

Central Administrative Tribunal
Principal Bench, New Delhi

O.A.No.2238/89 and OA.401/91

New Delhi this the 17th day of April, 1995.

Hon'ble Shri J.P. Sharma, Member (J)
Hon'ble Shri B.K. Singh, Member (A)

OA.2238/89

Sunil Kumar Sinha,
S/o Late Shri M.P. Sinha
Asstt. Central Intelligence Officer,
Grade-II (General) in the Intelligence Bureau
(Ministry of Home Affairs),
Government of India,
North Block, New Delhi ...Applicant

(By Advocate : Shri B.B. Raval)

Versus

UNION OF INDIA, THROUGH

1. Secretary,
Ministry of Home Affairs
Government of India,
North Block,
New Delhi.
2. Director, (IB)
Ministry of Home Affairs,
Government of India,
North Block, New Delhi.Respondents

(By Advocate : Shri Madhav Panikar)

OA.401/91

Sunil Kumar Sinha,
S/o Late Shri M.P. Sinha,
Aged about 42 years,
R/o Palam Gaon,
New Delhi 110 045.

And employed as:
Assistant Central Intelligence
Officer Grade-II (ACIO-II) (Genl),
in the Intelligence Bureau,
Ministry of Home Affairs,
North Block, New Delhi. ...Applicant

By Advocate: Shri B.B. Raval

versus

1. Union of India through
The Secretary,
Ministry of Home Affairs,
Government of India,
North Block,
New Delhi.



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2. Shri M.K. Narayanan,
Director,
Intelligence Bureau,
Ministry of Home Affairs,
North Block, New Delhi.
3. Shri Kamal Kumar,
the then Assistant Director,
Subsidiary Intelligence Bureau,
Tezpur.
C/o respondent No.2
4. Shri G.S. Sandhu,
the then Jt. Assistant Director,
presently employed as Assistant
Director,
Subsidiary Intelligence Bureau,
Chandigarh.
5. Shri A.R.S. Iyer,
the then Technical Officer,
Subsidiary Intelligence Bureau,
Tezpur
Presently employed as
Assistant Director, IB Hqrs.
C/o respondent No.2. ...Respondents

By Advocate: Shri Madhav Panicker.

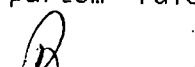
JUDGEMENT

(HON'BLE SHRI B.K SINGH, MEMBER (J))

These applications OA.No.2238/89 and OA.401/91 have been filed by Shri Sunil Kumar Sinha, raising practically the same issues which were decided by the Central Administrative Tribunal, Patna, by the Bench comprising of Hon'ble Mr Justice Nazir Ahmed, Vice Chairman, and Hon'ble Mr Justice B.R. Patel, Vice Chairman as Member (Administrative) . In this lengthy judgement the Hon'ble Tribunal discussed the various reliefs prayed for in that O.A and gave its final findings. While passing an order the Tribunal discussed the ratio of the judgement in the case of Ramesh Chander Vs Union of India;

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A.I.R. 1986 S.C. (1173). In that judgement their Lordship of the Supreme Court had considered in Paragraph 9 Rule 22 (2) the Railway Servant (Discipline and Appeal) Rules, 1968 and Rules 2r(2) of the 1965 CCS (CCA) Rules and it held that the Appellate Authority shall consider as the matters indicated in the appeal filed and the submissions made therein and the word 'consider' has different shades of meaning and it implies that the Appellate Authority will pass well reasoned order applying his mind on the materials and submissions made before him, in an objective and impartial manner. In this judgement the Hon'ble CAT Patna Bench had also discussed the ratio of the judgement of Tulsi Ram Patel; AIR 1985 S.C. 1416 wherein it was held that the Appellate Authority must not only give hearing to the government servant concerned but also pass a reasoned order dealing with the various contentions raised by the delinquent employee in the appeal and such reasoned orders will inspire confidence in the decisions given by the Appellate Authority. In Tulsi Ram Patel, it was laid down that an objective consideration is possible only if the delinquent servant is heard and given a chance to state his case and to satisfy the authority regarding the final orders that may be passed on his appeal, and that consideration of fair play and justice also require that such a personal hearing should be given. The audi alteram partem rule envisages that;



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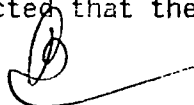
(i) the charges communicated to a delinquent employee should be clear and precise and not vague;

(ii) He should be given adequate opportunity to state his defence in writing and also in person; and

(iii) After hearing the applicant in person and also going through the submissions given by him the Appellate Authority whose powers are far wider than that of the Disciplinary Authority will pass a reasoned order.

