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Reserved

**CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,  
ALLAHABAD.**

**Original Application No. 1508 of 2002**

This the 8<sup>th</sup> day of February, 2006

**HON'BLE MR. D.R. TIWARI, MEMBER-A**  
**HON'BLE MR. K.B.S. RAJAN, MEMBER-J**

Vinay Kumar Singh, Aged about 43 years, S/o Sri Shabhu Saran Singh, R/o Kendranchal Colony, Neem Sarai, Allahabad at present working as Stenographer Gr. I, Aayakar Bhawan, 38, M.G. Marg, Allahabad.

Applicant.

By Advocate : Sri Satish Mandhyan.

Versus.

1. Union of India through the Chairman, Central Board of Direct Taxes, New Delhi.
2. Chief Commissioner of Income Tax, Aayakar Bhawan, Ashok Marg, Lucknow.
3. Staff Selection Committee 8-A-B, Beli Road, Allahabad through its Secretary.
4. Smt. Kulwant Kaur.
5. Sri Dinesh Kumar.
6. Sri H.C. Maurya.
7. Sri K.JK. Barua.
8. Sri R.C. Nishad.
9. Sri N.S. Manchanda.
10. Shanker Lal.
11. Prakash Chand.
12. R.K. Srivastava.
13. Sibte Hasan.

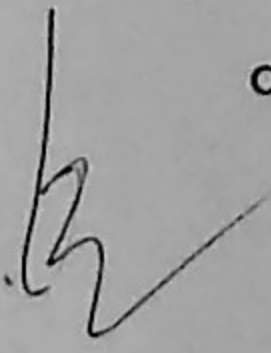
All Stenographers under Chief Commissioner of Income Tax, Aaykar Bhawan, Ashok Marg, Lucknow.

Respondents.

By Advocate : S/Sri S. Singh, S. Narain, P. Mathur, V.Kumar, S.L. Kushwaha & Rakesh Verma

**Alongwith**

**Original Application No. 1590 of 2002**

- 
1. J.V. Trinidade, S/o late C.S. Trinidade.
  2. Arvind Kumar Katiyar, S/o Sri K.N. Katiyar.



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3. K.K. Shukla, S/o late A.P. Shukla.
4. K.K. Bajpai S/o Sri R.N. Bajpai.
5. Manoj Pandey, S/o Sri Pramod Pandey.
6. Smt. Annamma Thomas, W/o Sri Thomas K.O.
7. R.K. Tripathi, S/o Sri M.P. Tripathi
8. Dinesh Singh Gautam, S/o late Raj Bahadur Singh.
9. Vijay Kumar Lalwani, S/o late M.L. Lalwani.
10. R.C. Bajpai, S/o late Ramesh Chandra Bajpai.
11. Smt. Vineeta Jaiswal, W/o Sri Purushottam Jiaswal.
12. Yogendra Nath Upadhyay, S/o Sri S.N. Upadhyay.
13. Sheo Mohan Awasthi, S/o Sri Ram Adhar.
14. Prakash Chandra, S/o Sri Raja Ram Katiyar.
15. Dinesh Kumar, S/o Sri Ram Swaroop
16. Sharad Kumar Agnihotri, S/o Sri R.P. Agnihotri.
17. Amit Bannerji, S/o late P.N. Baneerji.
18. Manisha Agarwal, w/o Sri Naveen Agarwal.
19. K.N. Shaji, S/o Sri K.N. Narayanan.
20. Viredna Kumar Dwivedi, S/o late G.S. Dwivedi.
21. Ram Kant Pathak, S/o Sri S.C. Pathak.
22. Manmohan Misra, S/o Sri J.P. Misra.
23. Ram Naresh, S/o Sri Medi Lal.
24. Dinesh Kumar Misra, S/o Sri Ram Narain Misra.
25. Amit Kumar Srivastava, S/o Sri L.L. Srivastava.

D.... Applicants

By Advocate : Sri S. Narain.

