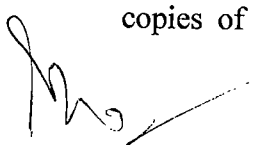
13. Shri Alok Kumar, Additional Commissioner of Income Tax (Headquarters Personnel) New Delhi submitted an affidavit on 13.4.2004 deposing that the documents at pages 51-53 and 130-131 of the amended OA regarding which the preliminary objection has been taken by the private respondent Nos. 5 to 9 were not classified as secret or confidential and the first set of documents at pages 51-53 was a copy of the letter addressed to the all Chief Commissioners of Income Tax on 14.9.1995 and the second set of letter addressed to Union Public Service Commission and the copies were endorsed to different units/sections concerned with the subject so it was not possible to ascertain how these documents were obtained by the applicants.

14. Respondent No.6 filed a counter affidavit in which it was reiterated that the applicants had obtained the copies of the documents in question clandestinely and unauthorisedly. Even if it is not a classified or secret document yet the said internal communication cannot be used by any one unauthorisedly. As such, the OA is liable to be dismissed.

15. In the rejoinder to the above mentioned counter-reply, the applicants have reiterated their case but they have conceded that the Recruitment Rules of 1995 have not so far been approved and notified under Article 309 of the Constitution of India and have not come into force and that the copy of the draft rule was filed which was in the process of approval. As regards the copies of the official documents, it has been stated that no approval has been obtained by the private respondents nor are they confidential or secret in the nature and the private respondents have unnecessarily tried to raise a frivolous plea by taking these objections. The other pleas were also repudiated.

16. We have heard the learned counsel for the parties and have perused the relevant record.

17. Out of the preliminary objections raised by the private respondent Nos. 5 to 9, only one needs a bit serious consideration. The first objection related to the filing of the copies of the official documents Annexure A-4 and A-25. According to the private



respondents the applicants have filed Annexure A-4 stating that it is a true copy of a document which, in fact, has not been issued to anybody by the Department and that Annexure A-25 is an internal communication of the Department and has not been sent to any of the employees. By the first document, the Director, Department of Revenue, CBDT had sent the draft of the copy of the Income Tax Department, Data Processing Assistants Grades-A and Grade-B Recruitment Rules, 1995 purportedly issued in supersession of Directorate of Income Tax (Systems) (Programme Assistants/Console Operators) Recruitment Rules, 1989 to certain authorities, (name/designation not given) for further necessary action regarding filling up of vacant post of DPA Grade-A and Grade-B in accordance with the said Recruitment Rules. The second document is for holding DPC for promotion to the post of Programmer to implement the order of the Tribunal and has been sent to the UPSC. We need not take serious note of this objection since the official respondents in their additional affidavit have stated that these documents, copies of which were sent to different officers of the department, were not of secret/confidential nature. It is stated that Annexure A-25 was sent to the UPSC and copies thereof were endorsed to other Units and Sections concerned with the subject. Any way, we need not dwell into this objection deeper for two reasons. Firstly, according to the statement of the official respondent, these documents were not of secret and confidential nature and copies were endorsed to different Units and Sections. Secondly, under the changed scenario, copies of most of the official documents of the nature, which are Annexure A-4 and A-25, are available under Right of Information Act, which has recently come into force. For the reasons stated above, the ratio of the law laid down in **Surgical Electronics and Another Vs. Union of India and Others, 60 (1995) Delhi Law Times 359 (DB)** cannot be applied to scuttle the case of the applicants. In this case photocopies of official notings from a government file were unauthorisedly obtained by unscrupulous employees to support the claim in a Writ Petition. The Hon'ble High Court disapproved and deprecated their conduct and held it would disentitle them of the relief. The petition was filed under Article 226 of the Constitution of India invoking extraordinary jurisdiction of the court for discretionary relief.

18. Similarly the facts of the case title **R.C. Jain Vs. High Court of Patna and Others, (1996) 10 SCC 5** were peculiarly different. In the SLP filed challenging the

admission of a LPA by a Division Bench of the High Court, the appellant filed affidavit reproducing therein copy of a office note of the registry of the High Court on which orders of the Chief Justice for listing of the LPA were obtained. The appellant and counsel refused to disclose the source of the information from which the appellant had obtained the said document. Hon'ble Supreme Court held that the conduct of the appellant and his counsel was totally reprehensible and improper and expressed its displeasure. The documents which were filed in this case as Annexure A-4 were sent to different offices/units concerned, therefore, supply of copies of such documents by some unscrupulous dealing official and filing it by an equally disgruntled employee, without obtaining it from an authorized source, cannot be compared with an office noting which could not have come to the knowledge of anyone other than the listing branch of registry and the office of the Chief Justice.

