

Reserved

**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**ALLAHABAD BENCH, ALLAHABAD**  
\*\*\*\*\*

**Original Application No. 123 of 2006**

Allahabad, this the 8 TG day of December 2010

**Hon'ble Mr. Justice S.C. Sharma, Member (J)**  
**Hon'ble Mrs. Manjulika Gautam, Member (A)**

1. Awadhesh Kumar S/o Satya Sheel, R/o 1477/A, Plant Depot, Mughalsarai.
2. Om Prakash Shukla S/o M.P. Shukla, Station Master u/ Station Manager, Est-Central Railway, Mughalsarai.
3. Ram Dayal Mishra S/o Late I.D. Mishra, Station Master u/ Station Manager, East Central Railway, Mughalsarai.
4. V.N. Tripathi S/o H. Tripathi, Station Master, u/Station Manager, Est-Central Railway, Mughalsarai.
5. R. Ahmad S/o J. Ahmad, Station Master u/Station Manager, Est Central Railway, Mughalsarai.
6. R.K. Singh S/o M. Singh, Est. Central Railway, AYM, u/ Station Manager, Mughalsarai.

**By Advocate: Mr. V.S. Tiwari**

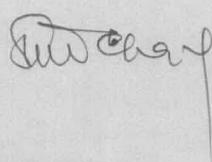
**Applicants**

**Vs.**

1. Union of India through Chairman, Railway Board, Rail Bhawan, New Delhi.
2. General Manager, East Central Railway, Hazipur.
3. Chairman, Railway Recruitment Board, Muzaffarpur, Bihar.
4. Sri Dharam Nath Verma, S/o J.N. Prasad Verma, S.T.M. Construction (O.P.T.G.) Eastern Railway Fairly Place, Kolkata (West Bengal).

**By Advocate: Mr. Prashant Mathur**

**Respondents**

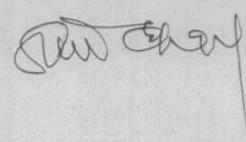


**ORDER****By Hon'ble Mr. Justice S.C. Sharma, J.M.**

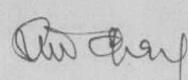
Instant O.A. has been instituted for giving direction to the respondents to give effect to the appointment of the applicants vide Employment Notice No. 9/1978 from 1982 at par with the respondent No. 4, and other candidates who were appointed with lower merits as found by the Vigilance Department and admitted by the Railway Board. It is further prayed that appointment of the applicant may be treated notionally from 1982 for the purpose of calculating the period for qualifying period of pension. Further prayer has also been made for giving direction to the respondents that keeping in view that appointment of the applicants could not be made from 1982, the Railway Board be directed to relax the qualifying period for pension from 30 years to 20 years or as applicable in the case of the applicants.

2. The pleadings of the parties may be summarized as follows:

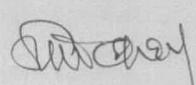
That on 11.06.1978, the Railway Recruitment Board, Muzaffarpur issued an Employment Notice No. 09/1978 inviting applications for appointment to various Class-III posts categories in the employment as Category No. 65 to 70, the vacancies for the post of Guard, Commercial Clerks, Office Clerks and Accounts Clerks etc. It was also provided that all the candidates who appeared in the Written Test and qualified in the Written Test will be subjected to Viva Voce test. Provision was also made for Psychological Test for candidates who applied for the post of Assistant Station Master. The Recruitment Board conducted



