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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

O.A. No. 1017
T.A. No.

1988.

DATE OF DECISION 17.10.1988

Shri Niader Singh & Others. Petitioner

Shri G.D. Gupta, Advocate for the Petitioner(s)

Versus

The Administrator & Others. Respondent


Shri M.M. Sudan, Advocate for the Respondent(s) No. 1-3
Shri K.N.R. Pillai, Advocate, for Respdts. No. 4-5.
Shri Mukul Rothagi, Advocate for Respdts. No. 6-7

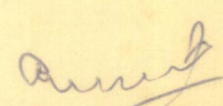
CORAM :

The Hon'ble Mr. P.K. Kartha, Vice Chairman (Judicial).

The Hon'ble Mr. S.P. Mukerji, Vice Chairman (Admn.)

1. Whether Reporters of local papers may be allowed to see the Judgement ? *yes*
2. To be referred to the Reporter or not ? *yes*
3. Whether their Lordships wish to see the fair copy of the Judgement ? *m*


(S.P. Mukerji)
Vice Chairman(A)


(P.K. Kartha)
Vice Chairman (J)

(9)

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PRINCIPAL BENCH: NEW DELHI
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Regn.No.OA-1017/1988

Date of Decision 17.10.88

Shri Niader Singh & Others

...Applicants.

Versus

The Administrator & Others

... Respondents.

For the applicants.

... Shri G.D.Gupta, Advocate.

For the respondents

... Shri M.M.Sudan, Advocate,
for Respds. No.1-3.

Shri K.N.R.Pillai,
Advocate, for Respds.
No.4-5.

Shri Mukul Rothagi,
Advocate for Respds.
No.6-7.

CORAM

HON'BLE SHRI P.K. KARTHA, VICE CHAIRMAN (JUDICIAL)
HON'BLE SHRI S.P. MUKERJI, VICE CHAIRMAN (ADMN.)

JUDGEMENT

(Judgement of the Bench delivered by Hon'ble
Shri P.K. Kartha, Vice Chairman (Judicial).)

The applicants who are employed as Peons in the Directorate of Education under the Delhi Administration, Delhi filed this application under Section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs: -

(i) To quash the notification dated 14.3.1986 whereby provision was made in the recruitment rules as originally notified on 23.12.1971 for promotion as Laboratory Assistant from the category of Group 'D' employees belonging to the Delhi Administration who are Matriculates or equivalent/ High Court with Science or who have successfully undergone a three months' orientation course in Science conducted by the Directorate of Education, Delhi Administration, Delhi; and

(ii) To direct the respondents to fill the posts of Laboratory Assistant as per the seniority of the applicants

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in accordance with the Recruitment Rules 1971 as amended from time to time (excluding the amendment brought about by the notification dated 14.3.1986).

2. The facts of the case in brief are as follows: The applicants are employed as Peons in the Directorate of Education under the Delhi Administration. They claim for promotion to the post of Laboratory Assistant. The Recruitment Rules for the post of Laboratory Assistant have undergone changes from time to time as stated hereinafter.

3. Under the Recruitment Rules of 1971, the post of Laboratory Assistant was required to be filled in by the method of direct recruitment to the extent of 100 per cent of the posts and the qualification was Matriculate/Higher Secondary with Science from a recognised University/Board with at least six months' experience as Laboratory Assistant (vide annexure 'A', pages 32-33 of the paper-book).

4. The Recruitment Rules were amended by Notification dated 10th February, 1972 whereby the requirement of "at least 6 months' experience as Laboratory Assistant" was made desirable instead of essential qualification (vide Annexure 'B', page 34 of the paper-book).

5. The Recruitment Rules were further amended by notification dated 7th May, 1975. By this amendment, it was provided that the post of Laboratory Assistant was required to be filled in by the method of promotion to the extent of 100 per cent of the posts and it was only failing that, the said posts could be filled up by the method of direct recruitment. The promotion was required to be made from Class IV employees with three years' service in the grade (i.e. Class IV posts). It was further stipulated that the educational qualification prescribed for direct recruits will also apply in the case of promotion (Vide Annexure 'C', page 36-37 of the paper-book).

6. By Notification dated 3rd March, 1981, a further amendment was made to the Recruitment Rules. By this amendment; it was provided that Group 'D' employees of the Directorate of Education who are Matriculates or equivalent/ Higher Secondary in Science and employees who are Matriculate or equivalent Higher Secondary without Science were also made eligible provided they had successfully undergone three months' orientation course in Science conducted by the Directorate of Education. The ratio proportion between the two categories would be determined on 1st May of every year depending upon the actual number of eligible employees under the respective category on that date (vide Annexure 'D' at pages 38-39 of the paper-book).

