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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

OA NO. 1474/2004

This the 30<sup>th</sup> day of August, 2006

HON'BLE MR. JUSTICE M.A.KHAN, VICE CHAIRMAN (J)  
HON'BLE MR. N.D.DAYAL, MEMBER (A)

Sh. J.S.Negi  
Deputy Director,  
Intelligence Bureau,  
Ministry of Home Affairs,  
35, S.P.Marg, New Delhi.

(By Advocate: Sh. K.K.Rai, Sr. counsel with  
Sh. V.P.Singh)

Versus

1. Union of India  
through the Secretary,  
Ministry of Home Affairs,  
North Block,  
New Delhi.
2. Intelligence Bureau,  
through its Director  
Ministry of Home Affairs,  
35, S.P.Marg, New Delhi.
3. Union Public Service Commission  
through its Secretary,  
Dhaulpur House,  
Shahjahan Road,  
New Delhi.
4. Sh. T.S.Negi,  
Deputy Director,  
Intelligence Bureau  
Ministry of Home Affairs,  
35, S.P.Marg, New Delhi.

(By Advocate: Sh. S.M.Arif)

ORDER

By Hon'ble Mr. Justice M.A.Khan, Vice Chairman (J)

Applicant, Deputy Director in Intelligence Bureau, has filed the OA for the  
following relief:-

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- (i) Quash the impugned order dated 15.12.2003 (No.16/C-III/91/(02)-3279) and the seniority list of Additional Dy. Directors issued on 29.12.2003 (Annexure A-4).
- (ii) Quash the seniority list drawn on 26.3.1998 (Annexure A-2) as being in violation of the directions of Hon'ble Supreme Court and the Tribunal (Annexure A-3)
- (iii) Quash the Notification No.16/C-3/99(i) dated 27.10.99 and seniority list of Assistant Director issued on 23.3.2001.
- (iv) Direct that the applicant should be given promotion w.e.f. 1.10.2000 as Deputy Director when the post had actually fallen vacant.

2. Applicant joined the Intelligence Bureau as Assistant on 1.6.1971. He was promoted to the post of Section Officer on 7.1.81, to the post of Assistant Director on 12.9.88, to the post of Additional Deputy Director on 14.1.1997 and lastly to the post of Deputy Director Personnel on 19.8.2002. The background of the case as revealed in the counter reply of the OA is as follows. A seniority list of the Assistants issued in 1968, on the basis of the date of confirmation in accordance with MHA OM dated 22.12.1959, was challenged by Promotee Assistants in Andhra Pradesh High Court, who claimed seniority, counting length of service. In accordance with the order passed by the High Court and the Supreme Court in that case a revised seniority of Assistant, in supersession of the seniority list of 1968, was issued in 1976 restoring the original seniority of those departmental Assistants who had joined service prior to the issue of the aforesaid OM dated 22.12.1959. The seniority of the Assistants who joined after the issued of the said OM was determined as per the date of confirmation. Seniority list of 1976 was challenged by direct recruit Assistants in Delhi High Court and their writ petition were dismissed by a learned Single Bench on 14.10.1977 but in LPA a Division Bench by order dated 19.10.1980 quashed the said order. The official respondent and some promotee Assistants, K.R.Mudgil and others, then filed SLP against that order in 1981. The Supreme Court stayed the reversion of 18 Assistants pursuance to the order of the Division Bench of Delhi High Court during the pendency of the SLP. The Division Bench, in the meantime, directed the official respondents to implement the order passed

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in LPA except in respect of 18 Assistants subject to the outcome of the SLP. In compliance of that order a revised seniority list of Assistants superseding the earlier seniority list of 1976, was issued on 7.4.1982. On the basis of 1982 seniority list, promotions were made to the rank of Section Officer subject to the outcome in the SLP. The Supreme Court allowed the SLP by order dated 30.9.1986 and quashed the order of the High Court restoring the seniority list of Assistants of 1976. The department was directed to review all promotions in the grade of Section Officers on the basis of seniority list of 1976. Accordingly, the promotions to the rank of Section Officer were reviewed from 1970 onwards as the earlier promotions were held to be in order and as per 1976 seniority list. As a result date of actual promotion of some of the Section Officers underwent change and their promotion was treated as regularized from subsequent dates. A revised seniority list of Section Officer dated 8.8.1987 was then issued. It was prepared on the basis of the reorganization of Ministerial posts Scheme dated 17.8.1955 according to which the promotee and examinee Section Officers were interpolated in the ratio of 1:1.

