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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

NEW DELHI THIS THE 9th DAY OF FEBRUARY, 1996.

HON'BLE MR.N.V.KRISHNAN, ACTING CHAIRMAN  
HON'BLE DR.A.VEDAVALLI, MEMBER(J)

1. OA No.153/95

ASI Kamlesh 1864/D  
wife of Shri Ram Chander Dhankar  
Resident of 14, Dhirpur  
Delhi-110009. ... Applicant

(BY ADVOCATE MRS.MEERA CHHIBBER)

vs.

1. Union of India  
Through Secretary  
Ministry of Home Affairs  
North Block  
New Delhi.

2. Government of National Capital  
Territory of Delhi  
through  
Commissioner of Police  
Police Head Quarters  
I.P.Estate  
New Delhi.

3. Additional Commissioner of Police  
(Admn.)  
PHQ, I.P.Estate  
New Delhi. ... Respondents

(By Advocate : Shri Rajinder N.Pandita)

OA-144/95

2. ASI Malti Bana  
W/o Shri Mohan Kumar  
R/o H-110, New Police Lines  
Kingsway Camp  
New Delhi. .... Applicant  
(By Advocate Mrs.Meera Chhibber)

vs.

1. Govt.of N.C.T.of Delhi  
Through Commissioner of Police  
Police Headquarters  
I.P.Estate  
New Delhi.

2. Addl.Commissioner of Police(Admn.)  
PHQ I.P.Estate  
New Delhi.

3. Deputy Commissioner of Police  
HQI PHQ  
I.P.Estate  
New Delhi. ... Respondents

(By Advocate Ms. Jyotsna Kaushik)

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3. OA No.546/95

ASI Santosh Kumari 1890/D  
Wife of Shri Dharam Din  
R/o 17-A, Part Gopal Nagar  
Azadpur  
Delhi-33

... Applicant

(BY ADVOCATE MRS.MEERA CHHIBBER)

vs.

1. Union of India  
through Secretary  
Ministry of Home Affairs  
North Block,  
New Delhi.
2. Commissioner of Police  
Police Headquarters  
M.S.O.Building  
I.P.Estate,  
New Delhi.
3. Deputy Commissioner of Police  
Headquarters I,  
Police Headquarters  
M.S.O.Building  
I.P.Estate  
New Delhi.

... Respondents

(By Advocate Sh.Surat Singh)

4. OA No.1109/95

ASI Mukesh Devi  
Wife of Shri Ravinder Kumar  
Resident of N-4/2,  
P.S.Model Town  
Delhi.

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Applicant

(BY ADVOCATE MRS.MEERA CHHIBBER)

vs.

1. Union of India  
through Secretary,  
Ministry of Home Affairs  
North Block, New Delhi.
2. Commissioner of Police  
Police Head Quarters  
MSO Building, I.P.Estate  
New Delhi.
3. Deputy Commissioner of Police HQA-I  
Police Head Quarters  
MSO Building, I.P.Estate  
New Delhi.

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Respondents

(By Advocate Shri Arun Bhardwaj)

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ORDER

SHRI N.V.KRISHNAN:

These four OAs are being disposed of by this common order as the issues raised therein are common and the parties have agreed for common disposal.

2. We take OA No.153/95( ASI Kamlesh Vs.U.O.I. & ors.) as the leading case. The applicant, an Assistant Sub Inspector in the Delhi Police, is aggrieved by the fact that persons junior to her have been brought on the E-1 list under Rule 16 E of the Delhi Police(Promotion and Confirmation) Rules 1980 which is a preliminary step for promotion as Sub Inspector. She is aggrieved by the impugned E-1 list dated 1.11.1994(Annexure P-I) which does not contain her name but includes the names of some persons who are junior to her. She is also aggrieved by the order dated 9.12.1994(Annexure P-II) by which her representation was rejected.

3. The contentions of the applicant are that even persons who have been censured, have been included in the Annexure P-I list. Details of the names of such persons are given in para 4.10 of the OA. The applicant has no such blemish in her record and no adverse remark was communicated to her, and yet her name has not been included.

