

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A.NO. 1296/2000

New Delhi, this the 9th day of February, 2001

HON'BLE SHRI JUSTICE ASHOK AGARWAL, CHAIRMAN
HON'BLE SHRI S.A.T. RIZVI, MEMBER (A)

1. Shri A.K. Bajpai S/o Late Shri L.N. Bajpai, Deputy Director (R) O/o Chief Engineer (R) Prasar Bharati, New Delhi R/o House No. 676, R.K. Puram, Sector 4, New Delhi
2. Sh. K.K. Malhotra S/o Sh. Ganesh Das Malhotra, Deputy Director (R) Prasar Bharati, New Delhi R/o House No. 318, Turab Nagar, Ghaziabad
3. Shri R.N. Sahay S/o Sh. Charanji Lal Deputy Director (R) O/o Chief Engineer (R) Prasar Bharati, New Delhi R/o House No. 6148/B/8, Vasant Kunj, New Delhi
4. Shri J.P. Jain S/o Sh. Panna Lal Deputy Director (E), Directorate General Doordarshan, New Delhi R/o House No. B-51, Pandara Road, New Delhi
5. Shri R.K. Malviya S/o Sh. G.K. Malviya Deputy Director (R) O/o Chief Engineer (R) Prasar Bharati, New Delhi R/o No. 16, Prasad Nagar, Karol Bagh New Delhi
6. Sh. Suresh Sharma S/o Shri J.N. Sharma Deputy Director (R) O/o Chief Engineer (R) Prasar Bharati, New Delhi R/o House No. 168-E, Aram Bagh, New Delhi
7. Shri P. Devasan S/o Sh. Rama Pisharody, Deputy Director (E) Directorate General, Doordarshan, New Delhi R/o House No. 3257-A, Sector 3 Ballabharpur, Faridabad
8. Sh. DD Sharma S/o Sh. S.C. Sharma, Deputy Director (E), Directorate General, All India Radio, New Delhi R/o JP-97, Maurya Enclave, Pitampura, New Delhi
9. Sh. S.L. Mangala, S/o Sh. Mukund Lal Deputy Director (E), Directorate General, Doordarshan, New Delhi R/o House No. 250, Akashdarshan, Mayur Vihar Phase-I, New Delhi
10. Sh. Suhrid Dutta S/o Sh. B.K. Dutta Deputy Director (R) O/o Chief Engineer (R) Prasar Bharati, New Delhi

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R/o 202, Asia House,
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11. Sh. J.K. Mehta S/o Sh. Rattan Chand Mehta
Deputy Director (R) O/o Chief Engineer (R)
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12. Sh. V.P. Gupta S/o Shri Mangat Ram
Deputy Director (E), Directorate General,
Doordarsahn, New Delhi
R/o 13/511, Lodhi Colony, New Delhi
13. Sh. R.C. Aggarwal S/o Sh Lal Chand Aggarwal
Deputy Director (E), Directorate General
Doordarshan, New Delhi Applicants
(By Adovate : S.K. Sawhney)

VERSUS

- 1.. Union of India through
Secretary,
Ministry of Information and Broadcasting
Govt. of India
New Delhi
2. Chief Executive Officer,
Prasar Bharti
Mandi House, Copernicus Marg,
New Delhi
3. Director Général,
All India Radio, Akashvani Bhawan
Sansad Marg,
New Delhi Respondents
(By Advocate: Shri A.K. Bhardwaj)

O R D E R

By Hon'ble Shri S.A.T. Rizvi, Member (A) :

The applicants in this OA, who are promotee Junior Time Scale (JTS) Officers of the Indian Broadcasting (Engineers) Service (IB(E)S) are aggrieved by the fact that in the impugned promotion order dated 9.7.1999 (Annexure A-1) the effective dates of regular promotion have been incorrectly shown, whereby those directly recruited in the JTS cadre of the same service are shown to have effective dates of regular promotion which are earlier to the dates on which they (directly recruited JTS) actually became eligible for promotion to

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Senior Time Scale (STS) in accordance with the Recruitment Rules and the relevant government instructions. The aforesaid impugned order is an order of promotion from JTS to STS.