**Versus**

1. Union of India through the Secretary Ministry of Finance and Revenue, Government of India, New Delhi.
2. The Chairman, Central Board of Direct Taxes, North Block, New Delhi.
3. The Chief Commissioner of Income Tax, Kanpur (Cadre Controlling Authority) Aaykar Bhawan, 16/69 Civil Lines, Kanpur.
4. The Director, Department of Personnel & Training, Ministry of Public Grievances & Pensions, North Block, New Delhi.
5. Sri Rajesh Kumar.
6. Sri Gulshan Kumar.
7. Smt. Prem Arora.
8. Smt. Kumkum Karki.
9. Sri Gulshan Kumar Mawkia.
10. Smt. Sunita Mawkin.
11. Sri Girish Chandra Pant.
12. Sri Devendra Kumar,
13. Kamlesh Kumar Trivedi.
14. Bhuwan Prasad.
15. Dinesh Chandra Verma.
16. Nadeem Ahmad Siddiqui.
17. Kailash Kumar.



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18. Km. Jaya Goptal.
19. Sri Deepak Kumar Mittal.
20. Sri Kamta Prasad Tripathi.
21. Sri Virendra Kumar Jain.
22. Km. Sarita Farrasi.
23. Sri Ramesh Chandra Verma.
24. Smt. Manju Mittal.
25. Sri Mukesh Tandon.
26. Sri Ramesh Chandra Nainwal.
27. Sri Satish Mittal.
28. Arun Kumar sharma.
29. Sri Satish Kumar Ahuja.
30. Sri Anil Kumar Seghal.
31. Sri Surendra Prasad Bahuguna.
32. Sri Vipin Chandra Sharma.
33. Sri Atbal Singh Yadav.
34. Sri Rakesh Chandra Shukla.
35. Sri Rakesh umar Tonk.

....Respondents

By Advocate : S/Sri S. Singh, Amit Sthalekar, A.  
Srivastava

**Alongwith**

**Original Application no. 657 of 2005**

Sibte Hasan, Aged about 43 years, S/o Sri Shabe Rati  
R/o Zaid Manzil, Mahavirganj, Naya Bazar, Haldwani,  
District Nainital (Uttranchal), presently posted as  
Stenographer Gr. I in the office of the Commissioner  
of Income Tax, Haldwani, District Nainital  
(Uttranchal).

Applicant.

By Advocate : Sri S. Narain

**Versus.**

1. Union of India through the Secretary Ministry  
Department of Revenue, Government of India,  
New Delhi.
2. The Central Board of Direct Taxes, North  
Block, New Delhi through the Chairman.
3. The Chief Commissioner of Income Tax, (Cadre  
Controlling Authority) Ashok Marg, Lucknow.

Respondents

By Advocate : Sri S. Singh



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O R D E RBY K.B.S. RAJAN, MEMBER-J

As the three O.As are intertwined, a common order is passed. The facts of the case, the contentions of the parties and the authority relied upon by the parties are contained in the succeeding paragraphs:

O.A. No. 1508/02

2. The applicant was appointed through Staff Selection Commission as stenographer (Ordinary Grade) in April, 1983. The private respondents were recruited on ad hoc basis not through SSC but with their consent and these respondents were to qualify in the test that was to be conducted by the Staff Selection Commission and subject to their qualifying in the same, their appointment would be regularized from the date of declaration of the results of the qualifying exam. Some of the ad hoc stenographers had filed OA No. 252/86 (**Dinesh Kumar vs Union of India** and other connected O.As) and they were allowed vide order dated 23-09-1991, to the extent that in case the applicants qualified in the qualifying examination, their regularization would date back to the date of their initial appointment. On the strength of the above order, certain other ad hoc stenographers had applied to the Tribunal and



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the Lucknow Bench, which heard the case, was not inclined to adopt the order dated 23-09-1991 and hence, referred the matter to a larger Bench with the following reference to the Full Bench:-

**"Whether the Stenographers sponsored by the Employment Exchange and appointed on adhoc basis by the respondents after written test and interview were entitled to regularisation and seniority from the date of their adhoc appointments, or from the date of passing the regularisation test held by the Staff Selection Commission?"**