Psychological Test for all those candidates who had qualified the Written Test and the Viva Voce. The advertisement was issued in the year 1978 but the Written Test, Viva Voce and Psychological Tests were completed in the year 1981, and the result was not declared. It is stated that the applicants were fulfilling requisite qualifications as laid down in the advertisement. They had also qualified in the Written Test, Viva Voce and Psychological Test. It was found later on that the Railway Recruitment Board had illegally selected many candidates who were not in the panel as their marks were lower than the marks obtained by other candidates who are left, and appointment letter was not issued to them who secured more marks than the candidates who were selected. The applicants came to know later on from various sources that the Recruitment Board had illegally issued appointment letters to many candidates who had secured lower marks, and were in the lower category of merit. A complaint was made to the General Manager, Eastern Railway but no action was taken by them about the irregularity committed in the selection of the candidates by the Recruitment Board. Thereafter, the matter was agitated in the Parliament and a question was raised about the irregularity committed in the selection process. The Railway Minister at that time had accepted that irregularities have been found in the selection of the candidates in issuing appointment letters. It was also admitted that 968 appointment letters had been issued in different categories of the post in pursuance of the Employment Notice No. 09/1978 to those candidates who secured lower marks in comparison to the candidates who had secured higher marks, and were higher in merits. The appointment letters

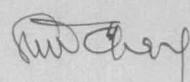


were not issued to the candidates, who were higher in merits in comparison to the already appointed candidates. The matter was referred to the Vigilance department. It was admitted by the Vigilance department also that irregularities have been committed and rightful candidates were left over and the candidates who were lower in merits and secured lower marks were issued appointment letters. But in spite of the irregularities, the Railway Board had not made any effort to cancel the appointment of 968 candidates. Thereafter, Railway Board issued the confidential letter addressed to the General Manager, Eastern Railway directing him to prepare fresh panel with regard to the candidates, who had secured more marks than that of 968 candidates, who had already been appointed to various posts against the vacancies notified in Notice No. 09/1978. The direction was also given to prepare two panels: one for the various grades of the Clerks and Guards, and other for Assistant Station Masters. In pursuance of the direction, Railway Recruitment Board prepared a fresh panel on 25.10.1988 containing 224 candidates for appointment to the post of Assistant Station Master and another panel dated 01.11.1988 containing 674 candidates for appointment against other categories of posts notified in the advertisement for Category No. 65 to 70. Although, the panel was prepared in the year 1988 but the appointment letters were issued in the year 1991. It is stated that in the Employment Notice, the gradation was not the condition for the applicants, therefore, the Railway Board has also relaxed this condition for the new panel which was made after the vigilance report about the irregularities committed. The

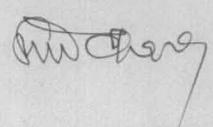


applicants came to know later on that respondent No. 4-Dharam Nath Verma was given appointment in the year 1982 whereas he secured lower marks in comparison to the applicants but, even then he was appointed. Not only the respondent No. 4 but, many other candidates have been selected and appointed in the year 1981 onwards, and these candidates secured lower marks in comparison to the applicants. Several representations were made by the applicants for delayed issuance of appointment letters but, the respondents had denied relaxation in qualifying service for the purpose of full pensionary benefits. The applicants were subjected to loss of time, pay, seniority and pensionary benefits. It is stated that the applicants had to suffer due to illegal act of the respondents, there had been a loss of 10 years of service which could have been counted for entitling the applicants for pensionary benefits. It was the duty of the respondents to either cancel the appointments of 968 candidates who were appointed illegally against the canons of justice. The legal obligations were not performed by the Railway Board. When there was no option, the applicants filed O.A. No. 254 of 1999 before this Tribunal. The General Manager, North Easter Railway was directed to dispose of the representation of the applicants by a reasoned and speaking order. It is alleged that the representation of the applicants was illegally rejected and the benefits were not given to the applicants hence, the present O.A.