4. The other important point made by her is that the proceedings of the Departmental Promotion Committee which made the selections are faulty. She contends that the post of Sub Inspector is a non-gazetted and non-selection post and, therefore, the only criterion to be adopted should be whether the reports in the character roll

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were satisfactory and whether there are any adverse reports. She points out that the Departmental Promotion Committee was given a direction by the Annexure P-III circular order dated 23.9.92 of the Commissioner of Police which contains the principles to be observed by the Departmental Promotion Committees for admission to various promotion lists. Those principles are reproduced below:

- " i) Officers having at least 3 'good or above' reports and without any 'below average or adverse' report during the last 5 years may be considered.
- ii) The total record of the officer in that Particular rank shall be taken into view with particular reference to the gravity and continuity of punishments till date. Punishments on counts of corruption and moral turpitude are to be viewed seriously.
- iii) Officers who have been awarded any major/minor punishment in the preceding 5 years on charge of corruption, moral turpitude and gross dereliction of duty to protect government property, or major punishment within 2 years on charge of administrative lapses, from the date of consideration may not be empanelled.
- iv) Officers whose names stand on Secret List shall not be considered fit as per S.O.No.265/89.
- v) Officers who have been awarded censures during the last 6 months with no other punishment may also be allowed to be brought on promotion list provided they do not have any other major punishment. However, the effect of censure by debarring the official for promotion by six months shall continue.
- vi) Result of officers, who are under suspension or facing D.E. or involved in criminal cases, shall be kept in sealed covers.
- vii) In cases where vigilance enquiries are pending against an officer and the allegations are specific and serious in nature, results may be withheld till the finalisation of the enquiry."

The applicant's contention is that a look at the ACR format(Annexure P-VI) would show that in Part-III which is to be filled up by the reporting authority, there is a provision for grading in Column 19. This shows that the grading could be either 'outstanding' or 'very good' or 'average' or 'below average.' There is no provision for grading an officer as good. Mrs.Meera Chhibber, the learned counsel for the applicant submits that when this stipulation was made in the circular order of the Commissioner of Police(Annexure P-III), he should have also clarified how the ACR should be written or whether the grading 'average' should be treated as good. She points out that it was only subsequently that the ACR format was amended, as admitted by the respondents in their letter dated 1.8.1994 to the Home Ministry suggesting a revised ACR format including the grading of good. This letter has been filed as Annexure RA-1 to the additional reply of the respondents. She points out that the Annexure R-2 letter of the Ministry of Home Affairs to the Commissioner of Police dated 20.9.1991 mentions that the Union Public Service Commission was of the view that the ACR format was defective and <sup>also</sup> that the grading as 'A', 'B', 'C' and so on which is in accordance with the Punjab Police Rules was defective and that it was suggested that the grading should be revised to outstanding, very good and good and so on as prevailing in the Government of India. She, therefore, contends that in the character roll, there would be remarks such as average or satisfactory. Merely because of these remarks, a candidate cannot be rejected

on the ground that average is not equivalent to good. The grading has been given 'average' because the ACR does not provide for the grading 'good'.

5. She also points out that the Departmental Promotion Committee has not applied its mind to the grading by looking at the remarks in respect of the individual factors in the ACR and coming to its own conclusion about the overall grading. Instead, it was guided by the grading given by the reporting authority.

6. In the circumstance, the applicant has prayed for a direction to reconstitute the Departmental Promotion Committee for reconsidering her case afresh and, <sup>or</sup> therefore, <sup>to</sup> bring her name in List E-1 and to quash the impugned orders.

7. The respondents have contended that in accordance with Rule 5 of the Delhi Police (Promotion and Confirmation) Rules, 1980 read with the Department of Personnel and Training OM No.22011/1/90-Estt.(D) dated 12.10.1990 and 2.4.1992, the promotions shall be made by selection tempered by seniority. Efficiency and honesty shall be the main factors governing such selections. The Departmental Promotion Committee enjoys full discretion to devise its own method and procedure for objective assessment of candidates. In order to ensure uniformity in the selection by the Departmental Promotion Committees, the Commissioner of Police issued the guidelines at Annexure P-III. It is admitted that the guidelines given in the Annexure P-III were kept in view by the Departmental

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Promotion Committee . The applicant was considered and rejected because she did not make the grade as per norms fixed by the Departmental Promotion Committee.