2. For redressal of their grievance, the applicants seek quashing of the aforesaid impugned order of promotion. They also seek a direction to the respondents to accord sanctity to the orders of promotion dated 8th March, 1990 and 4th March, 1992 placed at Annexure A-4 collectively and to treat the effective dates of promotion of the applicants in accordance with the dates of these orders. They further seek a direction to the respondents to consider their claim for promotion to the JAG (Non-Functional Grade) on the basis of the dates of their actual promotion to the STS as per the aforesaid orders placed at Annexure A-4 collectively.

3. After hearing the learned counsel on either side and on a perusal of the material placed on record, we find it necessary to examine, in brief, the implications arising from the impugned order dated 9.7.1999 as also the orders of promotion placed at Annexure A-4 collectively. In the absence of such an examination, it will not be possible in our view to reach a proper conclusion nor would it be possible to devise a proper relief in the present OA.

4. The impugned order reveals position like this. It seeks to promote 338 JTS officers to the STS in pursuance of various orders passed by the various Benches of this Tribunal and supersed various promotion orders

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earlier issued from time to time. The vacancies covered are in respect of years 1988-89 to 1996-97. The promotions shown therein take effect from the dates shown in column 5 of the annexure to the said order. The said column 5 provides effective date of regular promotion which clearly implies that the impugned order seeks to lay down, even if indirectly, the inter-se-seniority of the officers promoted by the said order. The impugned order also provides that the aforesaid effective dates of regular promotion are dates of notional promotion (with reference to the juniors) and that the dates of actual promotion (assumption of charge) will not be affected thereby. The pay of the officers promoted, in terms of the impugned order, is to be notionally fixed with effect from the dates shown in column 5 with the stipulation that those promoted will not be entitled to arrears of pay and allowances for the intervening period, that is to say, from the dates shown in column 5 to the date of actual promotion. The date of actual promotion is implicitly seen to be the date on which an officer assumed the charge of the higher post. The impugned order further provides that those who had assumed charge of the higher scale (STS) on the strength of the earlier orders, referred to, which by virtue of the impugned order stand superseded, will be treated to have been officiating in the grade (STS) on ad hoc basis during the period starting from the dates of earlier orders (now superseded) and the dates shown in column 5 of the impugned order, being effective dates of regular promotion. The impugned order further lays down that the promotion as well as the inter-se-seniority of the

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officers promoted by the order will remain subject to the final decisions of cases pending in the Principal Bench of this Tribunal and similar other cases filed elsewhere.

5. According to the applicants, the provisions made in the impugned order and detailed in the previous paragraph disclose that at least by implication the impugned order is also an order fixing inter-se-seniority of the promoted officers'. The same also lays down that the period of promotion of officers from the dates on which they were earlier promoted upto the date shown in column 5 of the impugned order, being effective dates of regular promotion, will be treated as one of officiation in the higher grade (STS) on an ad hoc basis. The applicants have seriously disputed the aforesaid position with regard to the treatment of the aforesaid period as one of officiation on ad-hoc basis. According to them, this has been done by the impugned order without affording an opportunity to them to show cause. The contention raised by the applicants is that at the time they were promoted by the orders placed at Annexure A-IV collectively, there was no whisper of ad hoc officiation and the aforesaid orders clearly lay down that the applicants along with others were being appointed to officiate in the STS with effect from the date of assumption of charge. On a perusal of the aforesaid promotion orders placed at Annexure A-IV collectively, we find that in all these orders a clear stipulation has been made that the officers promoted will officiate in the STS with effect from the date of assumption of charge. we have noticed that in the aforesaid orders



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also there is a stipulation that the inter-se-seniority of the officers promoted would be subject to the final decisions made by this Tribunal/Supreme Court in the pending cases. However, the aforesaid orders do not purport to be orders fixing inter-se-seniority of the promoted officers. The same merely lay down that the period of officiating promotion will start from the date of assumption of charge in each case. The position in respect of the impugned order is different inasmuch as by inserting column 5 in the Annexure thereto, a clear attempt has been made to lay down effective dates of regular promotion, giving rise to the grievance in the present case.

6. We now proceed to examine the rule position. We find that the Recruitment Rules for Engineering/Technical posts known as IB(E)S Rules, 1981 came into force from 5.11.1981. Broadly speaking, the same provide for recruitment at the JTS level, which is the lowest grade of the aforesaid service.

7. In Rule 7 thereof, 50% officers at the JTS level are to be recruited directly and the remaining 50% by promotion from lower ranks in the relevant field. Schedule III to the IB(E)S Rules provides that such promotions will be made from the ranks of Assistant Engineers of Akashvani/Doordarshan with three years regular service in the grade.