3. The abovementioned seniority list was based on the rota quota principle. It was challenged before this Tribunal in two OAs No.1675/87 and 31/88 by 4 Assistant Directors and 5 Section Officers, who prayed for fixation of their seniority on the basis of continuous officiation in the rank of Section Officers. It was pleaded by Assistant Directors that as per notional seniority assigned to them they had become junior to several Section Officers, who are due for promotion as Assistant Directors so their demotion was imminent. Such a situation had arisen because there was a big time lag of 5-8 years between the date of actual appointment of two categories of Section Officers, for example examinees appointed on 7.1.1981 were assigned seniority against carry forward slot, ranked senior to a promotee officiating since 1.2.76. It was submitted that since quota rule has failed, it was totally unfair to give effect to the quota rule and the just and fair principle was to assign of seniority on the basis of continuous officiation on the post of SO. The Principal bench decided both the OAs by a common order dated 26.4.89 holding that continuous officiation in the post of SO would determine the seniority. The seniority list issued on 8.8.87 was quashed to the extent that it assigned seniority to the examinee respondents above the applicants in both the OAs on the

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rotational principles. The respondents, who were promoted on the basis of LDCE, were directed to be assigned seniority with reference to the applicants on the basis of the dates of their actual appointment/promotion and further direction was given for redrawing fresh seniority list of SOs. Against this order, two SLPs Nos. 9315-16, were filed in the Supreme Court. Both of them were dismissed and the Department was directed to implement the order of the Tribunal. As a result, the seniority of SOs dated 8.8.1987 was revised on the basis of continuous officiation and the revised list of SOs appointed in February 1986, i.e., Part-I was issued on 25.7.1989. Part-II of the list dated 31.12.1991 included the names of the SOs, who were appointed w.e.f. 1.3.1986 onwards drawn by rotating the vacancies on year to year basis in accordance with the provisions contained in DOPT OM dated 7.2.1986, which was effective from 1.3.1986. The OM dispensed with the practice of keeping vacant slots to be filled by the direct recruits of latter years. As a consequence of the revised seniority list, some SOs were brought down from their 1985 slot to 1986 slot in the Part-II of the revised seniority list dated 31.12.1991. They approached the Calcutta Bench of this Tribunal in OA-723/90 for setting aside the revised seniority list dated 25.7.1989 and to assign them seniority position in terms of seniority list dated 8.8.1987. The Department took a stand that seniority list dated 25.7.1989 was as per the directions of the Principal Bench of this Tribunal in the order dated 26.4.1989, so the seniority list had been revised upto February 1986 on the basis of length of continuous officiation and officers, who were promoted as SOs after 8.2.1986, like the applicants in the OAs, were included in part-II issued on 31.12.1991 in terms of DOPT OM dated 7.2.1986. The Calcutta Bench decided the OA on 9.5.1996 setting aside the seniority list and directing the Department to draw up the seniority list in terms of the order of the Principal Bench of the Tribunal passed in OA-1675/87 and 31/88 keeping in view the observation of the Supreme Court in the SLP and OM dated 7.2.1986. The Tribunal had observed that it was not a case of any of the parties that the seniority list of 1987 was wrong and that the order of the Principal Bench had given benefit to the applicants in OAs before it, so the rectification of the seniority list was limited to the ambit of the said orders of the Tribunal.

4. Against the aforesaid order of the Calcutta Bench of the Tribunal, an SLP was filed since two OAs 1581/91 and 2485/94, one filed by the examinees and the other by

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the promoted SOs respectively on the same issue, were pending before the Tribunal and a decision favouring in any of applicants therein was likely to unsettle the issue of seniority. The Supreme Court by order dated 3.3.1998 declined to interfere with the order of the Calcutta Bench dated 9.5.1986. Accordingly, a fresh seniority list of SOs based on seniority list of SOs dated 8.8.1987 and in supercession of earlier seniority list Part-I issued on 25.7.1989 was drawn up in the following manner. Nine applicants in OAs 1675/87 and 31/88 were assigned seniority on the basis of continuous officiation, other applicants and examinees SOs of 1985 and promotee SOs whose recruitment had commenced prior to coming into force of DOPT OM dated 7.2.1986, were assigned seniority on rotation basis which was enforced prior to issue of OM dated 7.2.1986, i.e., as per the provision of IB (Reorganization) of Ministerial Posts Scheme 1955. Objections, if any, were invited against the said seniority list within four weeks, failing which the list was to be treated as final. No objection was received from the applicant against that list.