7. The Recruitment Rules were further amended by the impugned notification dated 14.3.86. By this amendment not only Group 'D' employees of the Directorate of Education but even Group 'D' employees of other departments of the Delhi Administration were also made eligible for appointment to the post of Laboratory Assistant. The validity of this notification has been challenged in the present application to the extent that it makes Group 'D' employees of the Departments other than those of the Directorate of Education also eligible for promotion to the post of Laboratory Assistant in the Directorate of Education (vide Annexure 'E', pages 41-42 of the paper-book).

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8. The applicants were directly recruited as Peons during the period 1976-1981 and they became eligible for promotion to the post of Laboratory Assistant between 1983-84. All of them had passed Matric with Science. Despite this and despite the fact that vacancies existed, they have not been given promotion so far.

9. Sometime in 1982, some Class IV/Group 'D' employees who were not Matriculate/Higher Secondary but had passed 'Prathama', 'Madhayama' or 'Uttama' certificates issued by the the Hindi Sahitaya Sammelan, Prayag (Allahabad), were also made eligible for promotion to the post of Laboratory Assistant. This was challenged through a writ petition filed in the Delhi High Court in 1982. The High Court dismissed the petition holding that there was no rule for giving such promotion. The SLP filed against the judgement of the Delhi High Court was also dismissed in 1983.

10. Subsequently, it appears that the Government relaxed the qualification in the case of some employees who were holders of 'Prathama' and 'Madhayama' certificates. This was again challenged in writ petition filed in the Delhi High Court in 1985. This petition stood transferred to this Tribunal. The Tribunal vide its order dated 13.1.87 allowed the petition and quashed the relaxation granted in favour of the aforesaid employees. The Tribunal also restrained the respondents from granting any relaxation to the persons holding 'Prathama' and 'Madhayama' certificates for the post of Laboratory Assistant so long as persons qualified under the Rules were available for promotion (Annexure 'H', pages 48 to 55 of the paper-book).

11. The applicants have stated that because of the aforesaid litigation, they could not get promotion.

12. During the pendency of the aforesaid writ petition in the Delhi High Court in 1985 (which stood transferred to this Tribunal), the impugned notification dated 14.3.86 was issued. The main grievance of the applicant is that by the impugned notification a large number of employees of other departments have become eligible for promotion and since many of them would be senior to the

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applicants, the employees of other departments might have a march over the applicants who would then be deprived of their rights of promotion. The applicants have contended that the amendment introduced by the impugned notification dated 14.3.1986 is illegal and that it cannot apply to the vacancies which arose prior to the coming into force of the said amendment, as the said amendment is prospective in operation.

12. The main contentions raised by the applicants are that the impugned notification dated 14.3.86 to the extent it makes Group 'D' employees of the Departments of Delhi Administration other than the Group 'D' employees of the Directorate of Education also eligible for promotion to the post of Laboratory Assistant in the Directorate of Education is illegal, arbitrary and violative of Articles 14 and 16 of the Constitution. According to them, promotion is a concept which makes employees of one grade eligible for promotion to the higher post within the same department ^{not} and/or otherwise. The seniority of the peons of the Directorate of Education is determined separately and is not joint with peons of other departments.

13. The applicants have contended that the post of Laboratory Assistant can be thrown open to the employees of other departments only when persons eligible for such promotion are not available in the Directorate of Education. In this context, they have cited the example of the Recruitment Rules for the post of Senior Gestetner Operator promulgated in 1987. The Recruitment Rules provide that the post is to be filled by Junior Gestetner Operator/Gestetner Operator-cum-Photo-stat Operator of the Department in which the vacancy arises. Failing this, the post should be circulated among other department (however, the Directorate of Education has been excluded). Failing this, the post should be filled in by direct recruitment.

14. Originally, the Administrator, Union Territory of Delhi, Delhi Administration, through its Chief Secretary, and the Director of Education, Delhi Admn., were impleaded as respondents 1-3, respectively. Subsequently, the Delhi Administration Matric (Science) Group 'D' Employees Association, were allowed to be impleaded as respondents 4 and 5. Two other applicants who belonged to the category of those who had successfully undergone three months' Orientation Course in Science conducted by the Delhi Administration, were allowed to be impleaded as respondents 6 and 7, respectively. Separate counter affidavits have been filed on behalf of respondents 1-3, 4-5, and 6-7. While respondents 6-7, by and large, have gone along with the applicants, respondents 4-5 have, by and large, gone along with the respondents²⁻³ on the issues raised in this application.

