

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL**  
**NEW DELHI**

O.A. No. 1679/91  
T.A. No. &  
1971/91

199

DATE OF DECISION 16.1.1996

(21 A)

Dr. (Mrs) Krishna Chakraborty **Petitioner**  
and Anr.

Bhri Ajit Puddisary **Advocate for the Petitioner(s)**

Versus

Union of India & Anr. **Respondent**

Mrs Raj Km. Chopra (for Res.1) **Advocate for the Respondent(s)**

Sh. C. Hari Shanker, Counsel for Resp.2

**CORAM**

**The Hon'ble Mr. N.V. Krishnan, Acting Chairman.**

**The Hon'ble Mrs Lakshmi Swaminathan, Member(J)**

1. To be referred to the Reporter or not? *yes*
2. Whether it needs to be circulated to other Benches of the Tribunal?

*Lakshmi Swaminathan*  
(Smt. Lakshmi Swaminathan)  
Member(J)

(N.V. Krishnan)  
Acting Chairman

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH : NEW DELHI

22

O.A. No.1679/91  
O.A. No.1971/91

Date of decision : 16.1.1996

Hon'ble Shri N.V.Krishnan, Acting Chairman  
Hon'ble Smt.Lakshmi Swaminathan, Member (J)

O.A. No. 1679/91

Dr.(Mrs.) Krishna Chakraborty,  
Associate Professor, Physiology,  
Maulana Azad Medical College,  
R/O. Type-VI/3, MAMC Campus, N/Delhi

..Applicant

(By Advocate :Sh.Ajit Puddisary )

Vs.

1. Union of India  
through Secretary,  
Ministry of Health & Family Welfare,  
Nirman Bhawan, New Delhi.
2. Dr. (Mrs.) Krishna Deswal,  
Associate Professor, Physiology,  
Maulana Azad Medical College,  
New Delhi.

..Respondents

(By Advocates: Mrs.Raj Kumari Chopra,  
counsel for Respondent No.1.  
Shri C.Hari Shanker, counsel  
for Respondent No.2.

O.A. No. 1971/91

Dr.(Mrs.) Pritinder Kaur,  
Associate Professor, Physiology,  
Lady Hardinge Medical College,  
J-208, Saket, New Delhi

..Applicant

(By Advocate Shri Ajit Puddisary )

Vs.

1. Union of India  
through Secretary,  
Ministry of Health and Family Welfare,  
Nirman Bhawan, New Delhi.
2. Dr.(Mrs.) Krishna Deswal,  
Associate Professor, Physiology,  
Maulana Azad Medical College,  
N/Delhi.

..Respondents

(By Advocates: Mrs Raj Kumari Chopra,  
counsel for Respondent No.1  
Sh.C.Hari Shanker, counsel  
for Respondent No.2.

22

23

(Hon'ble Smt. Lakshmi Swaminathan, Member (Judicial))

The applicants in these 2 applications, D.A. No. 1679/91 and D.A. No. 1971/91 have challenged the first respondents' (Govt. for short) orders dated 25.2.1991, 17.7.1991 / 27.6.91 and 21.6.1991 (Annexures D, F and H and D, G and H respectively) in the 2 D.As. By the impugned order dated 25.2.1991, the respondents had fixed the seniority of Respondent No.2, Dr. (Mrs.) Krishna Daswal so as to place her in the seniority list of Assistant Professor of Physiology as on 1.1.1983 above the applicants in the 2 D.As. Consequently, Govt. also appointed the second respondent as Associate Professor w.e.f. 1.1.1983 and placed her above the applicants, by the order dated 21.6.1991. The other / <sup>two</sup> impugned orders dated 17.7.1991 and 27.6.1991 are the orders by which the respondents rejected their representations against this fixation in the seniority list. Since these two applications are on similar facts and also raise similar issues, they have been dealt with together.

2. Briefly stated the facts are that both the applicants are working as Associate Professors (N.F.S.G) in the speciality of Physiology in the teaching sub-cadre of the Central Health Service. Both the applicants

193

had been appointed substantively in the Specialist Grade II in the Central Health Service by order dated 10.11.80, Dr. (Mrs.) Krishna Chakraborty as Lecturers

19 w.e.f. 17.8.72 and Dr. (Mrs. Pritinder Kaur w.e.f. 1.7.73. They were working as Lecturers in Maulana Azad Medical College and Lady Hardinge Medical College, New Delhi respectively, when they were considered by the DPC on 3.4.80 and promoted to the post of Assistant Professors by order dated 23.4.80 and they joined the posts of Assistant Professors of Physiology on 24.4.80. They have then been appointed as Associate Professors in the speciality of Physiology from 1.1.83 and granted non-functional selection grade from 22.5.89.