8. In view of the submissions made by the learned counsel for the applicant, we gave a direction on 17.7.1995 to the respondents to prepare a comparative statement showing the assessment made by the reporting authority and the reviewing authority of the character roll of the applicant and the assessment made by the Departmental Promotion Committee for 5 years. There are 19 columns in the ACR(Annexure P-VI). In regard to 'honesty', column 2(honesty) and column 14(reliability) are relevant. In regard to 'efficiency', column 10(power of command), column 12(preventive and detective ability) and column 13(working experience of criminal law and procedure) are relevant. Column 19 is grading. There are 13 other columns. Therefore, the respondents were directed to prepare a statement showing the entries against columns 2 & 14 for honesty and columns 10, 12 and 13 for efficiency for the 5 years. In regard to the remaining 13 columns, excluding column 19, they could indicate for how many columns the grading was 'good', 'very good' or 'average' / 'satisfactory'. The overall grading should be given separately followed by the grading given by the Departmental Promotion Committee. Subsequently, we also wanted to know from the respondents whether the Departmental Promotion Committee was aware of the fact that in the ACR format (Annexure P-VI), there is no provision for overall grading 'good' and whether on that account it considered the

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issue whether the remark 'average' or 'satisfactory' should be judged by considering the individual remarks given in the ACR in respect of various columns to find out whether the reporting authority really meant that the grading should be treated as 'good' or only 'satisfactory'.

9. Accordingly, a tabulated statement had been filed by the respondents on 8.8.1995.

10. The learned counsel for the applicant points out to the following features. For the period 1.4.1989 to 24.9.1990( 1989-90), the applicant was shown as 'honest' and 'reliable' in columns 2 & 14 and in regard to 'efficiency', she was declared 'good' in all the three columns. In addition out of the remaining 13 columns, she had secured 'good', in 8 columns. Yet she was graded as 'satisfactory', both by the reporting authority and the reviewing authority and this was endorsed by the Departmental Promotion Committee also. As against this, she has been graded 'very good' by the reporting authority, reviewing authority and the Departmental Promotion Committee for 1993-94 from 1.4.1993 to 23.12.1993 when her record was definitely not better than the record for 1989-90. In columns 2 & 14 regarding honesty and reliability, the entries are 'No complaint' & 'reliable'. In all the three columns regarding efficiency, she was graded 'good'. In regard to the remaining 13 factors, she was graded 'good', <sup>4</sup> in respect of 7 factors, <sup>2</sup> ~~she is graded 'very~~ <sup>2</sup> ~~good'.~~ Therefore, we see no reason why the record:

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for 1989-90 should not have been graded 'very good' by the Departmental Promotion Committee. Likewise, the overall grading given for 1990-91(25.9.1990 to 31.3.1991) by the reporting and reviewing authority is 'good'. The Departmental Promotion Committee, has graded her 'satisfactory/good'. It is not clear to us what this conveys. What is further noteworthy is that, in regard to honesty and efficiency, she should be treated to have been graded as 'good', including the grading 'Normal' for column 10(power of command) and 'Experienced' for column 13(working experience of criminal law and procedure). In respect of the other 13 factors, she was graded 'good' in respect of five factors and 'very good' in respect of one factor. The overall grading of 'good' given by the reporting and reviewing authority seems to be justified. Why it has been diluted by the Departmental Promotion Committee to 'satisfactory/good' is not clear to us. The learned counsel <sup>and correctly too</sup> alleges /that this clearly shows that the Departmental Promotion Committee merely followed the grading 'satisfactory' by the reporting authority and the reviewing authority for 1989-90 without applying its mind to relative grading for two years.

11. The assessment for 1992-93 highlights another aspect. In regard to honesty and efficiency which are <sup>the</sup> main factors to be considered under Rule 5, the applicant has been graded 'good'. In regard to the remaining 13 factors, she has been graded 'good' for 2 factors. It is not clear to us whether there are any adverse entries at all. The overall grading is 'average' by all the authorities, including the Departmental Promotion Committee. We shall refer to this issue later.

12. Therefore, the learned counsel contends that the assessment made by the Departmental Promotion Committee is arbitrary and hence a review Departmental Promotion Committee should consider the case again.

13. The learned counsel for the respondents states that the Departmental Promotion Committees are not required to give any reason for the decisions reached by them. That may be true but the conclusions drawn though not supported by any reason must be found to be reasonable and consistent to an outsider, who views the assessments objectively.

14. We have heard the learned counsel on the various contested issues and we have also seen the record produced by them which is the proceeding of the Departmental Promotion Committee. The note for the Departmental Promotion Committee shows that the promotion is to be made by selection, tempered by seniority, efficiency and honest being the main factors.. The proceedings of the Departmental Promotion Committee show that it has adopted the principles given by the Commissioner of Police, without being conscious of the fact that the ACR format did not include a provision for grading of 'good'. There is, therefore, no discussion whether the grading 'satisfactory' given by the reporting authority (e.g. for 1989-90) should be read as 'good' or only as 'satisfactory'.