5. The contention of the applicant in his OA is that in the case of K.R. Mudgil and others vs. R.P.Singh (1986) 4 SCC 531, the Supreme Court had refused to interfere with the seniority list of Assistant and has set aside the order of the Division Bench of the High Court as it tended to unsettle the settled position after a long time and the petition suffered from delay and laches. Applicant was promoted to the post of Additional Dy. Director from the panel of 1996-97 and after a gap of 6 years now the panel is being changed from 1996-97 to the panel of 1997-98 which is contrary to the principles of law laid down in the above cited case. The perusal of the various decisions in seniority matter it transpired that decision in the Bhatnagar's case was upheld by the Supreme Court. While upholding the order in Nandi's case the Supreme court referred to the seniority being given to the year of recruitment and did not sustain the break down of rota quota rule. Consequently, the Calcutta Bench of the Tribunal confined itself to Nandi's case by giving seniority as per his year of recruitment and not break down of rota quota rule. The seniority list of 1989 was purportedly drawn in accordance with order of the Calcutta Bench of the Tribunal in which the position of applicant was shown at Sl. No.156 but S/Sh. K.D.Beri, M.S. Gogia, P. Nagaratnam, M.G. Mehrotra were brought

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down from S.No. 170, 160, 188 and 190 to the position of 136 A, 147-A, 147-B and 147-C in the said seniority list. Applicant was promoted as Assistant Director in 1987 on the basis of the seniority list 12.9.88 so the applicant did not deem it proper to challenge the seniority list issued on 25.7.1989 and has further been promoted as Additional Deputy Director on 14.1.1987. None of the persons shown senior to the applicant were in service. The said seniority list is sought to be challenged in the present OA. Applicant's promotion was reviewed in the panel year of 1989 instead of the year 1988 and since none of the persons were in service on the date of review of promotion as Assistant Director based on the seniority list of 26.3.1998 so they do not become senior to the applicant and in the meantime applicant had already been promoted as Additional Deputy Director on 14.1.1997 so he did not chose to challenge the same. This review was carried out in 1999. In pursuance to this the seniority list of Assistant Director dated 23.3.2001, Annexure A-3 was issued. Applicant's objections thereto were removed on 26.9.2001 and the seniority list was issued on 27.9.2001. Applicant did not challenge this seniority list as well since none of the persons superseding him in service and Shri Medak had died in 1997 but the applicant is now challenging it in the present proceeding. By the order impugned in the OA, the applicant had been brought down in the penal of 1996-97 to penal of 1997-98 and the date of appointment is changed from 14.1.1997 to 1.10.1997. This would result in nullifying his promotion to the post of Deputy Director, he being the junior-most in the present position against two posts of Deputy Director available for promotion of the cadre to which the applicant belonged. In view of the various judgments, including the judgment in Mudgil's case, the seniority of the applicant in the post of Deputy Director cannot be disturbed after more than 6 years.

6. Applicant also felt aggrieved that Shri Medak who had died in September 1997 has been given promotion to the post of Assistant Deputy Director notionally from 27.1.1997 on the basis of 1996-97 panel. He was junior to the applicant all along as SO and Assistant Director until the seniority list dated 23.3.2001 of Assistant Director was issued and he was never promoted as Additional Deputy Director. Another grievance of the applicant is about the notional promotion granted to respondent No.4 and further that the applicant is being brought down to the year of panel of 1997-98 after a lapse of 6 years. He was senior to the applicant in the merit list despite being junior as Assistant