2. The rule 27 (2) is the relevant rule incorporated in CCS (CCA) Rules for consideration of an appeal and in view of Rule 29 (3) the revision also has to be considered as an appeal & the revising authority is required to pass reasoned order meeting all the contentions of the applicant raised in the revision petition. While discussing the CCS (CCA) Rules the Hon'ble Tribunal quashed and set-aside the order of that O.A., No. 62/86 (Annexure-I) which contained the order of the Director of the Intelligence Bureau.

3. While quashing and setting aside the order and remanding the case for a fresh decision on the revision petition filed by the applicant the Hon'ble Tribunal directed that the revision



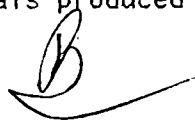
should be treated as an appeal under Rule 29 (3) of 1965 rules and he was directed to dispose of the matter in the same fashion. While setting aside the order it was further observed that there was no necessity to consider Annexure 14 or the enquiry report of the Enquiring Officer on merits relating to the charges. The revising authority was asked to consider the contentions of the applicant relating to the charges and order vide Annexure I on merits and he was directed to pass reasoned order relating to each of such contentions. It was further stipulated that since Annexure I was being set-aside the revising authority will take his independent decision on the various charges and on the merit of the Order of the Disciplinary Authority after giving liberty to the applicant of personal hearing in the matter, and he will pass orders on each contentions of the applicant as mentioned in his appeal and decide revision application along with the supplementary revision application according to law keeping in view the various decisions of the Hon'ble Supreme Court particularly in the case of Ram Chander (Supra) and Tulsi Ram Patel. In the concluding paragraph the Hon'ble Patna C.A.T. clarified that the final orders have been passed by them on the point that the Joint Assistant Director and Assistant Director are of equal rank and both are Disciplinary Authority for ACIO-I and ACIO-2. The Tribunal has also given finding that the suspension was legally justified. It observed thus



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(i) "As the order, Annexure-1, is being set aside, it is not necessary to consider Annexure-14 or the Inquiry Report of the Inquiring Officer on merits relating to the charges. The Revising authority will consider each contentions of the applicant relating to the charges and orders. Annexure-1 on merits and will pass a reasoned order relating to each of such contentions. As Annexure-1 is being set aside the revising authority will take his independent decision on the various charges and on the merit of the order of the disciplinary authority after giving opportunity to the applicant of personal hearing the matter and he will pass orders on each contention of the applicant as mentioned above and decide the revision application along with the supplement revision application according to law keeping in view the various decisions cited in this judgement. For the sake of clarity it is pointed out that the final orders have been passed by the Tribunal on the point that the Joint Assistant Director and Assistant Director are of equal rank and both are disciplinary authority for ACIO-I and ACIO-II. The Tribunal has also given a final finding that the appointment of A.R.S. Iyer as Inquiring Officer was justified and that as the applicant did not appear before the Inquiring Officer he was justified to proceed with the proceeding against the applicant ex parte. The Tribunal has also given the final finding that the Inquiry Officer gave reasonable opportunity to the applicant to appear at the proceeding but the applicant did not care to appear at the proceeding.

(ii) As the Tribunal has given a finding on the aforesaid points awaiting authority will only consider whether the Inquiring Officer has given a finding on the materials produced before



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him during the inquiry and whether he has correctly made the reference to those materials and whether on the materials charges are established. He will also consider whether the disciplinary authority has passed his decision on the various materials produced and whether he has discussed all those materials and the revising authority will consider the contention of the applicant relating to the merits of the charges and also relating to the merit of the order, Annexure-4 and in this connection he will consider the various contentions of the applicant and will discuss each contention of the applicant after giving opportunity to the applicant of being heard and then a fresh order will be passed by the revising authority.

(iii) The question relating to Relief 7 (ii) also cannot be considered at the stage till the revising authority passed a fresh order.

(iv) Relief 7 (v) claimed cannot be entertained in view of the fact that the applicant has already joined at Tezpur after the transfer order and I have already held above that the transfer order after it has been carried out cannot be challenged.

(v) As regards relief (iii) the medical claim of Rs.53.05 the applicant has filed Annexure II which is the cash memo from Tezpur for Rs.53.05 dated 12.12.1983. I felt that the Assistant Director was not justified in rejecting this claim. The receipt being a genuine one payment of Rs.53.05 cannot be withheld. Respondents are directed to make payment of this amount of Rs.53.05 paise to the applicant. The claim of interest on this amount is disallowed."