15. While it is true that the Commissioner of Police issued the Annexure P-III instructions, we are unable to endorse the objections raised by the learned counsel for the applicant. For, when the Commissioner

of Police states in Annexure P-III that officers should have at least three 'good or above' reports and should not have below 'average or adverse' reports during the last 5 years, he must be deemed to have meant that this finding should be recorded by an independent assessment of the Departmental Promotion Committee after considering the reports in respect of the various factors listed in the ACR. Therefore, the fact that the ACR did not contain a provision for grading a person as 'good' does not affect the validity of this circular. The other guidelines given which have been reproduced in para 4(supra) cannot also be objected to. We are, therefore, of the view that Annexure P-III order of the Commissioner of Police cannot be faulted.

16. In regard to the grievance about the assessment of the records by the Departmental Promotion Committee and the consequent reliefs sought, Shri Arun Bhardwaj, who led on behalf of the respondents, submitted that a similar matter had come up before another Bench of this Tribunal seeking similar reliefs but that OA was dismissed by the Bench. We have seen that judgement which was delivered on 22.9.1995 in OA No.362/95(SI Ranjit Singh Vs.Lt.Governor of N.C.T.Delhi/U.O.I & anr). The applicant therein had sought a direction to the respondents to hold meeting of the Departmental Promotion Committee to review his case for inclusion of his name in the promotion list E-1 and for quashing the circular order dated 23.9.1992. The Bench held that no reference had been made to the circular of the Commissioner of

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Police . Merely because the basis of assessment adopted by the Departmental Promotion Committee coincided with that contained in the order of Commissioner of Police, the assessment cannot be vitiated. In regard to the assessment of the ACRs, the Bench came to the conclusion that this has been made after due application of mind. It appears from the order that a tabulation of the ACRs of all the officers who were considered was placed before the Bench. It is, however, not clear whether that tabulation was in the form in which we had directed the respondents to file a tabular statement of the applicant's record. At any rate, the learned counsel did not submit that a similar statement containing similar details was filed before that Bench. The Bench also noted that notwithstanding the fact that the ACR form did not provide for the overall grading 'good' yet, some officers have been graded as 'good'. In any case, the absence of a provision for recording the overall grading as 'good' was a disadvantage suffered by all the candidates and not by the applicant alone. The Bench further held that the applicant's case would succeed only if he established that although he possessed a better record, he had been passed over for promotion and those with inferior record had been selected. This was not established by the applicant. It also noted that the Tribunal cannot sit in judgement over the decision of the Departmental Promotion Committee. Its jurisdiction is limited to ensuring that the applicant's case was given due consideration by the Departmental Promotion Committee and that their assessment is not arbitrary.

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17. We have carefully considered this judgement. We are of the view that for our purposes, it is distinguishable and cannot be applied to the facts of the present case. In the present case, it is found that in the note to the Departmental Promotion Committee, it is stated that the promotion will be on the basis of selection, efficiency and honesty being the important factors. For this purpose, the Departmental Promotion Committee had before it, the circular of the Commissioner of Police containing guidelines. The Departmental Promotion Committee proceedings do not indicate whether it deliberated on how to give effect to the circular when the ACRs do not provide the overall grading 'good' and what steps should be taken to ensure fair assessment. We have already found that we are unable to find any cogent reason from the summary of the ACRs in the tabular statement as to why there is a wide divergence in the assessment of record of two years which are more or less qualitatively similar. Hence, we find that the above judgement does not contain any ratio that is applicable to all cases.

18. We have one more observation to make. We have indicated which of the 19 factors provided for in the ACR are relevant for giving an assessment on the honesty and efficiency of an officer which are the main factors for inclusion in the Departmental Promotion Committee as mentioned in Rule 5. It is, however, open to the Departmental Promotion Committee to identify the individual factors which in its view are relevant for assessing whether an officer is honest and efficient.

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If on the basis evolved by the Departmental Promotion Committee, an officer is considered fit to be graded 'good' for both honesty and efficiency, the further question is whether he becomes eligible for inclusion in the E-1 list straightaway or whether he has to get a uniformly 'good' grading in all other factors. In other words, if a person is found to be 'good' in respect of the factors which alone are found by the Departmental Promotion Committee to be relevant for determining honesty and efficiency, can that grading be diluted merely because in respect of other factors which are not relevant for such grading, he has been graded only as 'satisfactory' or 'average' or whether that grading can be diluted only if there are adverse remarks in respect of the other factors mentioned in the ACR.<sup>2</sup> That is another lacuna in the proceedings of the Departmental Promotion Committee.