15. In the counter-affidavit filed by respondents 1-3, they have taken the stand that prior to the amendment of the recruitment rules in 1981 (Annexure 'D' to the application), all the class IV employees of the Delhi Administration were eligible for promotion to the post of Laboratory Assistant. After the amendment of the recruitment rules in 1981, promotion was restricted to Group 'D' employees of the Directorate of Education only. This led to numerous representation from Group 'D' Employees Association on the ground that all Group 'D' employees of Delhi Administration, including those belonging to the Directorate of Education, were eligible for promotion to Grade IV^(L.D.C.) in Delhi Administration Subordinate Service Rules, 1967. Employees of the

Directorate of Education had an additional advantage of being promoted to even a higher pay-scale post of Laboratory Assistant in the Directorate of Education which was alleged to be discriminatory, vis-a-vis, the other Grade IV employees of Delhi Administration. Therefore, the Delhi Administration decided that as the employees of the Directorate of Education had their own channel of promotion to the post of Laboratory Assistant, they might be excluded from being considered for promotion to the post of LDC (Grade IV of the Delhi Administration Subordinate Service). A proposal to amend the Delhi Administration Subordinate Service Rules, 1967 was considered, but it was not pursued on the advice of the Law Department. However, in order to remove discrimination and bring about parity among all class IV employees of the Delhi Administration by affording them equal chances of promotion, the impugned notification dated 14th March, 1986 was issued. By this amendment, equal chances have been afforded to all the employees of the Delhi Admn. in both the channels, i.e., of L.D.C. (Grade IV of Delhi Administration Subordinate Service) and Laboratory Assistant. In this manner, it has been contended that the amendment of 1986 restores the position which was originally existing prior to 1981.

16. Respondents 1-3 have further stated that due to the litigation pending in the Court and this Tribunal, the department could not hold D.P.C. during the period 1985-87. Vacant posts were available for promotion but because of the restraint order, no promotions could be made.

17. Respondents 4 and 5 have, in their separate counter affidavit, contended that promotions from Class IV to Class III in the entire Delhi Administration, including the Directorate of Education, is governed by the Delhi Administration Subordinate Service Rules, 1967 (Annexure R-I at pp.101-110 of the paper-book). In terms of these Rules as amended in 1980, selection for promotion from Class IV to Class III is by seniority, subject to the rejection of the unfit, from such Class IV employees as possess the qualification of matriculation or equivalent and having five years' regular service. For the purpose of promotion from Class IV to Class III, the competent authority treats the entire Delhi Administration as a single unit. Such promotions are not department-wise. The Class IV staff of the Department of Education, along with others, are also promoted to vacancies in all departments on the basis of a combined seniority list maintained by the Services Department. Likewise, Class IV staff of other departments are eligible for promotion to Class III posts in the Education Department also. Some copies of orders issued from time to time promoting/considering for promotion Class IV staff of the departments, including the Department of Education, for such vacancies, have been given in Annexure R-II at pages 111-113 of the paper-book. During the hearing, the learned counsel for the respondents 4 and 5 have placed before us the revised tentative joint seniority list of Class IV employees of the Delhi Administration as on 1.9.1980 which was issued in August, 1981.

18. Respondents 4 and 5 have further contended that the amendment made to the recruitment rules in 1981

restricted the promotion to Class IV employees of the Directorate of Education with three years' service who were either matriculates with Science or had undergone three months' Orientation Course in Science conducted by the Directorate of Education. Accordingly, matriculates with Science working in other departments of the Delhi Administration, were excluded. This has been challenged as discriminatory and violative of Articles 14 and 16 of the Constitution. There is no nexus between the bifurcation and the object of the Rules because it can hardly be argued that a Peon working with the Directorate of Education is likely to imbibe scientific knowledge making him suitable to be a Laboratory Assistant, while the Peon working in another department is not likely to acquire such knowledge. In view of this, the Delhi Administration took a conscious decision and amended the Rules in 1986 by the impugned notification dated 14.3.1986. After the amendment, the matriculates of the Directorate of Education have two avenues, namely, (1) through the combined seniority list of matriculates (Science) of all departments, and (2) through the Orientation Course conducted by the Directorate of Education, where only the staff of the Directorate take the course.