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4. The matter has already been gone in depth by coordinate Bench of this Tribunal and, therefore, the principle of res-judicata will operate in this case. Section 11 of the CPC lays down that no Court shall try any suit or issue in which the matter directly and substantially in issue has been adjudicated upon in a former suit between the same parties. The former suit shall denote a suit which has been decided prior to the suit in question whether or not it was necessitated prior thereto. The law has been fully laid down in case of Gurdev Singh vs Union Territory of Chandigarh (1986) 2 S.L.J. (C.A.T.), Ganesh Prashad Bhatt Vs Union of India (1987) 2 ATC 177, M. Prakasam vs Southern Railway (1988) 6 ATC 251; if those writ petitions in which a similar right was claimed has been dismissed, or suit of declaration in respect of an identical issue has been negatived then the principle of res-judicata which applies to all judicial proceedings and not only to suits as mentioned in Section 11 CPC would apply that the applicant has no subsisting legal right to maintain an application under CAT Act 1985. Although, the provisions of the CPC do not apply to writ petitions, principles of res-judicata have been held to be applicable to writ petitions as well as to suits. Law has been clearly laid down in the case of Daryao Singh Vs State of U.P.; A.I.R. 1961 S.C. 1457, in which it was held that the binding character of judicial pronouncements by Courts of competent jurisdiction is

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an essential part of rule of law and the rule of law obviously is the basis of administration of justice subject to appeal and it being amended or set-aside, a judgement is conclusive as between the parties and their privies and is conclusive evidence against all the world of its existence, date and legal consequences. Thus, on general consideration of public policy, the rule is applicable to writ petitions though it was clarified in the aforesaid judgement that the rule can be invoked only where the earlier decision was rendered by a Court of competent jurisdiction, and there was a dispute akin to the present one before the Court which was judicially determined.

5. Part 8 of the CCS (CCA) Rules 1968 deals with the revision and review in 25 (V), it has been laid down that the Appellate Authority may at any time either on the basis of the representation filed by the delinquent employee or on its own motion or otherwise call for the records of an enquiry, can revise any order made under these rules;

(a) Confirm, modify or set-aside the order, or

(b) Confirm, reduce, enhance or set-aside the penalty imposed by the Disciplinary Authority, or impose any penalty where no penalty has been imposed; or

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(c) Remit the case to the Disciplinary

Authority which made the order or to any other authority to make such further enquiry as it may consider proper in the circumstances of the case, or

(d) Pass such other orders as it may deem fit

provided that no order imposing or enhancing any penalty shall be made by revising authority unless the government servant has been given a reasonable opportunity for making representation against the penalty proposed. Where it is proposed to impose any of the penalties specified in clauses 5 to 9 of Rule 11 or to enhance penalty imposed by the order sought to be revised to any of the penalties specified in those clauses and if any enquiry has not already been held in the case then no such penalty shall be imposed except that after an enquiry is held as laid down in Rule 14. The Government of India instructions O.M. No.11012/15/84 Estt.(A) dated 15.7.1985 lays down that an application for revision shall be dealt with in the same manner as if it were an appeal; 29 (a) deals with the review by President.

6. A perusal of the ordersheet of the Hon'ble CAT Patna Bench will indicate that the matter was remanded because it felt that the

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applicant had not been heard on account of ex parte enquiry though the learned Vice Chairman presiding over the Bench did feel ex parte enquiry was justified because of the reluctance on the part of the applicant to participate in it. But the operative para indicates that a direction was given to the Director, Intelligence Bureau as revisional authority to consider his revision as an appeal and also to grant him personal hearing regarding the submissions made by him and that he was directed to take a decision in good faith based on an objective and impartial consideration of the matter before him and without any bias. No second enquiry was ordered. Only the order of the Appellate Authority was quashed and the Director (IB) was asked to discharge his obligation as envisaged in 29(v) of the CCS(CCA) rules since it was felt that the obligation had not been duly carried out and while doing so the direction was that he will observe the principles of natural justice and pass order strictly according to rules in good faith and honestly. In the light of the aforesaid observations we have to analyse the fresh orders passed by the Director, Intelligence Bureau on the directions given by the C.A.T. Bench Patna. This coordinate Bench is not concerned with the various arguments advanced by the learned counsel for the applicant on those points which had been dealt with at length by CAT Patna Bench in their judgement dated 30.10.87



since the Bench had given its findings on the various issues raised by the applicant in the aforesaid O.A.