8. Beyond the JTS level, according to the said Rules, appointments to the Senior Time Scale (STS), and

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above, are to be made by promotion from amongst the officers in the next lower grade with the minimum qualifying service as specified in Schedule III (Rule 3).

9. Rule 4 thereof provides that promotions to the STS shall be made in the order of seniority subject to rejection of the unfit. Rule 8 of the said Rules which makes provisions with regard to seniority in its sub-rule 3 provides that seniority of persons recruited to the service after the initial constitution shall be determined in accordance with the general instructions issued by the Government in the matter from time to time. Rule 9 relating to probation in its Sub Rule 2 provides like this:-

"On completion of the period of probation or any extension thereof, officers shall, if considered fit for permanent appointments, be retained in their appointments on regular basis and be confirmed in due course against the available substantive vacancies, as the case may be".

10. Schedule III (5) of the Rules provides that for promotion to the STS grade, the officers in the JTS will be considered subject to four years regular service in the JTS grade. Relying on the aforesaid Rules, the learned counsel for the applicant has argued and, in our view, he has done so successfully, that for promotion from JTS to STS, a minimum of 4 years of regular service in the JTS Grade is necessary and further that an officer in the JTS grade could be considered a regular appointee only after he has completed the period of probation. In other words, according to the learned counsel, a JTS officer, whether a direct recruit or a promotee, can be considered for promotion to the STS grade only after he

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has completed a minimum of 6 years of service, which will include two years of normal period of probation. This would imply that in a case in which the period of probation is extended, the aforesaid minimum period of six years will also be extended correspondingly. We are inclined to agree with this conclusion reached by the learned counsel. In arriving at the aforesaid conclusions, we have, as pointed out by the learned counsel, kept in view the fact that the aforesaid Rules have been framed under the proviso to Article 309 of the Constitution and have remained unchallenged so far.

11. In regard to seniority, Sub Rule 3 of Rule 8 to which a reference has been made above, similarly holds the field. Accordingly, seniority of persons (as distinct from inter-se-seniority) promoted to STS is to be determined in accordance with the general instructions issued by the Govt. We find that no such instructions have been issued by the Govt. in relation to the aforesaid Sub Rule. We are, therefore, in agreement with the learned counsel for the applicant that in the absence of definite instructions, the date of seniority in the rank of STS will be the date on which orders of promotion are issued. In the applicants' case, promotion orders were issued on 8th March, 1990 and 4th March, 1992. Thus the seniority of those promoted by the order dated 8th March, 1990 will take effect from 8th March, 1990. Similarly, the seniority in the STS grade of those promoted vide order dated 4th March 1992 will take effect from 4.3.1992. Viewed thus, a different view, if taken, will be liable to be challenged successfully in our view.

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12. We will now deal with Note 3 placed below Schedule IV to the IB(E)S Rules, 1981. The aforesaid Schedule, we find, lays down the composition of DPC for considering promotion and confirmation cases. The aforesaid Note 3 provides as under:

"If an officer appointed to any post in the Service is considered for the purpose of promotion to a higher post, all persons senior to him in the grade shall also be considered notwithstanding that they may not have rendered the requisite number of years of service".

From the pleadings placed on record and from what the learned counsel appearing in support of the OA has so vehemently argued, we find that in its application the aforesaid Note 3 has been interpreted in a manner not in consonance with the main body of the IB(E)S Rules. According to the learned counsel, the said Note could, at best, provide that when it comes to considering cases of promotion of some officers, all officers senior to such officers will also have to be considered provided they have rendered requisite number of years of regular service in terms of Schedule III to the Rules. We have already noted that for promotion from JTS to STS, JTS officers are expected to have a minimum experience of four years of regular service. The term regular service has been defined in Rule 2 (j) of the IB(E)S Rules as follows.