B. Medak

Director. Vide memo dated 8.2.2002 there should not have been any supersession. According to the applicant as per the ratio of the Supreme Court judgment in Ajit Singh Januja vs. State of Punjab JT 1996 (2) SC 727 when a General category candidate is promoted from the lower grade to a higher grade he will be considered senior to the candidate who belonged to SC/ST category and had been given accelerated promotion against the post reserved for him. As per this judgment of the Supreme Court the reserved candidate cannot claim seniority over a General candidate as given to Sh. B.N.Medak (ST candidate) in 1999 by promoting him as Assistant Director w.e.f. 1988 by Annexure A-3. As per the seniority list of 1987 of Section Officers applicant was at Sl. No.156 while Sh. Medak was at Sl. No.194. The same position remained in wrongly drawn seniority list issued on 26.3.98. Sh. Medak was appointed w.e.f. 4.3.91. He was given notional promotion as Assistant Director w.e.f. 12.9.88 against a ST vacancy. Applicant was given notional promotion w.e.f. 30.8.89 although he ought to have been given promotion w.e.f. 12.9.88. Sh. Medak was wrongly given promotion as Additional Dy. Director w.e.f. 27.1.97 on the basis of earlier notional promotion as Assistant Director on 12.9.88 and has been wrongly shown as senior to the applicant in the seniority list on 23.3.2001 and he should have been shown at Sl. No.67 as against the applicant's position at Sl. No.71. Applicant did not challenge this seniority list because Sh. Medak had already died 4 years earlier in 1997. Applicant was promoted as Dy. Director in 2002 when the applicant's promotion became due on 1.10.2000 as some changes in the recruitment rules were contemplated, it was in contravention of OM dated 10.4.89 which provided that the vacancy would be filled in accordance with the recruitment rules in force on the date of occurrence in the vacancy. This would cause loss to the applicant in pension and other retirement benefits besides his being rendered ineligible for promotion in the next higher grade of Joint Director. Applicant had filed earlier OA No.76/204 which he withdrew on 16.1.2004 with a view to file a representation to the respondent. Applicant submitted representation on 22.1.2004 which has been rejected by order dated 7.4.2004 (Annexure A-5).

7. The respondents contesting the claim have stated that the applicant was promoted to the rank of Assistant Director w.e.f. 12.9.88 subject to the outcome of the OA No.31/88 filed by Sh. K.D.Beri and another pending before the Principal Bench of the

Tribunal. Pursuance to the order dated 26.4.1989 of the Principal Bench of the Tribunal in the case of Sh. S.N.Bhatnagar and others and Sh. K.D.Beri and others, seniority list of SOs was revised. As a result of the promotion of SOs made between 1981 to 1988 were reviewed by the UPSC along with regular promotion to the rank of Assistant Directors for the vacancies occurring between 1981 and 1990-91. As a result the promotion of the applicant and some other officers was shifted to 12.12.1990 from 12.9.1988. However, in pursuance to the order of Calcutta Bench of the Tribunal dated 9.5.96 and the judgment of the Hon'ble Supreme Court dated 3.3.1988 in the case of S.K. Nandi (Supra), seniority list of SOs was again revised and issued on 26.3.1998. The review of promotion from SOs to the rank of Assistant Directors on the basis of this seniority list dated 26.3.1998 was again made and the date of notional promotion of the applicant was again shifted to 30.8.1989 from 12.12.1990. In the above DPC Shri B.N. Medak was empanelled for promotion to the rank of AD/NP in the year 1988 against one vacancy reserved for ST category. Shri Medak became senior to the applicant by virtue of his belonging to the ST community though he was junior to the applicant in the rank of SOs. The claim of the applicant regarding seniority of general category officer over their junior SC/ST officers who had been promoted earlier to him against reserved category was not correct as the said provision has been withdrawn by the Government vide DOP&T OM dated 21.1.2002 retrospectively in view of the amendment of Article 16.4 (a) of the Constitution of India. As a consequence to the above review DPC, from SOs to AD/NP on the basis of seniority list of SOs dated 26.3.98, a revised seniority of AD/NP was issued on 23.3.2001 which necessitated the review of promotion made from Assistant Director to the rank of Additional Dy. Director. This review was held by the UPSC in which Sh.Medak, who had died in September 1997, was empanelled by the UPSC for the DPC year 1996-97 whereas applicant was empanelled in the year 1997-98. In the same review DPC respondent No.4 who was junior to the applicant in the rank of Assistant Director became senior to the applicant in the rank of Additional Dy. Director on the basis of his better service records as it was a selection DPC. Consequent to the aforesaid review DPC from the rank of Assistant Director to the rank of Dy. Director based on the seniority list of Assistant Director dated 23.3.2001, a revised seniority list of Additional Dy. Director was issued 29.12.2003 which necessitated review of promotion



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made to the rank of Dy. Directors. Accordingly, a proposal was sent to the UPSC for review of the promotion to Additional Dy. Director to the rank of Dy. Director effected during the period from 1995-96 to 2000-2001 on the basis of the seniority list of Additional Dy. Director dated 29.12.2003. The said review DPC was held in UPSC on 15.7.2004. There is no scope for reversion of the applicant although the date of his notional promotion may undergo some change which is inescapable. According to the respondent the exercise of revising seniority list and reviewing the DPC was necessitated in order to implement the order of the Tribunal Calcutta Bench dated 9.5.96 and the judgment of the Hon'ble Supreme Court dated 3.3.98 in the case of Sh. S.K.Nandi and others and those orders have been implemented in accordance with the guidelines given by the Government on seniority and review of DPC. It is, therefore, submitted that the OA may be dismissed.