3. The Full Bench vide order dated 24-08-1999 had answered the reference as under and in so far as the TA No. 4/93 (OA No. 617/88) the same was dismissed:-

**"In Dinesh Kumar's case (supra) relied on by the applicants, the Allahabad Bench of the Tribunal did not say that the employees before it were, entitled to regularisation without passing the regularisation test held by the Staff Selection Commission. The employees were directed to be given one more opportunity to face the examination conducted by the Staff Selection Commission, relaxing the age, if necessary. It was further directed that that if successful, they be regularised in service. So far so good, but the further direction to regularise them 'with effect from the date they entered the service' was not inconformity with various decisions of the Supreme Court in this regard as noted above and, therefore, the applicants cannot get any benefit of that part of the direction of Allahabad Bench of the Tribunal which extended the benefit of regularisation with effect from the initial date of appointment instead of with effect from the date of their passing the regularisation test. Accordingly, the Division Bench's decision of Allahabad Bench of the Tribunal to that extent is hereby overruled.**

5. As a result of our discussion aforesaid, our answer to the question before us is as follows:-



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**"The stenographers sponsored by the Employment Exchange and appointed on adhoc basis by the respondents after written test and interview were not entitled to regularisation and seniority from the date of their adhoc appointments. They were entitled from the date of passing the regularisation test held by the staff Selection Commission."**

It is a matter of record that those who were victorious in OA No. 252/86 were not heard by the Full Bench.

4. One of the Private Respondents in the afore said TA 4/93 had challenged the order of the Full Bench and the same is pending with the Hon'ble Allahabad High Court at Lucknow.

5. Notwithstanding the above, the Respondents have by order dated 14-11-2002 had passed the following order:-

"I am directed to refer to your letter No. Estt. C. No. 336/CC/93/7756 dated 17.8.2001 on the above subject and to state that after careful consideration the matter, the Competent Authority has decided that the services of Smt. Kulwant Kaur, Sri Dinesh Kumar, Sri H.C. Maurya, Sri K.K. Barua, Sri R.C. Nishad, Sri N.C. Manchanda, Sri Shanker Lal Stenographers and Sri Ram Kumar Lower Division Clerk may be treated as regular from their dates of appointment in order of their merit provided they have completed their period of probation successfully.

5. The applicant has challenged the above said order on the ground that the same is diagonally opposite to the Full Bench judgment and hence is liable to be quashed.



6. The respondents have contested the OA. The official respondents maintained that since initially the Stenographers were appointed by holding departmental test and were also sponsored by the Employment Exchange and further since the SSC had expressed its inability to conduct examinations for recruitment to the post of Stenographers, these Stenographers were appointed on ad-hoc basis and in a few case inadvertently the term ad-hoc was omitted to be reflected in the respective appointment orders. Thereafter, since all such Stenographers had put in almost a score of years of service, necessity was felt to consider their regularization and with the consent of SSC, these Stenographers were allowed to participate in the special qualifying examination conducted by the SSC and on their qualifying in the examination, their regularization dated back to the initial date of their appointments. At least two stenographers could not qualify in the SSC exams as they did not appear in the exam. However, treating all alike, on 22.10.02 a note was preferred at the level of senior officers for regularization of the services of such Stenographers and on the Chairman, CBDT approving the same order dated 14.11.2002 came to be passed. Since this regularization was by the competent authority, the counsel contended that the applicants cannot have any grievance.

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7. The contention of the private respondents in this case is that since the official respondents have defended their action in regard to regularization of ad hoc Stenographers, the private respondents should not be affected in any manner. Again, they have been impleaded un-necessarily as private respondents.

O.A. No. 657/05

8. The contention of the applicant's counsel is that all along the respondents have been treating him as a regular employee and his salary and allowances were paid from the consolidated funds and this is the admitted position in the official respondents' CA in O.A. no. 1508/02. He has, therefore, stated that necessity to file O.A. 657/05 arose since his representation to the respondents against omission of his name in the list of eligible Stenographers whose names were proposed for consideration for promotion to the post of Inspectors had been rejected. The rejection of his representation was on account of the fact that since he was arrayed as respondents in O.A. no. 1508 of 2002, the respondents took the stand that he has to first defend his case in the said O.A. It has also been submitted by the applicant's counsel that in so far as his impleadment as respondent is concerned, he moved the High Court of Uttranchal which has disposed of his Writ petition with a direction to



this Tribunal to decide the recall application filed by the applicant for recalling the order whereby this applicant was impleaded as one of respondents. It has been admitted by the applicant's counsel that he did not sit for examination conducted by the SSC.