3. The respondents contested the O.A., and filed the Counter Reply, and denied the contentious issues raised by the applicants. It has been alleged that the applicants had already been



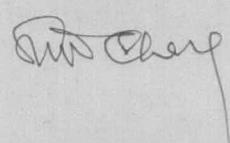
appointed in pursuance of the Employment Notice No. 9/1978, that the Judgment passed by the Tribunal in O.A. No. 254/1999 dated 06.04.2005 is self explanatory on the subject. It is stated that the applicants have already prayed for their seniority and other consequential benefits before the Central Administrative Tribunal, Patna Bench in O.A. No. 322/1989, and the O.A. was disposed of with direction to the respondents to consider the appointment of the applicants to the various categories of posts enumerated in the said Employment notice, and hence the O.A. is barred by principle of resjudicata. It is stated that the complaint with regard to irregularities was enquired upon and investigated by the Vigilance Department of the Railway Board. In the inquiry, it was detected that certain irregularities have been committed in the selection and, therefore, the concerned General Manager, N.E. Railway, Gorakhpur was directed vide letter dated 21.01.1988 in order to protect the interest of the applicants who could not be empanelled, and on the basis of the aforesaid instructions of the Railway Board on dated 31.10.1988, 666 posts were created of Guards, Ticket Collectors, Commercial Clerks, Train Clerks and Office Clerks, and the applicants were provisionally appointed and sent for training in the year 1991. After completing the requisite training for the post in question, the individuals had joined at Mughalsarai Division as Assistant Station Master in the year 1991, and they have been granted consequential benefits of their final placement from the date, when they joined the Railway Service in the year 1991. It is stated that the claim of the applicants is barred by limitation and moreover the applicants had already agitated the matter in O.A. No. 306 of 1988. It is stated that the



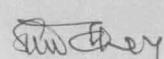
applicants filed O.A. No. 322 of 1989 before the Patna Bench of this Tribunal but the second O.A. was disposed of by the Tribunal vide Order dated 10.08.1990. The applicants cannot claim parity with the respondent No. 4 who had been given appointment in the year 1982, and after qualifying the requisite probationary period, his services have already been regularized and the necessary benefits had already been accorded to him. In view of para-303 of the Indian Railway Establishment Manual, the seniority is to be determined as per the marks obtained by the individual in the Railway Training Institute, during the course of the training. It is stated that the persons who had joined earlier to the applicants will be seniority <sup>2</sup> to the applicants, and the entire matter is under investigation by the Vigilance department of the Railways. Hence, O.A. is liable to be dismissed.

4. We have heard Mr. Ashok Kumar Dwivedi, Advocate holding brief of Mr. V.S. Tiwari, Advocate for the applicants, and Mr. Prashant Mathur, Advocate for the respondents and perused the entire facts and documents available on record.

5. From perusal of the pleadings, it is an admitted fact that the Railway Recruitment Board, Muzaffarpur issued an Employment Notice No. 09/1978 inviting applications for appointment to various Class-III posts categories in the employment as Category No. 65 to 70, and the result was not declared of that examination in spite of several representations preferred by the applicants. As the applicants were possessing the requisite qualification, as provided in the advertisement, hence applicants also appeared in

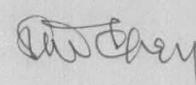


the Written Test, Viva Voce and Psychological Test. Later on, it was found that the Railway Recruitment Board had illegally selected many candidates, who were not in the panel as their marks were lower than the marks obtained by the applicants and other candidates. It is also an admitted fact of the parties that in issuing appointment letter in the year 1981, in pursuance of the Employment Notice No. 09/1978 to such category of persons whose names were not in the merit list, gross irregularity and illegality were committed by the respondents in issuing appointment letters. It is also an undisputed fact that the matter of irregularity and illegality in the appointment was highlighted by making representations etc. When the officers of the Railway failed to initiate any action in the matter, then this matter was raised in the Parliament. The then Hon'ble Minister of Railway gave a statement that the irregularities and illegalities have been committed in giving appointments to such employees. It is alleged that the applicants secured more marks in comparison to respondent No. 4 as well as other illegally selected persons. But the appointment was given to the applicants in the year 1991. That a panel was prepared in the year 1988 but the appointment letters to the applicants were not issued prior to 1991. Earlier, applicants were not aware that certain other persons were illegally appointed prior to the applicants. In the year 1978 at the time of issuing the Employment Notice, gradation was not the condition for the applicants. But, later on gradation was made the condition for appearing in the examination for those posts. Hence, the Railway Board had to relax this condition for the new panel including the applicants. It has also been alleged by the