19. In view of the observations about the OA and the views expressed by us on the general issues, we are satisfied that, prima facie, a case has been made out that the Departmental Promotion Committee has, by and large, gone by the classification given by the reporting authority and that there are inconsistencies in its assessment of the record of the applicant. Therefore, the case of this applicant has to be remitted to a review Departmental Promotion Committee for a proper evaluation of her character roll keeping in view the observations made above.

20. We shall now consider the other OAs.

21. OA No.144/95( ASI MALTI BANA)

This officer has been graded 'very good' by the Departmental Promotion Committee in 1991-92 and 1993-94. In 1992-93, this officer has received a 'good' grading in respect of the factors relevant for honesty and efficiency excepting for column 12, in regard to which it is stated that she was posted as a duty officer. The overall grading by the reporting authority and the reviewing authority is 'average' which is also the grading of the Departmental Promotion Committee. We are not quite sure whether the Departmental Promotion Committee merely adopted the grading given by the reporting and reviewing authority. Obviously the Departmental Promotion Committee has not considered the question posed by us in para 18(supra) as to whether the applicant should be overall rated as 'good' because there are no adverse remarks in respect of the other factors. <sup>/ That would change the final decision of the DPC.</sup> Therefore, this case is also fit for being remitted to the review Departmental Promotion Committee.

22. OA No 546/95( ASI SANTOSH KUMARI)

Shri Suraj Singh, the learned counsel for the respondents submits that in the light of the remarks tabulated in the statement, no case is made out for a review by the Departmental Promotion Committee and, therefore, we should not interfere in the decision already taken. We have considered this matter. This officer has been graded 'good' by the Departmental Promotion Committee only for the period 1.10.1990 to 31.3.1991. In respect

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of all the other periods, the overall grading given is either 'satisfactory' or 'average'. What is more important is that in regard to columns 10, 12 & 13 relating to efficiency for these periods, the remarks are either 'satisfactory' or 'average' or 'worked as duty officer'. It is not as if the reporting authority has not used the grading 'good' at all. In that case only the grading 'satisfactory' would have called for an interpretation whether the reporting authority really meant to grade her as 'satisfactory' only or he meant to grade her as 'good', but did not do so as the note in the ACR form did not provide for 'good' at all. That question does not arise in this case because in each of these periods, the reporting authority has graded this officer as 'good' for one or more of the other factors. Therefore, this officer has been graded only as 'satisfactory' by the reporting authority for efficiency in these periods. Therefore, we are unable to find any fault in the assessment of this officer by the Departmental Promotion Committee and hence this OA is liable to be dismissed.

23. OA No.1109/95(ASI MUKESH DEVI)

On the face of it, the comparative statement attached shows that there has been no application of mind in the matter of grading by the Departmental Promotion Committee. In regard to the period from 1.7.1989 to 31.3.1990, this officer has been graded 'fair' in each of the three columns relating to efficiency and in respect of other columns, she has secured two good remarks. She has been graded overall as 'excellent' by the reporting authority and the reviewing authority as also by the



Departmental Promotion Committee. However, for the period from 1.4.1990 to 10.10.1990, the officer has been graded 'good' in each of the three columns relating to efficiency and she has secured in addition 8 good gradings in other columns. Yet, she has been graded as 'satisfactory' by the reporting authority and the reviewing authority as also by the Departmental Promotion Committee. The learned counsel for the respondents appreciated the inconsistency in the assessment when it was pointed out to him but he could not explain how such assessment is justified. Worse still is the assessment for the period from 1.4.1991 to 30.11.1991. The grading under honesty is the same as for the period from 1.7.1989 to 31.3.1990. The grading under efficiency is 'good' in column 10 and 'very good' in column 12 and column 13. In addition, she has been graded 'good' in respect of three other factors and 'very good' in respect of four other factors. The reporting authority has given the overall grading as 'very good'. The reviewing authority has downgraded her as 'average'. The Departmental Promotion Committee has graded her as 'average'. We fail to understand how the performance during this period is inferior to the one from 1.7.1989 to 31.3.1990 when the grading of excellent had been given. This is also a fit case for remand to the review Departmental Promotion Committee.