19. As to the contention of the applicants that vacancies should be filled according to the recruitment rules in force when the vacancies arose, respondents 4-5 have contended that it is for the Administration to decide as to when the vacancies are to be filled, depending on the administrative requirements. If the Administration fills the vacancies now, they should follow the recruitment rules now in force and not the old rules.

20. Respondents 4 and 5 have further contended that six out of the seven applicants have only about 7 years' service and they are trying to keep out from selection matriculate class IV staff of other departments who have put in 12 to 20 years of service.

21. Respondents 6 and 7, in their counter affidavit, have stated that Class IV employees of the Department of Education who have undergone Orientation Course, are eligible for promotion to the posts of Laboratory Assistant. In view of this, they also support the contention of the applicants that the impugned notification dated 14.3.1986 insofar as it makes Group 'D' employees of the departments of the Delhi Administration other than the Directorate of Education also eligible for promotion to the post of Laboratory Assistant, is illegal, arbitrary and violative of Articles 14 and 16 of the Constitution.

22. We have carefully gone through the records and have heard the learned counsel for the parties. The issues raised before us have to be considered in the background of the existing promotional avenues to Group 'D' staff belonging to the Delhi Administration. During the hearing, the fact that Group 'D' employees of the Delhi Administration have been stagnating for a number of years for want of avenues for promotion to the next higher grade, was highlighted by Shri M.M. Sudan, the learned counsel appearing on behalf of respondents 1-3. The Delhi Administration wanted to provide some avenues to the Group 'D' staff who were matriculates with Science, or who had undergone Orientation Course in Science conducted by the Delhi Administration. There were

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certain posts of Laboratory Assistant in the Delhi Administration which, under the original recruitment rules of 1971, were to be filled up by 100 per cent direct recruitment. Recognising the stagnation among the Group 'D' employees who possessed the requisite qualifications for appointment as Laboratory Assistant, the recruitment rules were amended in 1975 so as to provide for filling up of these posts 100 per cent by promotion, failing which by direct recruitment. The rules were further amended in 1981 which sought to restrict the field of choice only to the employees of the Directorate of Education. The amendment of 1981 increased the number of posts of Laboratory Assistant from 641 to 1061. During the hearing, we were told that these posts are meant for the various schools run by the Delhi Administration. The amendment of the Rules in 1985 was ^{with a view} to enlarge the field of choice so as to throw open these posts for promotion to all Group 'D' employees belonging to all the departments of the Delhi Administration who possessed the requisite qualifications.

23. The main issues arising for consideration in the present application are whether the impugned amendment made in 1986 is **legally** and constitutionally valid and whether the vacancies which are said to have been in existence for a number of years are to be filled up in accordance with the amended rules of 1986, or under the rules which were in existence prior to that amendment.

24. Shri G.D. Gupta, learned counsel for the applicants, forcefully argued that the very concept of promotion is that it should take place from one grade to another within the same department. In other words, it is not

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conceivable that an employee belonging to one department can get promoted in another department in accordance with the recruitment rules made in that other department. While there is some force in this contention, to our mind, there is nothing illegal or unconstitutional in providing that employees belonging to a certain category would be entitled for promotion irrespective of the department in which the vacancy occurs. The Delhi Administration by itself could be treated as a unit for this purpose.

25. The real grievance of the applicants appears to be that their chances of promotion would be considerably reduced if the Group 'D' employees of other departments are also made eligible for promotion as Laboratory Assistant. There is a long line of authoritative decisions of the Supreme Court that mere chances of promotions are not conditions of service(vide State of Mysore Vs. G.B. Purohit, 1967 SLR 753; Ram Chandra Shankar Deodar Vs. State of Maharashtra, 1974 (1) SCC 317 at 329; Mohd. Shujad Ali & Others Vs. Union of India, 1975 (3) SCC 76 at 96; Dr. N.C. Singhal Vs. Union of India & Others, 1980(3) SCC 29 at 41; and State of Maharashtra Vs. C.A. Kulkarni, 1981 (4) SCC 130 at 141).

26. The applicants cannot also be said to have developed a vested right to promotion pursuant to the recruitment rules made by the Delhi Administration in 1971 which were amended from time to time. The question as to what recruitment rules should be made for a particular service and as to who should be made eligible for promotion under the rule, are matters for the Government to decide in public interest. As observed by the Supreme

Court in Bishan Sarup Gupta Vs. Union of India, 1974
SCC (L&S) 506 at 518:-

"When considering this point it must be clearly understood that this Court is not concerned with Government's policy in recruiting officers to any service. Government runs the service and it is presumed that it knows what is best in the public interest. Government knows the calibre of candidates available and it is for the Government to determine how a particular service is to be manned - whether by direct recruits or by promotees or by both and, if by both, what should be the ratio between the two sources having regard to the age factor, experience and other exigencies of service. Commissions and committees appointed by the Government may indeed give useful advice but ultimately it is for the Government to decide for itself."