O.A. no. 1590 of 2002

9. The applicants in this O.A have challenged the order dated 22.9.98 whereby 31 adhoc stenographers impleaded as private respondents were granted regular status whereby the seniority of the applicants has been unduly affected. According to the applicants, in the year 1995 consciously two different seniority lists of Stenographers- (i) of regular, (ii) and other of adhoc stenographers were published which were in order. In 1998, another seniority list combining these two was prepared, but it has been asserted by the applicants that this seniority list was never circulated. Thereafter, in 2001 another seniority list was prepared, which was the updated seniority list published in 1998 and on this seniority list being circulated, the applicants preferred a representation requesting the department to revise the same so that the applicants would rank senior to the adhoc stenographers. It was in response to this representation that the official respondents have communicated that in view of the Board's decision in 1998 to regularise the adhoc Stenographers from the date of their initial



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appointment, the erstwhile adhoc Stenographers were regularised in their services. Admittedly, these adhoc stenographers did not appear in the SSC examination.

CA in O.A. 657/05

10. The counsel for respondents submitted that the applicant was not appointed on regular basis and he derives the status of regular appointment only by the order of regularization passed in his case in 1998. He has not qualified in the SSC exams. Since he has been impleaded as respondents in O.A. no. 1508/02 and there was a stay order in respect of other Stenographers whose services were regularised for maintaining uniformity his name was not enlisted in the list of eligible Stenographers for consideration for promotion to the post of Inspectors.

COUNTER AFFIDAVIT IN O.A. NO. 1590/02

11. The counsel for official respondents took the same stand as the one taken in O.A. no. 1508 of 2002.

COUNTER AFFIDAVIT BY PRIVATE RESPONDENTS:

12. The private respondents made a preliminary objection as to limitation inasmuch as the first



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seniority list of the combined seniority list of Stenographers was issued as early as in the year 1991 and it cannot be that the applicants were unaware of the same. In 1995 on bifurcation of this combined seniority list, the private respondents moved necessary representation, which was considered and the result of the same was issue of combined seniority in the year 1998 followed by issue of updated seniority list in the year 2001. As regards the legality in their regularization, the counsel for private respondents had taken as through the following orders:-

- (a) Order dated 18.8.79 from CBDT to SSC requesting regularization of adhoc appointments.
- (b) Order dated 25.9.1979 from SSC to CBDT confirming the decision of the SSC in regularizing the adhoc appointees appointed against post of Stenographers as requested for in letter dated 6.7.79 of the CBDT (This letter of 6.7.79 has been referred to in the letter dated 18.8.79, vide (a) above.
- (c) Order dated 11.6.82 whereby the 31 adhoc Stenographers had been confirmed in the scale of pay of Rs. 330-560/-.
- (d) The seniority list published in 1991 wherein the date of confirmation of the private respondents had been clearly spelt out.



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13. Arguments at length heard and the documents perused. In addition to the above, the counsel for private respondents in OA 1590/2002 relied upon the following decisions :-

- (i) O.A. no. 1504-06/1986 decided on 26.2.1987 (Banglore Bench of the CAT).
- (ii) AIR 1986 SC 638 in re. Narender Chadha & Others Vs. U.O.I. & Ors.
- (iii) TA 437 of 1982 decided on 31.6.94 (Jabalpur Bench).
- (iv) W.P. No. 20459/2001 decided on 17.6.2002 (High Court of Allahabad).
- (v) 1982 SCC (L&S) 77 in re. R.S. Makashi & others I.M. Menon & Others.
- (vi) AIR 1986 SC 2086 in re. K.R. Mudgal & Others Vs. R.P. Singh & Others.
- (vii) AIR 1989 SC 218 in re. Rana Randhir Singh & Ors. Vs. State of U.P. & Others.