8. In the rejoinder applicant has reiterated his own case and denied the allegations of the respondents.

9. We have heard the learned counsel for parties and perused the record.

10. At the outset, learned counsel for applicant had stated that in accordance with the revised seniority the promotion of the applicant to the post of Dy. Director has also been revised w.e.f. 6.8.2004.

11. Counsel for respondent has raised a preliminary objection that the relief claim in the present OA is barred by time prescribed under clause (1) of Section 21 of the Administrative Tribunal Act. It is submitted that the applicant is challenging the seniority list/revised seniority lists issued way back in 1987-89 and he submitted that no objection was filed by the applicant to the various seniority lists and they were allowed to become final. Applicant, therefore, cannot turn around and challenge the lists now. Applicant in the OA himself has admitted that he had not challenged the seniority list of Assistant Directors dated 23.3.2001 in which Sh. Medak was shown senior to him. He has also stated that he had not challenged the seniority lists because at that time he had already been promoted as Additional Dy. Director and did not apprehend that he would be prejudicially affected in later years of his carrier.

12. Learned counsel for applicant does not dispute that there is delay and laches on the part of the applicant in challenging the seniority list of Additional Dy. Directors dated

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29.12.2003 and the seniority list of Assistant Directors dated 23.3.2001/27.9.2001 and the seniority list dated 26.3.98 or earlier seniority lists or revised seniority lists of the cadre of SOs and Assistant Directors issued and revised under the orders of this Tribunal and Hon'ble Supreme Court. He, however, contended that since the applicant's DPC year of 1996-97 had been revised to the DPC year 1997-98, it has adversely affected him and that on account of Sh. Medak being given notional promotion from retrospective effect after his death the applicant's seniority position in the cadre of Additional Dy. Director had caused prejudice to his further promotion. Applicant in the OA has referred to the judgment of the Hon'ble Supreme Court in the case of K.R.Mudgal (supra) in which the Supreme Court held that the seniority list should not be allowed to be disturbed after a period of 3-4 years to unsettle the settled position. However, in the present case admittedly the seniority lists in the cadre of SOs and Assistant Directors have been prepared in accordance with the directions of the Calcutta Bench and the Principal Bench of this Tribunal and under the orders of the Hon'ble Supreme Court. Therefore, the revised seniority list issued by the official respondents, in accordance with the directions of the Tribunal or the Hon'ble Supreme Court, even after a long lapse of time will not attract the ratio of the judgment of the Hon'ble Supreme Court in K.R.Mudgil's case. Conversely, it would apply to the case of the applicant who is challenging the seniority list of SOs, ADs and Additional Deputy Directors which were prepared or were revised way back in 1989, 1998, 2001 and 2003. So the applicant's OA will suffer from gross delay and laches and it will be enough to defeat his challenge to these seniority lists in the present OA.

13. Applicant indeed has challenged the order of the respondent dated 15.12.2003. As the OA is filed on 4.6.2004 it would be in time from that date so far as that order is concerned. But the challenge to the memo dated 26.3.98 and the seniority list annexed thereto would certainly be barred by limitation prescribed under Section 21(1) of AT Act 1985. The seniority list of SO circulated along with memo dated 26.3.98 (Annexure A-II) was prepared in accordance with the direction of the Principal Bench of this Tribunal and it was even otherwise not challenged by the applicant by filing objections opportunity for which was given in the memorandum. Therefore, the challenge to this



seniority list by the applicant cannot be entertained after the lapse of 6 years of the issue of memorandum.