19. The second objection of the respondents is indeed a serious allegation to which the applicants have no convincing answer. The applicants in para 4.7 of the their OA have categorically stated that Income Tax Department, Data Processing Assistants Grade-A and Grade-B Recruitment Rules, 1995 were notified on 14.9.1995. They have asserted that those were statutory rules, which had come into force on 14.9.1995 (Annexure A-4). But in the rejoinder, they have candidly conceded that the rules have still not been approved by the Government and they have not been notified/gazetted under Article 309 of the Constitution of India. In other words, those were not the statutory rules but were only draft of Rules which was under process and presently it is under the consideration of the Government. More than the requirement of the Recruitment Rules being published in Official Gazette the need is of its being made by the competent authority under Article 309 of the Constitution. The object of publication in Official Gazette is to give information to all and sundry since judicial notice of the publication in the official Gazette is to be taken (see ITC Bhandrachalam Paperboards and Another Vs. Mandal Revenue Officer, A.P. and Others (1996) 6 SCC 634). A draft of the Recruitment Rule which has not been made by competent authority under Article 309 of the Constitution will not acquire statutory force merely because its circulation to the offices and units or by its operation. In the case of Harla Vs. The State of Rajasthan, 1952 SCR 110 it was held that the laws enacted may in addition to their publication in

official gazette should be publicized in order to bring them in the knowledge of the public and they are not published strictly in accordance with the rules they will not be valid law.

In **R.S. Jadhav and Others Vs. State of Maharashtra and Others, 1991 LAB IC 1216**

it was held that in the case of a conflict between executive orders issued under Article 166 of the Constitution and the recruitment rules made under Article 309 of the Constitution, the rules will take precedence. Indeed it was also observed that non-publication in the gazette of the different GRs and resolutions, would not by itself exclude them from Article 309 and what is necessary is that they are properly publicized. More or less similar view was taken in *Prahlad Singh and Ors. Vs. State of U.P. and Ors.*, 1976 (2) SLR 753. It was held where the rules are expressed in the name of the Governor and State that they have been made by him in the exercise of power conferred on him by Article 309 of the Constitution and are made effective from a particular date they are rules under Article 309. It was also observed that publication does not necessary means publication in the Official Gazette unless statutory provision makes it so. But in the present case, the Rules 1995 have still not been made by the President so as to assume statutory force by virtue of their circulation in the department before they are published in Official Gazette. The principles of law laid down in the *Madhav Ramchandra Gandole Vs. Registrar, High Court of judicature at Bombay and Ors.*, 1983 ILR 1627, do not apply to the question raised in the case in hand. Separate seniority list of Clerks working in the establishments of three branches of the High Court was prepared by the Chief Justice in exercise of the power conferred by Article 229 (2) of the Constitution. Though the decision was not expressed in the same or in the words in which a rule as framed or an order is issued, it was made known and implemented. It was held that it would amount to a rule framed in exercise of the Article 229 (2) of the Constitution. In the present case admittedly the draft Rules 1995 have still not been approved by the President or his delegate. They cannot be held to have been made under Article 309 of the Constitution of India.

20. The applicants have also relied upon **N.T. Devin Katti and Others Vs. Karnataka Public Service Commission and Others, (1990) 3 SCC 157**. It was held in the cited case that a candidate on making an application for a post pursuant to an advertisement does not acquire any vested right of selection but if he is eligible and is

Ray

otherwise qualified in accordance with relevant rules and the times contained in the advertisement, he does acquire a vested right of having considered for selection in accordance with the rules as they existed on the date of advertisement. He could be deprived of that limited right on the amendment of rules during pendency of the selection unless amended rules are retrospective in nature. The applicants may have been appointed on the post of DPA Grade B and they may also be entitled for consideration for promotion to the higher post of Assistant Director (System) under Rules 2001 applicable to that post but it will not alter the legal position. Their service conditions on the post of DPA Grade B will be governed by executive orders/instructions so long as the Recruitment Rules relating to those posts are not made under Article 309 of the Constitution. The order by which the posts of PA/COs was restructured in 1994 will not render the Rules 1989 applicable to those posts and the higher post of Programmer invalid and inoperative. It is indeed improper on the part of the applicants to have used the draft rules as the statutory rules to support their case. The applicants are claiming relief on the basis of the rights which they submit have been acquired by them on their appointment as DPA Grade 'B' in the direct recruitment and the recruitment rules of Assistant Director (Systems) which came into force in 2001 under which DPA Grade 'B' was eligible for promotion to the post of Assistant Director (Systems). The applicants are not seeking any discretionary relief in the present proceeding, therefore, we are of the considered view that the present OA may not be dismissed simply because the applicants made an erroneous claim in their OA in regard to the Recruitment Rules, 1995 being statutory rules and further because we do not find that the claim of the applicants can be sustained on merit.