3. In the seniority list of Associate Professors as on 1.1.91, the applicants were shown at Sl.Nos.4 and 5 in the speciality of Physiology while Respondent No.2 Dr. (Mrs.) Krishna Deswal was placed at Sl.No.6 (Annexure B) in O.A. 1971/91 - for the sake of convenience the annexures in O.A. 1971/91 are hereafter referred to, unless otherwise mentioned). By the impugned order dated 25.2.91, the respondents disposed of the representation of Respondent No.2 by holding

19

that the latter will be placed at Sl.No.4 below Dr.V.Srinivasan, who had also been recommended by the UPSC from the same panel and above the two applicants. Subsequently, the respondents also passed the impugned order dated 21.6.91 in which they have explained that since Respondent No.2, namely Dr.(Mrs.)Krishna Deswal, was appointed to the post of Assistant Professor of Physiology w.s.f.30.9.81 on the basis of interviews held in the UPSC on 19.6.79, the applicants, Dr.(Mrs)Krishna Chakraborty and Dr.Mrs Pritinder Kaur, who were appointed as Assistant Professors of Physiology by promotion w.e.f. 24.4.80 based on the DPC held on 3.4.80 had to be placed below her on the principle of seniority that candidates recruited on the basis of earlier selection would be senior to those recommended on the basis of a subsequent selection, so they have given respondent No.2 a senior rank to the applicants in the seniority list of Assistant Professors in the speciality of Physiology. Consequently, respondent No.2 Dr(Mrs)Krishna Deswal was also given the post of Associate Professor of Physiology w.e.f.1.1.83. The applicants' representations against the aforesaid orders have also been rejected. Hence this O.A. in which the

js

applicants have sought quashing of the orders dated 25.2.91 and 21.6.91 and restoration of their seniority position in the seniority list of Assistant Professors as on 1.4.84, i.e. senior to Respondent No.2. The applicants had also claimed for <sup>an</sup> interim direction to stay the operation of the impugned order dated 25.2.91. The Tribunal vide order dated 27.8.91 had directed that if Respondent No.1 makes any promotion of the applicants or Respondent No.2 to the higher post it shall be subject to the outcome of the O.A.

4. The applicants have challenged the impugned orders on the following <sup>main</sup> grounds:-

- i) That they have not been given a show cause notice before their seniority was changed which is against the principles of natural justice. They rely on the judgement of K.A. Sheperd's case. (1987(4) SCC 431)
- ii) They draw the attention to the seniority-list of Assistant Professors as on 1.4.84 (Annexure C) in which the applicants have been shown at Sl.Nos 2 and 3 whereas Respondent No.2 has been shown at Sl.No.4. In the seniority list of Associate Professors as on 1.3.90, the applicants have

18

again been shown at S.No.4 and 5 whereas respondent No.2 has been shown at Sl.No.6. The applicants, therefore, contend that after such a long delay, the action of the respondents in changing the seniority list is bad as it also unsettles the settled position and is violative of their rights. They also refer to the earlier reply given by the respondents on 2/4th April, 1982(Ann:25) in which it is stated that the seniority is assigned on the basis of the date of recommendation of the UPSC. This, according to the applicants means that Respondent No.2's representation of 21.10.81/ has been rejected. They rely on a number of judgments, namely, Markendey Singh vs. M.L.Bhannot - 1989(1) SLJ 192; E.V.G. Warriar vs. State of Kerala, 1986(1) SLJ 52 and Bhey Ran & others vs. Haryana State Electricity Board, 1993(5)SC 185.

132  
/(Ann.22) in which she had sought clarifications with regard to her seniority

The learned counsel for the applicants, Shri Ajit Puddisary, relying on the judgment of the Supreme Court in Markendey Singh's case(supra) contends that the action of the respondents is bad in law as no show-cause notice was given to them before their seniority was adversely affected by the impugned orders. Further, he submits that the order dated 2/4.4.82 issued by the respondents states that the seniority in the Specialist Grade II of the Central Health Service is assigned on the basis of the date of recommendation of the UPSC which

133

in the case of Respondent No.2 they state is 26.4.80.