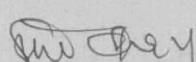
applicants that due to fault of the respondents, they had to be deprived of from the pensionary benefits as they will not be able to put in minimum qualifying years of service, and the instant O.A. has been instituted for giving notional promotion to the applicants from the year 1981 when the appointment was given to respondent No. 4 and other persons who were illegally appointed.

6. It is not to be decided that whether any irregularity and illegalities were committed or not in the selection for the posts, for which Employment Notice No. 09/1978 was issued. However, in para-6 of the Counter-Reply, it has been admitted that ". . . . . complain<sup>t</sup> with regard to irregularities was enquired upon and investigated by the Vigilance Department of the Railway Board, which had detected certain irregularities in the selection and accordingly, in terms of reference made by the concerned General Manager, N.E. Railway, Gorakhpur vide its letter No. E/227/1/2/RRB/MFP/V/Conf dt. 21.01.1988, the Railway Board had issued certain guidelines to protect the interest of the candidates, who could not be empanelled on the basis of the aforesaid instructions . . . . . . . . ." Hence it is an undisputed fact that in the selection of the candidates, as per Employment Notice No. 09/1978 appointment was given to certain other persons who secured lesser marks in comparison to the applicants and other persons. Instead of canceling the appointments of such illegally appointed candidates, Railway Board directed the concerned Railway Recruitment Board, Muzaffarpur to prepare a fresh panel on 25.10.1988 containing names of 224 candidates for

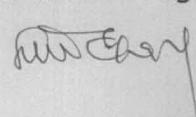


appointment to the post of Assistant Station Masters and another panel on 01.11.1988 containing 674 candidates for appointment against other categories of posts. Besides those illegally appointed candidates, direction was given by the Railway Board to prepare fresh panels of the above categories. It shows that the irregularity and illegality was allowed to continue by the respondents.

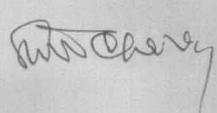
7. There is no prayer on behalf of the applicants for declaring appointment of such illegally appointed persons including respondent No. 4, applicants had only prayed for giving a direction to the respondents to relax the period of qualifying service for the purpose of pensionary benefits. The respondents contested the matter of seniority and given to the applicants the notional promotion from the year 1981 when the illegally selected persons were appointed. The respondents alleged that as per the Railway Board's circular, the date of joining is the date of seniority, and that the applicants cannot claim seniority with the persons who were appointed in the year 1981. The applicants were joined much later to ~~them~~ in the year 1991, and the seniority is to be fixed from the date of completion of their training period. It will be just and proper to comment regarding the working of the Railways. It has been exposed by the Vigilance department of the Railways as well as by other modes that the irregular and illegal appointments were given to different persons. It is undisputed fact that the applicants secured much more marks and they were much higher in the merits in comparison to respondent No. 4, and other similar persons, and there is no denial of this



fact from the side of the respondents. We are shocked to observe that the respondents Railway department-Organization of the Government of India, allowed to continue the irregularities and illegalities. Illegally appointed persons who manipulated their appointments by playing fraud and by committing forgeries were allowed to reap the fruits of their illegal act. They ought to have been behind the Bar instead of enjoying the benefits of service. It will also be material to state that such a big employment scam cannot be committed without the connivance of the Railway authorities. Such railway authorities must have been put to task, and must have been behind the Bar. But, it appears that no action has been taken against such guilty persons. In this connection, annexure-1 letter dated 19.09.1988 is most material. It has been held in this letter that in the year 1980-81 during the time of Sri J.N.S. Baghel, Chairman, Railway Recruitment Board, Muzaffarpur, a selection for NTPC categories viz. Trains Clerks, Commercial Clerks, Assistant Station Masters, Ticket Collectors, Guards, Office Clerks & Signalers was held and a panel of 968 candidates was formed. It is observed in the aforesaid letter that these candidates have since been absorbed on the Railways, and subsequently there were complaints from the candidates (applicants), who were left out of the panel, that certain irregularities have been committed. Consequently, the General Manager, North Eastern Railway was directed to look into the matter in its entirety and submit the explanation. He has forwarded his proposal suggesting a panel of 893 candidates, in addition to the panel of 968 already operated. Hence, wording of this letter shows that 968 persons were illegally appointed and