(j) "regular service" in relation to any grade means the period or periods of service in that grade rendered after selection according to the prescribed procedure for long time appointment to that grade and includes any period or periods;

(a) taken into account for purpose of seniority in case of those appointed at the initial constitution of the service;

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(b) during which an officer would have held a duty post in that grade but for being on leave or otherwise not being available for holding such posts;

This would mean that at any point of time there would be officers having rendered more than 4 years of service, but who may not have rendered 4 years of regular service. The intention, therefore, seems to be to take into consideration, at the time of promotion from JTS to STS, even those JTS officers, who may have rendered more than 4 years of service, but may not have rendered 4 years of regular service. As indicated in Schedule III to the aforesaid Rule, the period of 4 years of regular service is the minimum qualifying service for promotional purposes. We are inclined to go by the aforesaid interpretation implying that the category of seniors envisaged in the aforesaid Note No.3 will consist of those who should not only be senior (in terms of length of service) to the officers being considered for promotion but should, at the same, have rendered service exceeding 4 years.

13. From the pleadings of the respondents placed on record, we find that in controverting the contentions raised by the applicant, they have instead of relying on the rule position as explained in the preceding paragraphs have placed reliance on a different interpretation of the provisions of the aforesaid Note No.3 read with the Judgement of this Tribunal dated 26.2.1997 in OA No. 337/1992. The aforesaid judgement has been relied upon by the respondents heavily and in compliance of the same the impugned orders appear

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to have been issued. A copy of the said judgement has not been placed on record and the DOP&T's instructions dated 19th July, 1989, which too have been relied upon by them have also not been placed on record. The respondents have also not made any attempt to explain the manner in which the order of this Tribunal in OA No. 337/1992 has been applied in the peculiar facts and circumstances of the present case resulting in issuance of the impugned orders. Nevertheless, from whatever facts have been supplied even though in a fragmented form in the reply filed by the respondents, we find the applicants (Shri Rakesh Kumar and Others) in OA No. 337/92 were seeking promotions to the STS grade with reference to their juniors when the matter came up before the Lok Adalat leading to an agreement between the said applicants and the Government as follows. "In view of the provisions of the Rules mentioned in Note No.3 of Schedule IV of IB(E)S, 1981 department will consider the applicants and others from the date the DPC took place and will be entitled to consequential relief according to Law". The said applicants appeared to have been direct recruits to the JTS cadre. While considering the claim of the said applicants, the respondents had excluded only those directly recruited JTS grade officers as had "not completed two years of probationary periods as on the crucial date of eligibility on that vacancy year". The respondents have gone on to say that orders similar to the one passed in OA 337/1992 were passed by the Tribunal in some other cases of similarly placed applicants. According to the respondents, a fresh DPC had to be organised on each such occasion. Accordingly, the department decided to settle the matter once and for all

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and held Review DPC meetings in June, 1999 in respect of years from 1988-89 to 1996-97 and prepared year-wise promotion>Select Panels. The impugned order dated 9.7.1999 has been issued in accordance with the recommendations of the aforesaid Review DPC meetings held in June, 1999.

14. The learned counsel for the applicants has contended that in the process the respondents have considered even those directly recruited JTS officers who had not completed four 4 years of regular service as provided in the Rules. The respondents have not disagreed with the aforesaid contention and have thus admitted contravention of the rule position, even if they have done so impliedly.

15. We will now see in what manner the year-wise select panels of promoted officers placed at Annexure to the impugned order dated 9.7.1997 reflect a position contrary to the IB(E)S Rules in the manner averred by the learned counsel for the applicant. We find that the review select panel for 1991 forming part of the aforesaid Annexure shows the following dates in respect of one of the applicants, namely, K.K. Malhotra:

<u>Name</u>	<u>Date of actual charge assumption</u>	<u>Effective date of regular promotion</u>
K.K. Malhotra	30.03.1990	05.03.1992

The aforesaid will show that even though the aforesaid applicant had, following the orders of promotion dated 8th March, 1990 (Annexure A-IV collectively) assumed charge in STS rank on 30.3.1990, the respondents have

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decided to forward the date of regular promotion by calling it effective date of regular promotion to 5.3.1992. We have already seen that the aforesaid promotion order of 8th March, 1990 is, in no way, different from a regular promotion order and should have taken effect from 8th March, 1990 itself or alternatively, in respect of an individual applicant, from the date the promoted officer (aforesaid applicant in this case) assumed charge of the higher post. It is not possible for us to see as to how the aforesaid applicant has been allocated 5.3.1992 as the effective date of his regular promotion. Going through the several lists forming part of the aforesaid Annexure, we find that other applicants, namely, S/Shri D.D. Sharma, S.L. Mangla, Suhrid Dutta, J.K. Mehta, V.P. Gupta and R.C. Aggarwal have also met the same fate. In respect of each of them, the effective date of regular promotion shown in the lists is a date much ahead of the dates on which they assumed charge of the higher post in STS rank in consequence of the promotion order dated 8.3.1990 and 4.3.1992 (Annexure A-IV collectively). Thus quite obviously, out of the 13 applicants, 7 have been affected by wrong fixation of dates called 'effective dates of regular promotion'.