<sup>-selves</sup>  
 The applicants ~~them~~ joined the post of Assistant Professor on 24.4.80 and since Respondent No.2 had been given an offer of appointment only on 26.4.80, the latter cannot in any case take precedence in seniority over them. They also rely on the fact that Respondent No.2 actually joined the post of Assistant Professor only on 13.9.81 i.e. after more than 17 months of the offer and according to DP&AR's D.M. No.9/23/71 <sup>/in the circumstances</sup> Estt.(D) dated 6.6.78, her seniority has to be depressed to the date of joining and in any case below the applicants- <sup>promotees</sup> who had joined the service much earlier on 24.4.80. The applicants submit that ~~in the~~ absence of rules, <sup>13.</sup> these 1978 instructions of DOP&I are binding and Respondent No.2 cannot say that she is not aware of it.

5. The applicants, relying on the decision of the <sup>-ma</sup> Supreme Court in Bhey Ram Sharma & Others Vs. Haryana State Electricity Board (1993(5) SC 185) submit that in determining the inter-se seniority, what is relevant <sup>is</sup> the date of entry in the service and in the case of the applicants they were in service as Assistant Professors much before Respondent No.2, therefore, they should rightly <sup>to</sup> continue/remain senior to Respondent No.2.

18

6. Replies have been filed on behalf of Respondents No.1 and 2. Respondent No.1 in their reply have admitted that the applicants have joined the Central Health Service as Assistant Professors on 24.4.80. They contend that the date of joining the service is not relevant in the fixation of seniority in the particular facts of the case. They submit that according to the principles of seniority candidates recruited on the basis of an earlier selection would be senior to those recommended on the basis of a subsequent selection. Both Respondents 1 and 2 have stated that 2 posts of Assistant Professors of Physiology fell vacant around 1978. The applicants in both these two D.As., who were at that time working as Lecturers in Physiology in <sup>New</sup> Delhi Hospitals were selected and offered the said posts, but both of them declined the offer as these posts were posts of Assistant Professor of Physiology at JIPMER, Pondicherry. As per the then relevant CHS Rules 1963, the posts were to be filled up on the recommendations of the DPC <sup>failing which</sup> if no suitable officer is available for promotion, the vacancies were to be filled up by direct recruitment. Accordingly, when the applicants declined the promotion posts as Assistant Professor, Respondent No.1 advertised these posts on 14.10.78 for direct recruitment through UPSC. The

interviews for the direct recruitment posts were held on 19.6.79 in which Respondent No.2 had also been interviewed alongwith others. Respondent No.2 states that perhaps both the applicants had not even applied for the said posts which were advertised. On the basis of interview held by the UPSC on 17.6.79, one Dr.V. Srinivasan was placed first in the select list and Dr. (Ms.) Veena Mehta at number 2. Thereafter when the respondents finally cancelled Dr. (Ms.) Veena Mehta's offer on 31.3.80, as she did not join the post, they offered it to Respondent No.2 who was third in the select list on 04.5.80 which she joined on 30.9.81 i.e. about 16 months later.

7. The applicants were selected by the DPC held on 3.4.80 to fill up two other vacancies which arose subsequently. In the circumstances, according to Respondent No.1 the seniority of a candidate who has been selected by an earlier selection which in this case was 19.6.79 and was placed in the reserve panel of the select list, will rank higher than a person who has been selected by a subsequent DPC selection held on 3.4.80 to fill up the vacancies which also arose later. They rely

on paras 2.1 and 2.4.1 of the Department of Personnel, Public Grievances and Pensions O.M. No.22011/7/86- Estt(D) dated 3.7.86. The relevant portions of these paragraphs provide as follows:-

"2.1. - The relative seniority of all direct recruits is determined by the order of merit in which they are selected for such appointment on the recommendations of the UPSC or other selecting authority, persons appointed as a result of an earlier selection being senior to those appointed as a result of a subsequent selection."

"2.4.1 - The relative seniority of direct recruits and of promotees shall be determined according to the rotation of vacancies between direct recruits and promotees which shall be based on the quota of vacancies reserved for direct recruitment and promotion respectively in the Recruitment Rules."