14. A brief background of the case is required at this juncture. Though the SSC came into existence since 1976 for a substantial period, it was not functional and meanwhile the earlier procedure of appointment through Employment Exchange sponsorship was in vogue. However, after the Staff Selection Commission became functional in respect of recruitment in the near past, it was stipulated that the appointees through sponsorship of Employment



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Exchange would all have to appear and qualify in the examination for the concerned posts conducted by the Staff Selection Commission, notwithstanding that such appointees would have come through proper selection by the Selection Committee. Some of the adhoc stenographers of the Respondents' Organization approached the Tribunal by a Bunch of cases in O.A nos. 252/86, 256/86, 243/86, 204/86, 205/86 and 26/86 (leading case being O.A. no. 252/86 Dinesh Kumar Vs. U.O.I. & Ors.) for a direction to the respondents to regularise their services as these were recruitees of late seventies/early eighties. The Tribunal after considering the case and hearing the respondents, passing the following order on 23.9.1991:-

"In this case also the administration should have, after evaluation of the ACR of those who were employed prior to the date on which those who were regularised in either zone and those were prior to the ..... in ..... Roll..... Those may even after appearing in the test failed, may be given one more opportunity to appear in the examination conducted by the Staff Selection Commission after relaxing the age. Incase, they have become over age and incase they pass in the examination, they may be regularised w.e.f the date they entered the service in which they have also gained sufficient experience. This will not only be in the interest of justice and also in the spirit of the Directive principles of State Policy as well as equality clause enshrined in the Constitution of India. These Applications are, thus, disposed of with the above directions."

15. Certain correspondence exchanged between the SSC and the respondents and certain office noting with the final approval of the Chairman, C.B.D.T.



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are relevant to be referred to and the same are reproduced below:-

Correspondence between S.S.C. and the respondents:-

- a) CBDT letter dated 18<sup>th</sup> August, 1978 addressed to Secretary, Staff Selection Commission, New Delhi reads as under:-

I am directed to enclose a copy of Commissioner of Income Tax, Lucknow letter no. Estt/SSC/18/75/78-II/3502 dated 6.7.79, on the above subject and to request that the proposal made therein may kindly be agreed to.

- b) Letter of CBDT dated 10.9.1979 addressed to Commissioner of Income Tax, Lucknow/Allahabad reads as under:

In continuation to Board's endt. Of even number dated 18.8.79 ( in response to oyour letter No. Estt/SSC/1 08/75/78-II/3502 dated 6.7.1997, on the above subject, I am directed to enclose a copy of the reply dated 25.9.1979 received from the Staff Selection Commission for necessary action.

Encls. As above

Yours faithfully  
Sd/-

(Rama Kant)

Under Secretary

Central Board of Direct Taxes

Copy of letter no. 2/2/79 EV dated 25.9.79 from Staff Selection Commission, New Delhi to the Under Secretary, New Delhi."

- c) Letter of Staff Selection Commission, New Delhi dated 25.9.1979 addressed to Under Secretary, Central Board of Direct Taxes, New Delhi reads as under:

With reference to your letter no. A/18034/10/78-Ad.VII dated the 18<sup>th</sup> Aug. 1979 on the subject cited above, I am directed to say that after careful consideration it has been decided to regularise the services of the adhoc appointees appointed against the posts of Stenographers (OG) and Lower Division Clerk (Spl. Categories) as mentioned in the letter of Commissioner of Income Tax, Lucknow No. C. No. Estt. SSC/108/78-II/3508 dated 6.7.79 addressed to you, from the date of appointment."

Noting dated 29.10.2002 in O.A. No. 1508 of 2002 reads as under :



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CCIT, Lucknow's proposal relates to re-fixation of dated of regularization of the posts of LDC and Stenographers appointed against the vacancies pertaining to the years 1979, 1980 and 1981. The case has been examined in detail vide notes at pages 18-20/ante which may kindly be seen.