16. To bring home, the applicants' charge that directly recruited JTS officers have been promoted to STS grade even before completing four years of regular service, the applicants have supplied at least four names in the OA. These are S/Shri A.R. Sheikh, Rajiv Kapoor, Satyavir Singh and Ashish Bhatnagar. In respect of

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these, the position reflected in the Annexure to the impugned order dated 9.7.1999 is as follows:

<u>Name</u>	<u>Date of actual charge assumption</u>	<u>Effective date of regular promotion</u>
A.R. Sheikh	26.03.1990	26.03.1990
Rajiv Kapoor	12.03.1990	04.08.1989
Satyavir Singh	30.03.1992	09.03.1990
Ashish Bhatnagar	08.09.1993	09.03.1989

According to the applicants, the said Shri Sheikh could not complete four years of regular service earlier than November, 1990, but, as shown above, his effective date of regular promotion has been shown as 26th March, 1990. The same position obtains in respect of the other three directly recruited JTS officers. We thus find that the Annexure attached to the impugned order dated 9.7.1999 does in fact contain a number of names of directly recruited JTS Officers promoted (or in respect of whom notional dates of promotion have been fixed), by the respondents which would not have been the case had the respondents acted in accordance with the rules providing for a minimum regular service of 4 years. To this extent, the grievance laid out in the OA is held by us to have been proved. Similarly, we also find that the dates of promotion of the applicants, or of at least 7 of them (out of the 13), have been shifted to their dis-advantage by the respondents acting in an arbitrary manner. No show cause was issued to the applicants before the aforesaid dates were shifted.

17. During the course of arguments the learned counsel for the respondents placed before us a copy of OM dated 3.11.2000 by which the draft seniority list of the

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STS officers has been notified/circulated. The same reflects the position upto the recruitment year 1996-97. This has been taken on record. The seniority list is still at the draft stage and is yet to be finalised. The draft list contains any number of names of officers who have been promoted to STS grade within four years of their dates of joining the JTS. In one case at serial No. 40 in the said draft list, the officer was promoted within one year of his joining the JTS grade. According to the learned counsel for the applicant, all these promotions would be contrary to the aforesaid rules. Insofar as the applicants are concerned, the dates of notional promotion to STS grade shown against their names are the same as have been shown in the Annexure to the impugned order dated 9.7.1999. That is to say, in respect of the applicants, the dates of notional promotion which are to their disadvantage as pointed out in an earlier paragraph, have been maintained. We do not want to comment any further on the aforesaid Memorandum dated 3.11.2000 or on the draft seniority list enclosed therewith. The applicants as also the others are free to represent in the matter before the appropriate authority.

18. In conclusion, going by what precisely has been impugned by the applicants, we do find that the effective dates of regular promotion shown in the Annexure to the impugned order place the directly recruited JTS officers in a position of undue advantage over the applicants and may be others inasmuch as the directly recruited JTS officers are seen, by virtue of the aforesaid dates, to have been promoted to the STS grade even before

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completing the period of four years of regular service as required in accordance with the rules or in other words before completing six years of service including the period of probation. To that extent, the impugned order dated 9.7.1999 stands vitiated and deserves to be quashed and set aside. The effective dates of promotion of the applicants or at least 7 of them, have been shifted to their dis-advantage and against the provisions made in the earlier promotion orders dated 8th March, 1990 and 4th March, 1992 and without any show cause. To this extent also the impugned order dated 9.7.1999 stands vitiated and would deserve to be quashed and set aside. We have already held in an earlier paragraph of this order that the seniority of the applicants in the STS grade should take effect from the orders of promotion respectively passed on 8th March, 90 and 4th March, 1992. We will have no hesitation, therefore, in directing the respondents to treat the dates of promotion of the applicants in STS grade as effective from the dates of the aforesaid orders placed at Annexure A-IV collectively.