24. In the circumstances, while we dismiss OA No.546/95 filed by Ms.Santosh Kumari, we dispose of the other three OAs with the following declarations

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and directions:

(i) The circular dated 23.9.1992 of the Commissioner of Police setting out the principles which should be observed by the Departmental Promotion Committees is not ultra vires of any provision of the Rules. However, the direction given regarding securing three 'good' or above reports should be taken into account after noting the fact that until the ACR form was amended in 1994, there was a specific mention in the ACR form that the overall grading should only be excellent, very good, average/below average and that there was no provision for grading any person as 'good' in column 19 of the ACR form. Therefore, in considering the overall grading, the Departmental Promotion Committee shall look into the grading or remarks for the individual factors in the ACR, and take an independent decision regarding overall grading keeping in view the direction given below.

(ii) In assessing the suitability, primary consideration should be given to honesty and efficiency as mentioned in Rule 5. The Departmental Promotion Committee may consider which of the factors mentioned in the ACR are relevant for assessing the honesty and efficiency of an officer and assess the grading of the officer in respect of those qualities.

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(iii) If the Departmental Promotion Committee grades the officer as 'good' or gives him an equivalent grading in respect of honesty and efficiency, it should consider <sup>whether</sup> the overall grading can be diluted to 'satisfactory' or 'average' merely because in respect of other factors not relevant for honesty or efficiency, the grading is 'average' or 'satisfactory' or 'below average' or whether the overall grading can be diluted if there are adverse remarks in respect of other factors.

(iv) The Departmental Promotion Committee shall ensure that the overall grading of the ACR is made by it independently of the assessment made by the reporting authority or the reviewing authority and that in making the overall assessment, the grading given in respect of the individual factors be considered and also that the assessment of an officer in respect of one year is consistent with the assessment made in respect of other year.

(v) The orders rejecting the representations of the applicants in these three OAs for reconsideration of their cases are quashed. The respondents are directed to convene a review Departmental Promotion Committee to reconsider the cases of these applicants keeping in view the declarations and directions given above. This shall be done within a period of two months from the date of receipt

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of a copy this order.

25. There shall be no order as to costs.

(DR.A.VEDAVALLI)  
MEMBER(J)

(N.V.KRISHNAN)  
ACTING CHAIRMAN

sns

26. The above order was referred to the Hon'ble Judicial Member for consideration. She has returned that order with the following observations:

"I am in agreement with the judgment proposed to be delivered subject to the incorporation of the following in direction (v) at pages 19 to 20, namely;

'If by reason of any such recommendation of the review DPC, seniority of any other officer not being a party to this proceeding is likely to be adversely affected, such officer shall be given a reasonable opportunity to represent before final orders are passed by the Competent Authority."

27. I had a discussion with the Hon'ble Member on the suggestion made by her. I pointed out to her that the effect of the review DPC is that the original proceedings of the DPC would stand amended, if at all, with retrospective effect, and that this will not confer any right on anybody to be heard before any orders are passed by the competent authority granting promotion on the basis of the review DPC proceedings.

28. The learned Member stated that the suggestion given by her is a sine qua non of natural justice and that such a view has been taken by her in other OAs. She is, therefore, of the opinion that it would be necessary to insert the provisions suggested by her in the order.

29. I have carefully considered the matter. With great regret, I am unable to agree to subjecting direction (v) of para 24 supra to the further condition referred to in para 26 supra which the learned Judicial Member wants to be incorporated therein. Therefore, this restricted issue, viz., whether or not a further condition should be incorporated in direction (v) of para 24, would have to be referred to the Hon'ble Chairman under Section 26 of the Administrative Tribunals Act, 1985 for being referred to a third Member for a final decision.

*Order of Bench*

30. We, therefore, dispose of the OAs with the orders, declarations and directions contained in para 24 and 25 supra, making it clear that the direction in para (v) of para 24 is subject to the respective positions taken by us, as mentioned in para 26 to 29 supra. In the circumstance, we direct the Registry to submit the case to the Chairman under Section 26 of the Administrative Tribunals Act, 1985, for referring the OA to a third Member for deciding the limited issue whether or not it is necessary to subject direction (v) of para 24 supra to a further direction as mentioned in para 26 supra and dispose of the OA finally. Before that is done, a copy of this order shall be sent to all the parties.

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(Dr. A. Vedavalli)  
Member (J)

(N.V. Krishnan)  
Acting Chairman

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Place this O.A. before Hon'ble Shri A.V. Haridasan, Vice-Chairman (J) for hearing on the point of difference.

12-2-1996.

P.K. SHYAMSUNDER)  
ACTING CHAIRMAN