7. In reply to the various arguments advanced by the learned counsel for the applicant for days together the learned counsel for the respondents confined to the directions given by CAT Bench Patna and pleaded that the applicant had been aggrieved by the competent revising authority before passing fresh order dated 7.11.1988. The averment of the applicant that the Director (Intelligence Bureau), passed the order vide No.17/C-3/85-Dicipline (45)-2 dated 7.11.88 without giving a personal hearing and reasonable opportunity to the applicant is totally false and he vehemently argued and gave the date on which interview was granted to him. The various averments made by the learned counsel for the applicant were denied and rebutted by the learned counsel for the respondents. He vehemently argued that the applicant was given a personal hearing as is borne out by his admission in Para 4 (12 & 13). It is further argued that there was no malafide or I.P.S. cadre fraternity as repeatedly hammered by the learned counsel for the applicant influencing the mind of the Director (IB) in passing his Review Order. And that the D.I had been violated in all the directions given by the CAT Patna Bench. According to him the Review Order is not a mere

paraphrasing of the order passed by his predecessor but it is a reasoned and speaking order.

8. The Review Petition filed again by the applicant is at (Annexure MP-34) at pages 86-105 of the paper book. Annexure M.P.36, Annexure M.P.35 is a memorandum returning the review of the order of punishment of removal from service imposed on him by JAD Tejpur and with a direction to submit an appeal against the order of punishment to DD, SIB, Tezpur under rule 26 and the CCS (CCA) Rules 1965. Annexure MP-36 dated 15.5.95 is a Memorandum addressed to the applicant returning his representation and asking him to file an appeal; finally M.P.37, is the order passed by the then Director, Intelligence Bureau, Shri H.A. Barari while considering this revision petition 5.4.85 and a supplementary revision petition dated 6.4.85 against the order of disciplinary authority. The revisional authority Director (Intelligence Bureau) stated in his order that he was taking a lenient view of the case and observed thus:

"However, keeping in view his 15 years' service in I.B., I take a lenient view of the case and modify the punishment of removal from service to reduction to lower post of ACIO-II(G) until he is found fit by the competent authority to be restored to the higher post of ACIO-I(G).

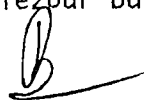
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He is reinstated in the lower post of ACIO-II(6) from the date he reports for duty at SIB Aizawl. On reduction, his pay will be fixed at the maximum of the pay scale of ACIO-II(6) i.e. at Rs.600/- p.m. in the pay scale of Rs.425-15-530-EB-15-560-20-600. On re-promotion to the higher post of ACIO-I(6) his seniority will be decided from the date of re-promotion and pay on re-promotion will be fixed as per normal rules."

9. It was this Order which was under challenge before CAT Bench Patna which passed the Orders remanding the case to the then Director, Intelligence Bureau Shri M.K. Narayanan.

10. The orders of Shri Narayanan are Annexure R-2 enclosed with the Counter. Shri Narayanan has analysed the charges levelled against the applicant and the findings arrived at by the I.O. and the punishment imposed by the Disciplinary Authority which was subsequently modified to reduction in rank from the post of of ACIO-I Grade to ACIO Grade-II Mr M.K. Narayanan in Para 5 has again considered direction of the CAT as stated in Para 5 of his orders (Annexure R-2) that he gave personal hearing to Shri S.K. Sinha on May,12-13,1988 and had gone through the revision petition and the records of the disciplinary proceedings. In Para 6, it is mentioned that Shri S.K. Sinha ACIO-I after initial hesitation moved to Tezpur but avoided



taking charge of Stores despite repeated written instructions. Shri Sinha had also come to notice for fabricating false and malicious stories, making wild allegations and using derogatory and objectionable language in respect of Senior Officers. He has then described the chronology of events how Shri Sinha was placed under suspension w.e.f. 29.04.82 for defiance of the instructions and held guilty of using derogatory and objectionable language against his superiors. He has referred to the memo of charges served on him dated 9.2.1984 and the charges are enumerated at P-66 para 2 of the Annexure R-2 and these are four charges. After giving chronological history of various charges served on him and the enquiry conducted by the I.O. and his findings and the order of removal from service subsequently modified to reduction in rank etc which were all looked into by CAT Patna Bench, he has mentioned that Shri S.K. Sinha was informed that in view of the final order of the Hon'ble Tribunal Patna Bench on all the issues, no purpose will be served in repeating same objections and same issues again and again before him, since these issues at p-17 had already been judicially determined by a competent court of law and he was also told that if he had anything new what had not already been stated before the Hon'ble CAT Patna Bench he can do so and due weightage would be given to it. To this Mr Narayanan has stated that Mr Sinha replied that he has nothing to add except that he