19. We are not inclined, however, to consider the prayer of the applicants for a direction to the respondents to consider the applicants' promotion to JAG (Non-Functional Grade) on the basis of the actual date of their promotion to the STS grade. This is because by doing so, we will be passing orders with regard to inter-se-seniority of the applicants as well as others. We have mentioned that a draft seniority list of STS officers has already been circulated. The applicants

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could file their representations before the appropriate authority to settle their respective claims so that it becomes possible for the respondents to finalise the seniority list and thereafter to consider the applicants as well as the others for promotion to the JAG (non-functional grade). We, therefore, desist from passing any order on the aforesaid prayer of the applicants.

20. It is clarified that we have not formed any judgement with regard to the aforesaid draft seniority list nor has it been our intention to lay down the ground rules for finalising the aforesaid list. All that we have done is to express our view point with regard to the contentions raised by the applicants with reference to some of the Rules. Accordingly it is open to the respondents to consider the aforesaid draft seniority list and to finalise it in accordance with the rules and instructions keeping in view wherever required and to the extent required the observations made by us in the preceding paragraphs.

21. The last observation that we would like to make is with regard to the general principles for determining inter-se seniority enunciated in OM dated 22.12.1959 followed by the OM dated 7.2.1986 placed on record by the applicants as Annexure A-II and A-III respectively. We feel compelled to do so as the aforesaid instructions, we have been given to understand, have not been faithfully followed in fixing inter-se-seniority of promotees and the directly recruited JTS officers. A perusal of the

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same reveals that the principle laid down in the earlier OM with regard to relative seniority of direct recruits and promotees has been up-held by the latter OM which merely seeks to clarify the matter to the extent the practice followed in consequence of the provisions of the earlier OM had led to avoidable complications. It is our view, after hearing the learned counsel for the applicants that the principle laid down in the aforesaid OM's has not been correctly followed and the respondents have incorrectly taken the stand that the aforesaid OM of 7.2.1986 could be followed and has been so followed by them only after the recruitment year 1986 and not in respect of the earlier years. The latter OM provides as follows:

"This matter which was also discussed in the National Council has been engaging the attention of the Government for quite some time and it has been decided that in future, while the principle of rotation of quotas will still be followed for determining the inter-se seniority of direct recruits and promotees the present practice of keeping vacant slots for being filled up by direct recruits of later years, thereby giving them unintended seniority over promotees who are already in position, would be dispensed with."

It seems to us that by not following the rules correctly, the respondents have granted to the directly recruited JTS officers unintended seniority over the promotees, who were already in position at the time the direct recruits were inducted. That is how, we find, undue advantage has accrued, wittingly or unwittingly, to the directly recruited JTS officers. The aforesaid wrong, we find, has been reinforced by an incorrect interpretation of Note 3 placed below Schedule IV to the IB(E)S Rules,

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1981. We have already dealt with interpretation of the Note 3 in an earlier paragraph and will not like to comment any further on the issues involved herein.

22. To sum up, the following position emerges conclusively from the detailed discussions contained in the preceding paragraphs -

- i) The effective dates of regular promotion shown in column 5 of the statement at Annexure to the impugned order dated 9.7.1999 in respect of directly recruited JTS officers of the IB(E)S have not been correctly arrived at and to that extent the aforesaid impugned order stands vitiated.
- ii) The aforesaid impugned order dated 9.7.1999 also stands vitiated to the extent the effective dates of regular promotion of the applicants or most of them, shown in its Annexure have also been incorrectly fixed. The aforesaid dates in respect of the applicants should have been in accord with the orders dated 8.3.1990 and 4.3.1992 by which they were promoted.
- iii) The relevant dates mentioned in No. 1 and No.2 are likely to have been incorrectly shown and/or incorrectly fixed in respect of a number of other JTS officers not being applicants in the present OA.

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23. In the aforesaid circumstances, the OA is partly allowed with a direction to the respondents to carry out corrections in the relevant dates referred to in para 22 above as expeditiously as possible and, in any event, within a period of four months from the date of receipt of a copy of this Order.

24. It is clarified that we have not, while passing this order, considered the issues raised in OA No.337/1992 in material detail as a copy of the order passed by this Tribunal in that OA was not placed on record by the respondents. Accordingly, we have not made any attempt to pronounce any verdict wittingly or unwittingly on any of the issues that might have come in for a decision in that OA.

25. The OA is accordingly disposed of in the aforesated terms.


(S.A.T. RIZVI)
MEMBER (A)


(ASHOK AGARWAL)
CHAIRMAN

(pkr)