21. The contention of the applicants in this OA may be summarized as under:-

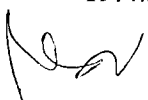
- (i) The order of promotion of the private respondents No.5 to 9 to the post of Programmer from retrospective effect is based on erroneous interpretation of the Tribunal's order in S.R. Gautam and Others Vs. Union of India in OA No. 2516/2000.
- (ii) The applicants were necessary party but were not impleaded in the said case.

fer

- (iii) The appointment of private respondents to the post of Programmer/Assistant Director is bad in law.
- (iv) The order in S.R. Gautam's case (Supra) did not require the official respondents to promote the private respondents Nos.5 to 9 superseding the applicants.
- (v) The Tribunal overlooked the effect of Statutory Rules of 1990, 1995 and of 2001 while deciding SR Gautam's case (Supra).
- (vi) The Tribunal had also overlooked that the respondents Nos. 5 to 9 were appointed on deputation basis in 1988; they sought absorption and regularization on the post of PA/COs which was not granted; PA/CO's Recruitment Rules were promulgated in 1990; UPSC raised objection to their appointment; on 14.9.1995 Recruitment Rules for DPA Grade 'A' and DPA Grade 'B' were notified under Article 309 of the Constitution of India; respondents Nos.5 to 9 were absorbed on the post of DPA Grade 'A' on the basis of 1995 Rules which they had accepted so cannot turn back and alleged that Rules were non-est for want of publication in the Gazette; they were first promoted to the post of DPA Grade 'B' on ad hoc basis in 1997/1998 and on regular basis in 2000 so they cannot challenge Rules 1995 and ; their case suffered from delay and laches.

22. The applicants have firstly challenged the order of this Tribunal dated 19.4.2001 passed in OA No. 2516/2000 (R.S. Gautam's case (supra)) which was filed by the private respondent Nos.5 to 9 for regularisation of their services as PA/COs and under which they were regularized and were also considered for promotion to the next promotional post of Programmer Group 'A' in accordance with 1989 Recruitment Rules. Secondly, they have challenged the order of the respondent by which the private respondent Nos. 5 to 9 and respondent No.10 Mr.P.K. Kar have been promoted as Programmer Group 'A' with retrospective effect. Thirdly, their claim is that the official respondent Nos. 1 to 4 should finalise the seniority list of DPA Grade-B and thereafter hold a review DPC and consider them for promotion to the next higher post of Assistant Director (Systems).

23. As regards the challenge of the applicants to the order of this Tribunal dated 19.4.2001 in OA No. 2516/2000, we feel that the same is devoid of any merit since the



relief claimed therein by the private respondent Nos. 5 to 9 (applicants therein) related to the period when they were working as PA/COs prior to the applicants selection and posting as DPA Grade-B in the direct recruitment between 1996 and 1998. The selection of the applicants to the post of DPA Grade-B was not under 1989 Rules nor were they selected and worked against the post of PA/COs at any time. Therefore, these applicants do not have any locus standi to challenge the regularization of the service of the applicants on the post of PA/COs and also to assail the Tribunal's order. The Tribunal's order related to the claim of the private respondent Nos. 5 to 9 for the period they had worked as PA/COs under 1989 Rules prior to 1995 when they were regularly appointed as DPA Grade-A. These applicants were not debarred from asserting their rights, which, according to them, had accrued prior to their absorption as DPA Grade-A. The post of Programmer was redesignated as Assistant Director (System) in 1999. Before that promotion to that post was governed by Rules of 1989. Only PA/COs of certain years of service were eligible for promotion. DPAs Grade B were not eligible for promotion to the post of Programmer under Rules 1989. They became eligible for promotion to the post of Assistant Director (System) in 2001 when Rules of 2001 applicable to the said post came into force. Reference may be made to Dr. N.C. Singhal vs. Union of India and Ors., (1980) 3 SCC 29, wherein it was held that those who was not eligible for promotion to a certain post was least qualified to question others' promotion. The applicants' reference to Dr. M.A. Haque vs. Union of India and Ors., (1993) 2 SCC 213, is misconceived since the appointment to the applicants as Programmer was not irregularly made in disregard of the Recruitment Rules of 1989 which was a case in the cited case. The applicants in the present OA were completely stranger to the claim of the applicants made in the OA by private respondents. They cannot question correctness or otherwise of the order on legal and factual grounds. The order had attained finality and it has already been implemented by the official respondents. The applicants, who came on the establishment of the Directorate of Income Tax (systems) much after the period i.e. 1993 to 1996, were neither the necessary or proper party to the proceedings which were filed by the respondent Nos.5 to 9 in respect of the applicants which pertained to the period prior to their appointment. The applicants had no legal right to claim seniority on the post of PA/COs and promotion to the post of Programmer under 1989 Rules. From any angle the