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had good record through out his service and desired that his entire record be taken into consideration along with his Revision Petition for proper decision. The Director, Intelligence Bureau, Mr. M.K. Narayanan held the view that since charges from 1 to 4 had already been proved by documentary evidence during the proceedings and Shri S.K. Sinha did not deny the authenticity of the relevant documents and as such the charges mentioned at Sr No.1 to 4 were held proved beyond any shadow of doubt. Mr Narayanan in the operative part of his order said that he was also taking a lenient view of the case and that he was reducing punishment of removal from service imposed on Shri S.K. Sinha by the Jt. Assistant Director, SIB, Tezpur to reduction to a lower post of ACIO-II(G) until he is found fit by the competent authority to be restored to higher post of ACIO-I (G). On the basis of these orders Shri Singh was reinstated in the lower post of ACIO-II(G) from the date he reported for duty at IB Headquarters, New Delhi and his pay was to be fixed at the maximum of the pay scale of ACIO-II(G). On repromotion to the higher post of ACIO-G, his seniority will be decided from the date of repromotion and pay on repromotion will be fixed as per normal rules.

11. A perusal of the orders will indicate that Shri Narayanan has recorded the reasons in compliance to the directions of the Hon'ble CAT Bench Patna. The applicant was asked to raise

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only such issues which had not been agitated by him before the CAT Bench Patna. He was asked whether he had anything new to add and what had already not been decided judicially be a Competent Court and his reply was that he had nothing else to add except that he had a good service record prior to his removal from service which should be taken into consideration before passing an order. It is presumed that the Director, Intelligence Bureau must have taken into consideration his service record and that is the reason why he passed the order that his pay as ACIO-II as even on reduction will be fixed at the maximum of the pay scale.

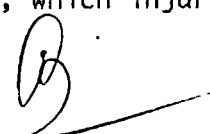
12. The respondents are directed to follow this order of the Director, Intelligence Bureau in letter and spirit and he should be given the maximum of the pay scale admissible to him along with three stagnation increments in the maximum of that pay scale since he has not been promoted. His case for promotion in the light of the observations of Mr M.K. Narayanan should be considered by the respondents immediately by holding a review, DPC and taking into consideration the past and present performance to see whether he is fit for promotion. They should also fix his seniority accordingly. Once he was reinstated in service the past service cannot be wiped out and, therefore, his entire length of service will have to be taken into consideration for purposes of promotion when he is found fit by

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a review DPC. He should be promoted from a date taking into consideration his total length of service and from a date decided by review DPC.

13. As regards the quantum of punishment this Court cannot exercise the power of the Appellate Authority and cannot interfere in the quantum of punishment as has been held in the State Bank of India and Ors Vs Samarendra Kishore Endow & Anr. reported in J.T. 1994 (1) S.C. 217, decided on 18.01.94. In this judgement the law has been clearly laid down that once misconduct is proved on the part of the employee, the Tribunal or the High Court has no power to substitute its own discretion for that of the disciplinary authority. The High Court or the Tribunal has no jurisdiction to impose any punishment to meet the end of justice. The Supreme Court exercises the equitable jurisdiction under Article 136 and the High Court and Tribunal has no such power or jurisdiction. In Madhavo Singh Daulat Vs State of Bombay, A.I.R. 1960 Bombay 285, the law has been laid down that it is for the employer to judge the work and conduct of the employee working under him. The test in each case will be whether the servant is conducting himself in a way inconsistent with faithful discharge of his obligations undertaken by him either expressly or impliedly in accepting the service. The inconsistency may arise on account of any acts of the servant either in the course of his employment or outside it, which injures or has



the tendency to injure the master's interests or reputation. There is no reason why we should not apply this principle to the government servants. There is only one vital difference between private and public servant which has to be kept in view. In case of private servant it is the master who in his own discretion decides the question of disciplinary action to be taken against the servant. In the case of Public servant or a government employee it is not the master but certain officers of the same master, President or Governor as the case may be, who decide the question and their powers in that respect are regulated by the Act or Rules framed under proviso to Article 309.