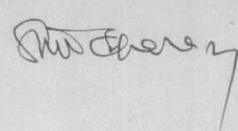


selected, were allowed to continue in the work on the pretext that these candidates had already been absorbed in the Railways, and thereafter in order to accommodate the left over persons who secured more marks than the already appointed persons, a proposal suggesting a fresh panel of 893 candidates was submitted. It is a fact that the Employment Notice No. 09/1978 was issued in order to fill up 968 candidates, and against that Employment Notice more than 1900 persons were appointed including 967 illegally appointed candidates. This is possible only in the Railways, where there appears total anarchy in the matter of selection. It is being heard that employment scams are working in the Railways but this case is a glaring example of the employment scam. We are not aware whether this matter was highlighted or not, and whether the guilty persons were punished or not. But it was a such matter in which the matter ought to have been investigated by Central Bureau of Intelligence, and guilty persons must have been punished, and the persons who manipulated their illegal appointments, should have been dismissed and should have been sent to jail. It shows that there is a chaos in the Railway administration. The result of selection process was ignored and illegally persons were appointed on the extraneous considerations, and to the wisdom of the Railway authorities no action was taken or initiated for canceling the panel of 968 candidates appointed illegally. It will be most unfortunate that the persons who manipulated their illegal appointments at the cost of others, were benefited. The fraud committed by these persons had been fruitful. It will be the encroachment on the rights of other deserving persons. We have only expressed our



shock and anguish in the matter otherwise there is no prayer on behalf of the applicant to cancel the panel of 968 candidates, who were appointed in the year 1981.

8. The applicants have filed this O.A. with the prayer that due to illegal appointments, they have been deprived of more than 10 years of service. If selection might have been conducted fairly and appointment letters might have been issued on the basis of the merit, then there was no reason for not giving appointment to them in the year 1981 when other persons were appointed. For seeking appointment, for themselves, they had to make representations and agitated the matter before the Parliament, and also before the Tribunal. Although, direction was given for providing appointments to the applicants in the year 1978, but the matter was finalized in about 3 years but the appointment could not be given to the applicants earlier to 1991. Prayer has been made by the respondents that a direction be given to the respondents No. 1 to 3 to give effect to the appointment of the applicants vide Employment Notice No. 09/1978 from 1981 at par with respondent No. 4 and other candidates who were appointed with lower merits. No monetary benefit has been prayed of during this period. But, prayer has been made for giving notional promotion w.e.f. 1981 so that they may be entitled to pensionary benefits. In that case, they will be in a position to complete more than 30 years of qualifying service. The respondents contested the case of the applicants on various grounds. It has been alleged on behalf of the respondents that the applicants joined the railway service in the year 1991, and after completing the period

A handwritten signature in black ink, appearing to read "R. S. Chaturvedi".

of training, they were given seniority. Para-303 of the Indian Railway Establishment Manual is most material for determining the seniority. In view of this reply, the date of joining after completion of the training is the date of seniority, and that the respondent No. 4 and other persons joined only from 1982 hence parity cannot be granted to the applicants with respondent No. 4 and others for the purpose of seniority. Rule 303 of Indian Railway Establishment Manual is most material to be perused in this connection, which is reproduced as follows: -