order of this Tribunal by which the relief was granted to the applicants and they got their promotion to the higher post in accordance with the rules of 1989, which were force from 1990, does not call for reconsideration. The Tribunal cannot consider it as an appellate court and otherwise also has no reason to take a different view since the order is based on the Recruitment Rules of 1989, which still have statutory force, if those rules have not been superseded, rescinded or withdrawn by any statutory rules or orders. Rules of 1995 have in fact not become the statutory rules as yet.

24. It seems that the applicants were under a misconception that their appointment as DPA Grade-B or their further promotion to the higher post of Assistant Director (Systems) in accordance with 2001 Rules would come under cloud once the Recruitment Rules of 1995 are held to be not statutory rules. The Government had created post of DPA Grade-A and Grade-B and had recruited the applicants and appointed them as DPA Grade-B. Till the Recruitment Rules for the post are framed and notified as per Article 309 of the Constitution of India, the service of the applicants will be regulated by the Government orders and instructions (See B.N. Nagarajan and Others Vs. State of Mysore and Others, (1966) 3 SCR 682 and Nagpur Improvement Trust vs. Yadaorao Jagannath Kumbhare and others, (1999) 8 SCC 99). The apprehension of the applicants is, therefore, ill founded. Reference by the respondents no.5 to 9 to the judgment in Ashwani Kumar and others vs. State of Bihar and others, (1997) 2 SCC 1, to our view, is entirely misplaced as the appointments in that case were made in excess of the posts sanctioned in Tuberculoses eradication scheme under 20 point programme of the State Government. It was held that regularization of the persons appointed in an unauthorized manner and against non-existent vacancies was a nullity. No such situation has arisen here. The appointment of the applicants as DPA Grade B is against sanctioned posts and as per the executive orders/ instructions applicable in the absence of valid Recruitment Rules. As regards the promotion, the same would be regulated by the Recruitment Rules of the Assistant Director (Systems) as and when their promotion to the next higher grade of Assistant Director (Systems) is required to be considered as per the Recruitment Rules of 2001.

25. Much ado has been made by the applicants about the appointment of the private respondents Nos. 5 to 9 as DPA Grade-A in 1995. The post of DPA Grade-A was created



by the Government. The Recruitment Rules for the said post and the post of DPA Grade-B were under process. Appointment to DPA Grade-A till the statutory rules come into force would be governed by the Government orders and instructions. The question is whether the applicants, who had accepted their regular appointment to the post of DPA Grade-A in 1995, are estopped from asserting their rights under the Rules of 1989. Firstly, there is no estoppel against statute and secondly, even after accepting their regular appointment as DPA Grade-A, nothing prevented them from agitating their rights for regularization of their ad hoc services on the post of PA/CO. Whether only one of them was eligible for regularization of their service or whether regularization of the remaining 4 was not in accordance with the order of the Hon'ble Supreme Court in SI Roop Lal's case (Supra), to our view, is not of much importance because the order of the Tribunal has become final and it has been affirmed by the Hon'ble High Court. Further the applicants who were in higher pay scale of PA/CO were absorbed in the post of DPA Grade 'A' which was in lower pay scale. There is no allegation that the pay scale of these applicants in their parent department was lower than the pay scale of the post of DPA Grade 'A'. As such the applicants have no legal right to challenge the regularization of the service of the respondents Nos.5 to 9 or any of them on the posts of PA/COs from a date which was much prior to the date when they joined the establishment as DPA Grade-B. Simply because the OA was filed after they had joined the service as DPA Grade-B, would not make a difference.