14. In the instant case it was expected of the petitioner being a Senior Officer ACIO Grade-I to behave with civility and courtesy and not to use derogatory and intemperate language against his superior Officers or to make wild and malicious allegations against them. A perusal of the pleadings on record and various Annexures filed by both, the applicant and the respondents, it is clear that his behaviour was far from satisfactory and that all through he had been behaving rudely insolently and at times his behaviour bordered on indiscipline and insubordination. There is no doubt that the applicant has conducted himself in a way inconsistent with faithful discharge of duty in as much as he even defied the orders in regard to





the taking over charge of the stores. And this went contrary to the disciplined force in which he was working. This has been contrary to the rules of Intelligence Bureau in which he was serving. His behaviour, his language, and his telegrammes sent did use language which can be described as intemperate and not worthy of the position that he was holding. Such a conduct is not expected and is likely to bring disrepute to the functioning of the Intelligence Bureau. He had, therefore, exposed himself to a disciplinary action. His conduct to say the least was certainly blameworthy and anything that is unworthy or unbecoming of a government employee is punishable under the CCS (CCA) Rules. What type of conduct the authorities will consider sufficiently blameworthy to merit dismissal or removal, is vested in them. As a matter of fact the State has been invested with absolute discretion in this respect. It can demand a certain standard of conduct and behaviour from Government servants not only when performing their official duties but in their private lives as well. As has been held in Lakshmi Narayan Vs District Magistrate AIR 1960 Allahabad 55; the judgement was given by Hon'ble Mr Justice S.K. Dhawan. In another case Shri NY Moorthi Gowda Vs Principal (1982) 2 SLR 372 Karnataka, a particular Stenographer after specific direction did not attend the home Office of the Muncif to take down the judgement and orders on a Sunday which was a holiday and he took the plea that he

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was under no obligation to attend to work on holidays. It was held that the whole-time of a government servant is at the disposal of the Government which pays him his salary and specification of Office hours, declaration of holidays does not entitle him to claim that he has no obligation to discharge any duties pertaining to his Office either after Office hours or during holidays, if exigency of service so requires and thus the servant was found guilty of dereliction of duty and misconduct and disciplinary proceedings were initiated against him.

15. A perusal of the record shows innumerable acts of omissions and commissions on the part of the applicant for which he was proceeded and there has been a judicial pronouncement about validity of Appointing Authority; about the appointment of I.O.; about the disciplinary authority; and about their findings. The only lacuna that remained was that the order of the Appellate Authority was not considered a speaking one and that is how the Hon'ble CAT Bench Patna remanded the case for a fresh look into the matter and giving opportunity of personal hearing. The applicant was given liberty on two consecutive days i.e. 12-13 May, 1988 but he declined to add anything beyond what had already been agitated by him before the CAT Bench Patna. He only stated that his previous record of service should be seen before passing final

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orders. It has not been stated anywhere that Director, Intelligence Bureau Shri MK Narayanan did not consider the service record or his past performance before passing the final order reaffirming the reduction in rank passed by his predecessor in Office Shri Bararie and only directing that his pay should be fixed at the maximum of the pay scale as I have already stated in the foregoing paragraph that the applicant is entitled to be fixed at the maximum of the pay scale in the grade ACIO-II and that he would also be entitled to three stagnation increments which are due to him from the date he was reinstated in service. The impugned order therefore do not call for an interference except as indicated above and hereinafter.

16. The respondents will further consider his case for repromotion to the Grade of ACIO-I on the basis of his record of service by constituting a review DPC. It has also been stated in the foregoing paragraph that after reinstatement his previous service which he has rendered as ACIO-II and ACIO-I cannot be wiped out and, therefore, these will count for purposes of his seniority. Taking all these aspects into consideration the Review DPC should immediately be held for assessment of his case for promotion for the Grade of ACIO-I and for refixation of his seniority taking into consideration the entire length of service as ACIO Grade-II and I.

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17. We have also considered the reliefs prayed for by the applicant in OA.No.401/91. For the reasons discussed in the body of the judgement, the reliefs prayed for cannot be granted. These reliefs overlap the reliefs prayed for in the OA.2238/89. A copy of the judgement be placed in the other file.

18. With these directions both these OAs are disposed of but without any order as to costs.

(B.K. Singh)
Member (A)

(J.P. Sharma)
Member (J)

/sss/