27. In view of the above, we are of the opinion that the impugned amendment of 1986 insofar as it makes all Group 'D' employees of all the departments of Delhi Administration eligible for promotion to the post of Laboratory Assistant subject to their fulfilling the requisite qualifications prescribed in that behalf, cannot be challenged on the ground of unfairness or unreasonableness.

28. The impugned amendment of 1986 has been challenged on the ground of violation of Articles 14 and 16 of the Constitution. The basic postulate of these Articles is that employees similarly circumstanced in the same class of service, should be treated alike and that there must be a nexus between the classification made and the object sought to be achieved. The fundamental right of equality means that persons in like situations, under like circumstances, are entitled to be treated alike. In State of Jammu & Kashmir Vs. Triloki Nath Khosa & Others, 1974 SCC (L&S) 49, the Supreme Court has observed, "Constitutional

code of equality and equal opportunity is a charter for equals". So long as employees similarly circumstanced in the same class of service are treated alike, there will be no question of hostile discrimination. The equality of opportunity would be available for persons who fall substantially within the same class or unit of service. As has been observed by the Supreme Court in the General Manager, South Central Railways Vs. A.V.R. Siddhantti, 1974 SCC (L&S) 290 at 298:-

"Broad classification based on reason, executive pragmatism and experience having a direct relation with the achievement of efficiency in administration is permissible. That is to say, reasonable classification according to some principle, to recognise intelligible inequalities or to avoid or correct inequalities is allowed, but not mini-classification which creates inequality among the similarly circumstanced members of the same class or group."

29. In the light of the aforesaid position, we are of the opinion that the impugned notification of 1986 cannot be challenged on the ground of violation of the right to equality enshrined in Articles 14 and 16 of the Constitution. During the hearing, it came to our notice that there exist some ex-cadre posts of Laboratory Assistant in the departments other than the Department of Education for which separate recruitment rules have been made. One example which was brought to our notice is that of the Laboratory Assistant in the Weights and Measures Department under the Directorate of Industries, Delhi Administration. According to the recruitment rules notified on 21st February, 1981, the post of Laboratory Assistant in the Directorate of Industries is to be filled by promotion "from amongst Group 'D' employees of the Directorate of Industries with three years in the grade rendered after appointment thereto

on a regular basis. There is some force in the contention of the learned counsel for the applicants that while the ex-cadre posts of Laboratory Assistant in departments other than the Department of Education of the Delhi Administration are being filled up by the eligible employees of the department concerned, the recruitment rules do not envisage employees belonging to other departments also being made eligible for such promotion. We do not have the full information about these ex-cadre posts and the method of filling up of those posts under the relevant recruitment rules. It will be highly discriminatory and inequitable to provide that Group 'D' employees belonging to all the departments of the Delhi Administration will be eligible for promotion as Laboratory Assistant under the recruitment rules notified by the Department of Education, but the employees of the Department of Education or of other departments would not be eligible for such promotion in the ex-cadre posts existing in other departments. Therefore, the respondents 1-3 should conduct a review of the existing recruitment rules for the posts of Laboratory Assistant in the various departments under the Delhi Administration so as to provide that Group 'D' employees of other departments would also be considered for promotion as Laboratory Assistant if they fulfil the eligibility criteria prescribed under the relevant recruitment rules.

30. We may now come to the question as to how the posts of Laboratory Assistant are to be filled up in accordance with the recruitment rules made in 1971 as amended from time to time.

31. The learned counsel for the applicants have contended that these posts should be filled up in accordance with the principles embodied in the Office Memorandum issued by the Ministry of Home Affairs, Department of Personnel & Administrative Reforms, on 24th December, 1980. The aforesaid Memorandum envisages preparation of year-wise panels by D.P.C. in respect of the vacancies which had occurred in the previous years.

32. In the present case, the learned counsel for the respondents have stated that no one was promoted during the years 1985-87 on account of the stay orders in existence. There had also been litigation pending in the High Court and this Tribunal. The contention of the learned counsel for the applicants would have some weight had there been vacancies earmarked for each year. There is nothing on record to indicate that there had been any such ear-marking of vacancies by respondents 1-3. In the absence of this, it has to be seen whether the post of Laboratory Assistant is to be filled up in accordance with the recruitment rules of 1971 as amended by the impugned notification of 1986.