(emphasis added)

8. Shri C. Hari Shanker, the learned counsel for Respondent No.2 also submits that since Respondent No.2 has been placed in the waiting list at number 3 in the selection held by the UPSC on 17.6.79, when Dr.(Mrs.) Veena Mehta who was at Sl.No.2 of the select list declined, Respondent No.2 is entitled to get that seniority. Apart from this, the applicants in the 2 O.As. have been selected for vacancies which arose after 1979 by the DPC held on 3.4.80. He relies on the judgement of the Supreme Court in Dr. A.R. Sircar Vs. State of U.P. and other's (1993 Suppl.(2) SCC 734) in which although the appointment of the appellant as a

direct recruit could be made several years after that his selection, the court held/on equity as well as under the provisions of the relevant rules, he was entitled to seniority over the respondents who were not selected. He also submits/whether that the question the principles of natural justice have been complied with or not depends on the facts and circumstances of each particular case ( see Ravi S. Naik Vs. UOI and others 1994 (Suppl) (2) SCC 641, B.K. Gopal Vs. HMT (1994) (7) SLR 710.) The learned counsel submits that there has been no violation of the principles of natural justice in this case as alleged by the applicants. Respondent No.2 had been throughout vigilant in making the representations to Respondent No.1 regarding her placement in the seniority list even before she joined the service.

Thereafter by the order dated 2/4.4.82 respondents had stated that with regard to her representation dated 21.10.81 (Annexure 22) she had been assigned the seniority on the basis of the date of recommendation of the UPSC (Annexure 25). His submission is that the date of recommendation of the UPSC relates to the panel as drawn up by the UPSC as

js

33

a result of interviews held on 19.6.79 and not that the relevant date of recommendation is 26.4.1980 as contended by the applicants. This also implies that her representation has not been rejected in 1982. According to Shri Hari Shanker, the learned counsel, the Government have correctly fixed her seniority in the teaching cadre based on the dates of selection and he submits that the date of joining is not material. He also submits that there was no question of giving show cause notice to the applicants because the respondents have correctly fixed the seniority in accordance with rules and instructions and no prejudice has been caused to the applicants.

9. We have carefully considered the arguments of the learned counsel for the parties, the pleadings, the relevant case law and the records.

10. The main issue which has been raised here is whether a person appointed to an earlier vacancy, can claim seniority over a person appointed to a later vacancy though the former was appointed on a later date than the latter. Two posts of Assistant Professors fell vacant in 1978 at Pondicherry. The applicants were selected by promotion to be appointed to those posts. They declined the offer. Therefore, direct recruitment had to be resorted to. The posts

js

34

were advertised on 14.10.1978. Respondent No.2. and others were interviewed by the U.P.S.C. on 19.6.79. For obvious reasons, the applicants did not apply for appointment to these vacancies, as they had already rejected the offer of promotion made to them. The second respondent's name was third in the panel prepared by the U.P.S.C. Hence, her name was not recommended by the U.P.S.C. in the first list. When the person recommended at the second place (Dr.) Ms. Veena Mehta) backed out, her offer of appointment was cancelled on 31.3.80. It was then that the U.P.S.C. forwarded on 26.4.80 the second respondent's name to Government who sent the offer to her on 4.5.80. Before this date, the applicants were selected on 3.4.80 by a DPC to two other vacancies. They had assumed charge on 24.4.80.

11. In order to consider the issue on a conceptual basis, we may assume that, on receipt of the offer of appointment the second respondent joined the post within a reasonable period, say on 1.6.80. The question is whether the second respondent will be placed junior to the applicants because she joined the post on a later date or whether the second respondent has a right to be placed above the applicants because she was (i) selected in respect of a vacancy which arose

js

35

before the vacancies to which the applicants were appointed; (ii) her selection against this vacancy took place on 19.6.79 when the U.P.S.C. interviewed her and prepared the panel.

12. There is a general principle that appointees to earlier vacancies will be senior to appointees to later vacancies. It is this principle which has been given recognition in the DOPT circular dated 3.7.86 from which relevant extracts have been reproduced in para 7 above <sup>viz</sup> direct recruits of an earlier selection will en bloc be senior to direct recruits of a later selection. This principle has been incorporated in other service rules also. A similar principle operates when the posts are to be filled up both by promotion and by direct recruitment in fixed proportions. There may be a quota of, say, 1:1. This means that the vacancies will be recorded in a roster, so that the vacancies can be filled up alternately by promotees and direct recruits. In the normal course, if appointments are made on time the inter-se-seniority will be based on the dates of appointment, which in turn will correspond to the quota-rota rule.