2. The then Member (P) desired to see the statement indicating the date of joining, date of regularization and date of confirmation of these employees before a final view is taken in the matter. Details furnished by the CCIT are as under:-

S No	NAME	Date of joining	Date of regularization	Date of Confirmation
1.	Smt. Kulwant Kaur, Stenographer	03.10.1979	06.10.1986	29.01.1997
	<u>S/Shri</u>			
2.	Dinesh Kumar Stenographer	18.08.1979	06.10.1994	02.01.2001
3.	H.C. Maurya Stenographer	31.08.1979	06.10.1994	23.03.2002
4.	K.K. Barua Stenographer	20.12.1979	06.10.1986	20.01.1997
5.	R.C. Nishad Stenographer	22.08.1979	06.10.1986	29.01.1997
6.	N.S. Manchanda Stenographer	06.12.1979	06.10.1986	29.01.1997
7.	Shankar Lal Stenographer	13.08.1982	06.10.1994	23.03.2001
8.	R.K. Srivastava Stenographer	06.02.1981	06.02.1981	Yet not confirmed
9.	Sibte Hasan Stenographer	23.02.1981	23.02.1981	do
10.	Ram Kumar LDC	17.01.1981	Not regularized till date	do

3. From the above it would be seen that candidates at S Nos 8 and 9 have been regularized from the date of joining even though they had not qualified the SSC examination. Similar is the case with other candidates and the services of Shri Ram Kumar, LDC are yet to be regularized. Other employees similarly appointed during this period have since been regularized from the date of their joining. It has created an anomalous situation. In view of the facts explained in our note at pages 18-20/ante, the proposal contained in paragraph 10 thereof at page 20/ante is submitted for approval of Chairman (DT).

JS (A) DT      Sd/-  
Member (P)    Sd/-  
Chamberman   Sd/-"



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16. First the question to be decided is whether overruling of the earlier order dated 23-09-1991 of the Division Bench by order dated 24-08-1999 by the Full Bench would have retrospective effect and would the same affect the beneficiaries of Order dated 23-09-1991 which stood implemented much prior to the decision in the Full Bench case.

17. If one reads between the lines of the full Bench judgment, it would be clear that the earlier judgment which was overruled does not mean to undo the implementation of the earlier judgment. The judgment reads, "... Therefore, the applicant cannot get any benefit of that part of the direction of Allahabad Bench of the Tribunal which extended the benefit of regularization with effect from the initial date of appointment, instead of with effect from the date of their passing the regularization test." Obviously, the Full Bench did not give any opportunity to the individuals who were the beneficiaries of the earlier judgment and as such, it had not spelt out anything against the applicants in the case of Dinesh Kumar and others. Thus, in so far as applicants in the case of Dinesh Kumar and others in connected OA are concerned, the benefit already granted, not by the order dated 14-11-2002 but from the earlier date of implementation, as for example order dated 15-07-1996 (Annexure CA 4 to the counter affidavit of Respondent No. 5) have not been upset by the Full Bench. In fact, judgment in OA 252/86 had attained its finality and implemented



much earlier to the judgment dated 24-08-1999 by the Full Bench. Once an order has attained finality, and the directions issued by the court having stood complied with, the wheel cannot be turned back. In this regard, judgment of the Apex Court in the case of **Ishwar Dutt v. Land Acquisition Collector, (2005) 7 SCC 190** also refers. In that case, which relates to grant of interest on compensation in a land acquisition matter, an order dated 09-09-1995 in C.W.P. 510 of 1995 was passed and the same was implemented. Thereafter, in another writ petition No. 125 of 1986 and an identical order was passed. However, when the State took up the matter with the Apex Court the said order was set aside. With regard to the position in respect of the judgment which was already implemented, the Apex Court has held,

"As the judgment and order passed in CWP No. 510 of 1985 attained finality, we are of the opinion that the respondents herein could not have raised any contention contrary thereto or inconsistent therewith in any subsequent proceedings. In fact the Land Acquisition Officer while passing the award on 31-1-1991 took into consideration the said direction and awarded 12% additional compensation at the market value. The said order of the Land Acquisition Officer never came to be questioned and, thus, attained finality. .... In any event, the directions issued by the court stood complied with. Having regard to Section 18 of the Act or otherwise the wheel cannot be turned back."