33. In this context, we may refer to the decisions of the Supreme Court in Y.B. Rangaiah Vs. J. Srinivasa Rao, 1983(3) SCC 284. In that case, the Supreme Court observed as follows:-

"The vacancies which occurred prior to the amended rules would be governed by the old rules and not by the amended rules. It is admitted by counsel for both the parties that henceforth promotion to the next post of Sub-Registrar Grade II will be according to the new rules on the zonal basis and not on the State-wide basis and, therefore, there was no question of challenging the new rules. But the question is of filling the vacancies that occurred prior to the amended rules.

We have not the slightest doubt that the posts which fell vacant prior to the amended rules would be governed by the old rules and not by the new rules."

33. The aforesaid decision was followed by the Supreme Court in P. Ganeshwar Rao and Others Vs. State of Andhra Pradesh and Others, J.T. 1988 (3) SC 570 at 574.

34. A perusal of the decision in Ganeshwar Rao's case would indicate that the unamended rules will apply to the vacancies which had occurred prior to the amendment. In that case the amended recruitment rules referred to "vacancies arising", which indicated that the amended rules would apply to those vacancies which came into existence subsequent to the date of the amendment. In view of this, the Supreme Court observed that if the vacancies had arisen prior to the amendment of the recruitment rules, these vacancies would have to be

new rules.

filled in accordance with the unamended rules; vacancies occurring after the amendment are to be filled in accordance with/

35. The aforesaid decisions of the Supreme Court are clearly distinguishable from the facts and circumstances of the present case in which there is no reference to any vacancies in the post of Laboratory Assistant "arising". Therefore, we are of the opinion that all the posts of Laboratory Assistant to which recruitment has not so far been made, are to be filled up by promotion in accordance with the recruitment rules as amended by the impugned notification of 1986.

36. The Department of Education have issued an office order on 31.5.1988 by which they have promoted 96 Group 'D' employees on an ad hoc basis on the recommendation of the D.P.C. By an order dated 1.6.1988, another Bench of this

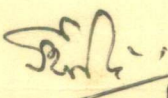
Tribunal had passed an order staying promotions pending further orders on this application. Further, "if any promotions have already been ordered but the promotees have not taken charge, there shall be a stay of their taking charge. Promotions of persons from other departments already made shall be subject to the result of this application." As the promotions have been made in accordance with the provisions of the impugned notification of 1986, the validity of which has been upheld by us, we do not propose to strike down the ad hoc promotions already made as that would not be expedient in the exigencies of administration.

37. In the light of the above, we order and direct as follows:-

- (i) The validity of the impugned notification dated 14.3.1986 is upheld. However, respondents 1-3 should review the existing recruitment rules in regard to the posts of Laboratory Assistant in the various departments other than the Department of Education and provide for making all Group 'D' employees of the Delhi Administration ✓ possessing the requisite qualifications and experience eligible for promotion. This exercise should be completed within a period of six months from the date of communication of this order.

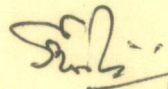
- ✓ (ii) The posts of Laboratory Assistant in the Department of Education should be filled up by promotion of the eligible Group 'D' employees in accordance with the provisions of the recruitment rules as amended by the impugned notification dated 14.3.1986.

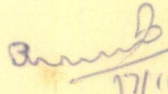
- (iii) Till the review of the recruitment rules directed in (i) above has been completed, no one should be promoted as Laboratory Assistant in the Department of Education. However, the stay order issued by us on 1.6.1988, is modified to the extent that the ad hoc appointments already made on 31.5.1988 may continue till regular appointments are made.
- (iv) There will be no order as to costs.


17.X.88
(S.P. Mukerji)
Vice-Chairman(Admn.)


17/10/88
(P.K. Kartha)
Vice-Chairman(Judl.)

After the judgment was pronounced in the open Court, Shri G.D.Gupta, learned counsel for the applicants prayed that operation of judgment may be stayed for 4 weeks from today as he wants to file a Review application/SLP as may be advised. Since important questions of law are involved, we direct that operation of the judgment may be stayed for four weeks. A copy of this order may be sent to all parties concerned.


17.X.88
(S.P. Mukerji)
Vice-Chairman(Admn.)


17/10/88
(P.K. Kartha)
Vice-Chairman(Judl.)