13. However, there are instances where steps for selecting direct recruits to be appointed to the direct

J.S.

36

recruit quota vacancies were taken long after the vacancies had arisen. In the meanwhile, the selection of persons for promotion to vacancies to be filled up in the promotion quota had been made and they had also assumed charge of these posts. Ultimately, when the direct recruits came to be selected and appointed after couple of years and they were placed in the slots reserved for them against the direct recruit quota, there was a heart-burning among the promotees that persons who joined much later than them were placed senior to them. It is this major deviation from the quota rota rule of filling up vacancies and determining seniority that was deprecated by the Supreme Court in G.S. Lamba v. Union of India (1985) 2 SCC 604 in the following words :

"The disturbing feature is that when direct recruitment will be made at some future date after June 30, 1983, the first vacant place at Sr.No.170 would be assigned to the first in the list of direct recruits and even though he would enter the service for the first time somewhere after June 30, 1983, he would be senior to the departmental promotee holding a substantive post at Sr.No.171 Sh. D.R. Goel from February 2, 1978 and he would also be senior to a recruit from the source of limited competitive examination recruited on November 13, 1979 and placed in the seniority list at Sr.No.172, one Shri Gurcharan S. Singh. It would be advantageous to recall here that the eligibility criterion for appearing at a competitive examination to be held by Union Public Service Commission for direct recruitment as per Rule 20 of 1964 Rules would be in accordance with the regulations made from time to time by the

1/2

(B7)

Government in consultation with the Union Public Service Commission wherever such consultation is necessary. The regulations were not referred to in the course of hearing of these petitions. But if the criterion was to be a graduate's degree then anyone appearing at a competitive examination after June 1983 soon after graduation may not have passed HSC examination in 1976 or 1978 and yet the departmental promotees of that year would be junior to such a schoolian. This is the net outcome of seniority rule being based on rotation of vacancies available to each source and the quota not being filled in from time to time when the vacancies occur."

14. That is not the situation which obtains here. The vacancies arose in 1978. The advertisement was issued on 14.10.1978. Interviews took place on 19.6.1979. A panel was prepared on that date in which the applicant's name was included. As there were only two vacancies the first two names on the panel were sent to Government on 29.6.79. The person first in the panel Dr. V. Srinivasan joined on 10.7.79. The second person in the panel Ms Veena Mehta declined the offer in March, 1980. Hence, on the request of Government, U.P.S.C. sent the name of the second respondent to Government on 26.4.80, as she was third in the panel. In this background, we are of the view that the appointment of the second respondent relates to the selection made in June, 1979 and she will be senior to the applicants selected by the DPC in April, 1980.

15. This is precisely the advice given by the DOPT when the representation of the second respondent dated 17.1.1991 (Annexure 26 of reply of second respondent) was referred to that Department, as seen from the record produced by the Ministry. Extract of that advice is as follows:

B

(38)

"4. The question is how seniority should be fixed between the candidate recommended from the reserve panel on 26.4.80 and those who were selected by the DPC on 3.4.80 and joined on 24.4.80. According to the principle of seniority, candidates recruited on the basis of an earlier selection would be senior to those recommended on the basis of a subsequent selection. But this principle applies to fixation of seniority between those selected by the same method. Here, the earlier selection was made by direct recruitment and the subsequent selection by the DPC. Even in this case, the same principle should apply. The seniority of a candidate recommended from the reserve panel is determined on the basis of the original date of selection, which was 19.6.79 in this case. Since the selection by DPC was made subsequently on 3.4.80, to fill up vacancies which arose subsequently, the candidate recommended from the reserve panel on the basis of the earlier selection should be treated as senior irrespective of the actual date of joining." (Emphasis added)

This was approved by the Joint Secretary (Establishment) of that Ministry.

16. This example would be more telling if we assume that the first person in the panel i.e. Dr. V. Srinivasan, himself joined on say 1.5.80, i.e. after the applicants joined on 24.4.80. It will be highly inequitable to place Dr. V. Srinivasan below the applicants on this ground, when he has been selected on an earlier date and time was taken to join the post.