Thus, we are of the firm view that all the orders whereby regularization had taken place prior to 24<sup>th</sup> August, 1999 in compliance with the order dated 23-09-1991 cannot be upset. To that extent the contention of the respondents holds good. OA



1508/2002 which challenges the order dated 14-11-2002 cannot be sustained in respect of those whose regularization had taken place prior to 24-08-1999.

18. However, the question that remains is as to whether even after the full Bench judgment came to be passed the respondents are right in regularizing the ad hoc services of those who have not appeared in the qualifying the test at all or even if they had qualified in the test conducted by the Staff Selection Board from the date anterior to the date of their qualifying in the exam. The answer should be an emphatic 'No.' For, after the Full Bench Judgment it is that decision which holds the fort, unless the same is upset in the Writ Petition filed by one of the private respondents. Here again, an exception has to be carved out. The SSB of its own accord, gave its consent for regularization of the ad hoc services of the stenographers who were recruited by the respondents by holding necessary selection tests, vide order dated 25-09-1979. Of course, this was with reference to the recruitment made in the Lucknow Region. It could safely be presumed that others similarly situated would also be entitled to the benefits of this order.

19. We had called for a statement from the counsel appearing for various parties in the above O.As reflecting the date of their initial entry into service (ad hoc), the date when they had qualified in the exam and the date of the order by which their



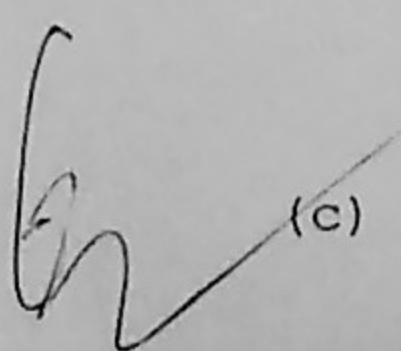
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services had been regularized. Neither the applicants/private respondents produced nor did the official respondents. Nevertheless, this exercise can well be undertaken by the official respondents in complying with the directions made in this order.

20. The final verdict in respect of the three O.As <sup>is</sup> ~~are~~ as under:-

(a) OA No. 1508/2002: The OA is allowed to the extent that order dated 14-11-2002 is hereby quashed and set aside. However, orders passed prior to 24-08-1999 in compliance with the order dated 23-09-1991 in OA 252/1986 and the connected O.As of the Allahabad Bench regularizing the ad hoc services of the stenographers from the date of their initial appointment are upheld.

(b) OA No. 1590/02: Since the private respondents have been granted seniority from the date of their initial ad hoc appointment, much earlier to the full Bench judgment and the Staff Selection Commission too had given its approval vide order dated 25-09-1979, the mere bifurcation of the seniority list cannot mean that the private respondents were not regularized. In fact the subsequent combined seniority was to right the wrong committed by the official respondents in bifurcating the seniority lists. Hence, OA No. 1590/2002 is dismissed.



(c) OA No. No. 657/05: The impugned order dated 02-02-2005 cannot stand the scrutiny. However, it is to be seen



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whether the applicant who had not qualified in the qualifying examination is entitled to regularization from the date of initial appointment. The applicant has contended that none of the orders relating to his regularization had been so far cancelled. Be that as it may, the respondents shall ascertain the date of issue of order of regularization in the case of the applicant and similarly situated individuals, if any and if the same be posterior to the order dated 24-08-1999 the same on the basis of the above order, be reviewed and necessary orders shall be passed revising their date of regularization. In their case, the date of regularization could at the earliest be from the date the Chairman, CBDT had given his approval and not anterior to the same and for this purpose also, necessary post facto relaxation should be obtained from the Staff Selection Commission. For, if provision exists for relaxation of the Recruitment Rules, the same be implied in the approval of the Chairman CBDT for prospective regularization.

Sd/-  
JmSd/-  
AmJms  
15/3/06