26. The order of this Tribunal passed in S.R. Gautam's case (Supra) was challenged before the Hon'ble High Court but was affirmed. The promotion of the respondents Nos.5 to 9 to the post of Programmer was in accordance with order of the Tribunal and under Rules of 1989 which have been replaced only in 2001. The posts of PAs and COs were restructured by administrative orders only in 1994. Before that they were governed by Rules 1989. In OA No. 2516/2000 - S.R. Gautam and Others (private respondents No.5 to 9) based their claim under Rules 1989 with which the applicants herein had no concern. They were never appointed under Rules 1989 nor did they acquire any right under those rules. The applicants herein were total stranger to the claims of the respondents Nos. 5 to 9 in that case. They could not challenge the legality of the order in S.R. Gautam's case (supra) on the ground that the Tribunal had not correctly applied the

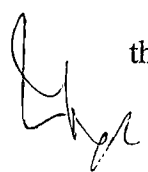
then

law laid down in SI Roop Lal's case (Supra) or the decision was even otherwise incorrect on law or facts.

27. The applicants have also referred to DOP&T's OM dated 27.3.2001, which was issued after the judgment of Supreme Court in SI Roop Lal's case (Supra) and the phrase 'which ever is later', was substituted with phrase 'which ever is earlier'. It is argued that only one of the respondents Nos.5 to 9 was holding the post in equivalent grade in the parent department before their appointment as PA/CO. But it has not been denied that the pay scale of the post of DPA Grade 'A' was lower than the pay scale of PA/COs which has been counted for regularization of past service after absorption in the establishment of the respondent. This bench on the basis of this OM cannot hold that the Tribunal's order in S.R. Gautam case (Supra) is illegal. The order has already been affirmed by the Hon'ble High Court.

28. Here we may also notice the case law cited on behalf of the applicants. In **B.N. Nagarajan and Others Vs. State of Mysore and Others (1966) 3 SCR 682**, the Hon'ble Supreme Court has held that it is not obligatory under the proviso to Article 309 of the Constitution of India to make rules of recruitment before a service can be constituted or a post is created or filled. The State Government has executive power in relation to all matters with respect to which the Legislative of the State has power to make law. This judgment does not support the contention of the applicants that Rule 1995 will have the statutory force of the Rules framed under Article 309. This Tribunal in OA No. 2583/2003 - Ms Anupma Jain and Another Vs. Union of India and Others decided on 23.10.2003, has clearly held that Recruitment Rules issued in 1995 have not come into effect as they were neither approved by the competent authority nor published in Gazetted as per procedure laid down.

29. The applicants have next cited **N.T. Devin Katti and Others Vs. Karnataka Public Service Commission and Others (1990) 3 SCC 157**, wherein the Supreme Court held that "a candidate on making an application for a post pursuant to an advertisement does not acquire any vested right of selection, but if he is eligible and is otherwise qualified in accordance with the relevant rules and terms contained in the advertisement, he does not acquire a vested right of being considered for selection in accordance with the rules as 'they existed on the date of advertisement'." He cannot be deprived of that



limited right on the amendment of rules during the pendency of the selection unless the amended rules are retrospective in nature. It is not understood as to how these observations advance the arguments of the applicants. The posts of DPA Grade 'A' and Grade 'B' were created by executive orders of the Government in 1995 by restructuring the posts of PA/COs. The Government had power to do so. The subsequent appointment of the applicants to the posts of DPA Grade 'B' or the absorption of respondents Nos.5 to 9 as DPA Grade 'A' or later promotion as DPA Grade 'B' was to be as per the Government's specific or general orders in the absence of statutory applicability of Rules 1995. The promotion to the post of Programmer was to be in accordance with Rules 1989 and the respondents Nos.5 to 9 sought their promotion under those rules.

30. Next case relied upon in **K. Madhavan and others Vs. U.O.I. and Others (1987) 4 SCC 566**. It was observed by Hon'ble Supreme Court that retrospective appointment or promotion to a post should be given most sparingly and on sound reasoning and foundation. But if the meeting of the DPC scheduled to be held is arbitrarily or mala fide cancelled without any reasonable justification therefor to the prejudice of an employee and he is not considered for promotion to a higher post, the Government in suitable case can do justice to such an employee by granting him promotion or appointing him to the higher post for which the DPC was to be held with retrospective effect so that he is not subjected to a lower position in the seniority list. It was also held that an employee may become eligible for a certain post but he cannot claim appointment for such post as a matter of right. The judgment does not lay down that no promotion can be given with retrospective effect even notionally. Of course, the Government servant has no indefeasible legal right to claim promotion from the date a vacancy in the higher post has become available. The principle of law laid down in this case also did not justify this bench to hold that the questions involved in S.R. Gautam's case (Supra) were not correctly decided. The service of the respondents Nos.5 to 9 was regularized on the post of PA/COs and they were to be granted consequential benefit of promotion from due date as per Rules 1989. The judgment, as such, does not come to the rescue of the applicants.