14. Learned counsel for applicant has argued that following four questions arise for consideration in the present case. Firstly, whether the seniority of the applicant on the basis of which he was promoted to the post of Additional Dy. Director in 1997 in relation to DPC year 1996-97 can be allowed to be disturbed after the lapse of 4 years. Secondly, if the rota quota rules apply whether the length of service would continue to be the basis for determining the seniority, thirdly if the rota quota rules is broken down whether length of service rule may be applied selectively and fourthly if by applying reservation roster a reserved candidate gets accelerated promotion in his quota and afterward the senior of unreserved category is promoted will general category candidate regain his seniority over the reserved category candidate promoted earlier prior to the amendment of the Constitution in 1995. It is submitted that the applicant was promoted to the post of SO and the Assistant Director prior to Sh. Medak, a ST candidate, therefore, Sh. Medak could not have stolen a march over the applicant in the matter of seniority in the cadre of SOs and Assistant Director.

15. The challenge to the seniority list of SOs and Assistant Director which were issued or revised in 1980s and in 1990s either in pursuance to the instructions in DOP&Ts OM or in accordance with the directions issued by the Calcutta Bench or the Principal Bench of this Tribunal or the Hon'ble Supreme Court in the SLPs cannot be allowed to be entertained in the present OA which is filed in 2004. The excuse given by the applicant in not challenging the seniority list in time and promptly when it was issued seemed devoid of substance. His contention that he had not raised objection or challenged these seniority lists because he had been promoted from the post of SO to the post of Assistant Director, and then to the post of Additional Dy. Director by then could not be a reason for him in accepting the seniority position at least in 1998 when the seniority list of the posts of SO was revised under the order of the Principal Bench dated 26.4.1989 and Calcutta Bench order dated 9.5.96 and the order of the Supreme Court dated 3.3.98. Moreover his promotion or seniority position was clearly subject to outcome of judicial proceeding then pending. For these reasons, we do not find any force in the submission of the applicant that the applicant could be allowed to assail the

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seniority lists because he did not deem it appropriate to do so at the proper time. The seniority lists of SOs and ADs have been revised and finally issued in 1998 and 2001 in pursuance to the various orders of the Tribunal and the Hon'ble Supreme Court and in accordance with amended Article 16.4 of the Constitution. Therefore, the contention of the applicant about the break down of rota quota rule or counting the seniority on the basis of length of service could not be raised and gone into by this Tribunal in the present proceeding. All these questions have been raised and decided in earlier litigation by this Tribunal and the Supreme Court. It is not argued on behalf of the applicant that the seniority list of 1998 is not in conformity with the decisions of this Bench, the Calcutta Bench and the Hon'ble Supreme Court in the SLP. If it is so the settled question of fact decided in those proceeding cannot be allowed to be re-agitated in the present proceeding. The question raised before us do not survive for consideration now in the present OA

16. Subsequent seniority lists under challenge, have been prepared on the basis of the seniority lists which themselves were prepared in accordance with various orders of this court and of the Supreme Court. Those lists cannot be interfered with now. No other lacuna has been pointed out in the seniority list Addl. Dy. Director dated 29.12.2003, the seniority lists of SOs dated 26.3.1998 and of Assistant Directors 23.3.2001. The applicant's promotion was subject to review as per decision in judicial proceedings before the Tribunal and Supreme Court so revision of the date of promotion, year of DPC or notional promotion of Sh. Medak as Additional Dy. Director after his death after assigning appropriate seniority to him in accordance with judicial orders and government instructions cannot be allowed to be challenged in the present proceedings. Questions whether quota rota rule has broken down, or whether continued officiation on a particular post should determine seniority etc., have already been settled in judicial orders of this court and the Supreme court. Even otherwise the applicant has been promoted as Dy. Director and it appears that there is no likelihood of his being displaced from that position. Other officers might have also been promoted to higher positions. For this reason also unsettling a position settled on the basis of this Tribunal's orders and judgments of the Supreme Court cannot be done.

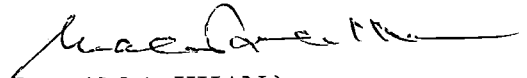
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17. As per the amendment in Article 16.4 of the Constitution the candidates of reserved category by applying reservation policy would be placed senior over those General candidates who are promoted later on. After this amendment in 1995 the applicant, therefore, cannot claim that the seniority of Sh. B.N.Medak has not been properly fixed vis-à-vis him.

18. As a result of the above discussion, we do not find merit in the OA. It is dismissed but the parties are left to bear their own costs.



( N.D.DAYAL )  
Member (A)



( M.A. KHAN )  
Vice Chairman (J)

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