17. We have also seen the judgment of the Supreme Court in Bhey Ram Sharma & Ors v. <sup>The</sup> Haryana State Electricity Board & ors. (supra) which has been <sup>relied</sup> upon by the applicants. In that case, the Court had held

js,

39

that " the date of entering in the service" is relevant. The facts in this case <sup>are</sup> that pursuant to an earlier advertisement dated 30.6.1967, the appellants were appointed as Assistant Engineers Class-II by an order dated 18.4.1969 w.e.f. 1.1.1969 after completion of the apprenticeship as Apprentice Engineer(Electrical) ; whereas the respondents were appointed to the posts of Assistant Engineers Class II in pursuance of a later advertisement dated 14-7-1968, between October and December, 1968 i.e. before 1.1.1969. The two appointments are apparently not comparable. For the first advertisement of 30-6-1967 provided that the persons shall have to undergo apprentice training for 6 months or for such period as the Board may decide and extended upto a maximum of 3 years and only thereafter they will be appointed as Assistant Engineers. In offer of appointment, it was different. It is provided for undergoing one year apprenticeship, which can be extended by the Board. Apparently, in regard to the second advertisement, there was no stipulation regarding undergoing apprenticeship training and persons selected were straightaway appointed as AEs. The applicants did not complete the apprenticeship in time. Apparently that was

40

extended. Hence they became eligible for appointment as AEs only on 1.1.1969. It is on these special facts that decision was rendered in this case. One cannot say what the decision would have been if the applicants completed the mandatory apprenticeship course within the time prescribed and yet became AEs, only after the respondents i.e. whether in such a case also the respondents would have been treated as senior to the applicants though the latter were selected on the basis of an earlier advertisement. It is also not clear whether the Govt. of Haryana had issued any instructions comparable to the O.M. dated 3.9.1986 of the DOP&T referred to in para 7. Therefore, the facts of the present OA are distinguishable and the ratio of the decision of the Supreme Court in Bhey Ram's case will not apply.

18. What remains to be considered is whether the seniority of the second respondent should be depressed, as she joined very late on 30.9.8 i.e. about 17 months after <sup>the offer was given.</sup> The Ministry has explained

that they were in correspondence in regard to the second respondent's case. This is made clear in the reply of the 2nd respondent also. The Army authorities wrote last to the Ministry on 17.6.1981 and took up the case of the second respondent's relief on 29.7.81 (Annexures 13 and 15 to reply of R-2). We are of the view that the explanation given by the first respondent in -OA-1971/91 in regard to ground(E), which reads as follows, has to be accepted:

"E. As per O.M. No.9/23/71-Estt.D, dated 6.6.1978 quoted by the applicant, the seniority of the candidate concerned gets depressed only in case where after lapsing, the offer of appointment is revived in consultation with the UPSC. In such cases, the seniority of the candidate is fixed below those who have already joined the post concerned within the prescribed period of 9 months. In the case of Respondent No.2 however, the offer of appointment to the post of Assistant Professor was never cancelled or lapsed because the matter had remained under correspondence regarding her pay-fixation, seniority and release from AFMC, Pune, where she was working at that time. She joined the post of Assistant Professor of Physiology, JIPMER, Pondicheery on 30-9-1981 after being relieved from AFMC, PUNE."

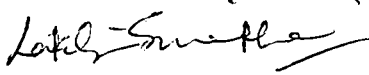
19. That leaves only the question of natural justice. In our view this cannot be pressed too far by the applicants. If they were really aggrieved by the unilateral decision taken by the respondents without notice to them, the proper course was to obtain writs and certiorari against the respondents to quash the order and to give them a notice before any further action was taken or to seek a writ of prohibition against the


18

reopening of the seniority matter after such a long delay. Instead, both the applicants preferred a representation on 26.4.1991 in which they sought to point out how the impugned order was bad. In our view, when once this representation was made on merits, the applicants cannot take recourse to the procedural infirmity to challenge the impugned orders. In the circumstances, the judgments in K.R. Shepherd's case (supra) and Markendey Singh's case (supra) will not assist the applicants.

20. The applicants do not have a case that because of this late revision of the relative seniority, some of the benefits which had been given to them, when they were treated as senior to respondent 2 are now being snatched away - No relief has been sought on this ground. If any such prayer had been made that would have been considered sympathetically.

21. In the result we find no good grounds justifying interference in the matter <sup>and B</sup> the applications are therefore, dismissed. No order as to costs.

  
(Smt. Lakshmi Swaminathan)  
Member (J)

  
(N.V. Krishnan)  
Acting Chairman

16/11

sk