31. The applicants have also referred to **P.U. Joshi and Others Vs. Accountant General Ahmedabad and Others (2003) 2 SCC 632**. The Hon'ble Supreme Court has

per

held that government servants had only right to safeguarding rights or benefits already earned, acquired or accrued but they cannot challenge the authority of State to make such amendments or alterations in rules. It was also held that the Tribunal can also not interfere with the exclusive discretionary jurisdiction of the State. It is not explained by the applicants as to how this judgment applied to the case of the order passed in S.R. Gautam's case (Supra). Restructuring order and creation of the posts of DPA Grade 'A' and Grade 'B' is in 1994/1995. Before that the respondents Nos.5 to 9 were working as PA/COs under Rules of 1989. They never challenged the authority to amend rules and creating of posts of DPA Grade 'A' and Grade 'B' and the proposal to frame new Recruitment Rules for the posts of DPA Grade 'A' and Grade 'B' or re-designation of the post of Programmer and Assistant Director (Systems)/framing of new Rules in 2001 for that post.

32. Similarly in State of Sikkim Vs. Dorjee Tshering Bhutia and Others, (1991) 4 SCC 243, referred to by the applicants, it was held that the executive power of the State is excluded from the field specifically covered by the Statute. But when statutory provision is rendered unworkable and inoperative for the time being due to some reasons, it becomes non-est and till it is made operational, exercise of executive power is not barred. Suffice to State that so long as Recruitment Rules, 1995 are not approved by competent authority and notified and published in Gazette, the posts of DPA Grade 'A' and Grade 'B' will be regulated by executive orders. But as regards the posts of PA/COs, the Rules of 1989 will continue to govern them so long as they are ——— in existence.

33. The applicants also relied upon Union of India and Others Vs. K.K. Vadera and Others, 1989 Supp.(2) SCC 625. It was held in the case that the promotion takes effect from the date of being granted and not from the date of occurrence of vacancy or of creation of the post. The order of the Tribunal in S.R. Gautam's case (Supra) cannot be held to have contravened the principle of law laid down in the said judgment. The direction of the Tribunal was to consider the applicant's in the said OA for promotion from due date. The service of the respondents Nos.5 to 9 was regularized on the posts of PA/COs as per Rules 1989 from due date with all consequential benefits. This bench of the Tribunal cannot hold that the order is not in accordance with law and persuade ^{itself} to take


a different view in this case.

34. Even otherwise, there seems to be no good reason for this Bench to take a view different from what has been taken by a Co-ordinate Bench in the OA filed by respondent Nos. 5 to 9 and to hold that the benefit granted to the respondent Nos. 5 to 9 in implementation of the order of the Tribunal is not in accordance with law.

35. In view of the above discussion, further relief claimed by the applicants do not warrant consideration. The private respondent No.5 to 9 were promoted to the post of Programmer Group 'A' from a retrospective effect of 1993, under the Rules of 1989. The post of Programmer was re-designated as Assistant Director (Systems) much after that. The Rules of Assistant Director came into force in 2001. On promotion to the post of Programmer Group 'A', respondent nos. 5 to 9 would automatically become the Assistant Director (Systems) on change of designation of their post. There is no flaw in their promotion to the post of Programmer Group 'A'/Assistant Director (Systems).

36. In these circumstances, no review DPC could be called for reconsideration of the promotion of the respondent No.5 to 9 to the higher post of Assistant Director (Systems) from the post of DPA Grade 'B'. As regards the claim of the applicants as DPA Grade 'B' for their promotion to the post of Assistant Director (Systems), it has not been stated that the official respondents have denied this right of consideration to the applicants for promotion as per the Recruitment Rules of Assistant Director (Systems) of 2001.

37. For the reasons stated above, we do not find merit in the OA. It is dismissed leaving parties to bear their own costs.


(N.D. Dayal)
Member (A)


(M.A. Khan)
Vice Chairman (J)

Rakesh