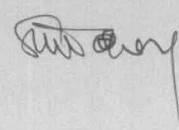
*"303. The seniority of candidates recruited through the Railway Recruitment Board or by any other recruiting authority should be determined as under: -*

- (a) *Candidates who are sent for initial training to training schools will rank in seniority in the relevant grade in the order of merit obtained at the examination held at the end of the training period before being posted against working posts. Those who join the subsequent courses for any reason whatsoever and those who pass the examination in subsequent chances, will rank junior to those who had passed the examination in earlier courses.*
- (b) *In the case of candidate who do not have to undergo any training in training school, the seniority should be determined on the basis of the merit order assigned by the Railway Recruitment Board or other recruiting authority."*

In view of the above Rule, the date of joining after completion of the training is the date of appointment. In view of several Judgments of the Hon'ble Apex Court, and various Rules in this connection, it is established law that normally the date of joining is the date of determination of seniority. But in abnormal circumstances, there are exceptions to this general guidelines, and in exceptional circumstance, seniority can be with retrospective effect. Learned counsel for the applicant in this connection cited a case (1997) 2 SCC page 638 *G. Deendayalan Ambedkar vs. Union of India and others*. In the cited case, it has

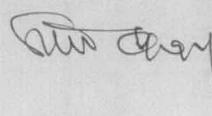
*Om Avery*

been held that "The respondents were selected in the same batch and rank; in the order of merit they were seniors to the applicant. Under these circumstances, since they had not been sent for training, necessarily their ranking given in the list of candidates selected in the order of merit by the Recruitment Board cannot be given a go-by and they cannot be given accelerated seniority to the appellant and the like by picking and choosing the persons as per the whim of the authorities empowered to send them for training. It is settled legal position that the order of merit and ranking given by the Recruitment Board should be maintained when more than one person are selected, the same inter-se seniority should be maintained for future promotions unless Rules prescribe passing of departmental test as a condition for confirmation but was not passed as on the date of determining of inter se seniority." In view of the Judgment of Hon'ble Apex Court, seniority is to be determined on the basis of marks and rank of the candidate but in the present case no such merit list was prepared due to abnormal circumstances as the Railway authorities were in connivance with the candidates to whom issued illegal appointments to certain persons who secured lesser marks than the applicants. It is settled position of law that seniority is to be determined on the basis of merit, and it is undisputed fact that the applicants secured more marks than the respondent No. 4, and other applicants. Although inter se seniority has not been claimed in the present O.A. The very innocuous relief has been prayed for giving seniority to the applicant from 1982 when illegal appointments were given to respondent No. 4 and others. It appeals to common sense also



that both the benefits cannot be given to a fraudulent person, who manipulated their appointments illegally. Less said the better regarding the illegal appointments of respondent No. 4 and others. On the one hand, they were given appointment in the year 1982 about 9 years earlier than the applicants who secured much more marks than those candidates. And during this period of 9 years, such illegally appointed persons were benefited monetarily. At least the applicants must be placed just below the earlier appointed persons in the year 1982 so that they may achieve the qualifying years of service in order to make them entitled for pension. Learned counsel for the applicants also cited "1993 Supp (2) SCC page 734 *Dr. A.R. Sircar vs. State of U.P. and others*, wherein it has been held that the seniority must be granted to the applicants with retrospective effect in exceptional and special circumstances. We are of the view that if such exceptional and extra ordinary circumstances cannot be in the present case, then the same cannot be in any other case. We are of the opinion that in super session of Rule-303, in view of the Judgment of the Hon'ble Apex Court, the applicants are also entitled to be given seniority w.e.f. 1982 with respondent No. 4 and other candidates who were illegally joined the services.

9. It has been argued by learned counsel for the respondents that the O.A. is barred by principle of resjudicata, and in this connection he argued that similar other persons filed an O.A. No. 322 of 1989 before the Patna Bench of this Tribunal, annexure CA-3 is the copy of the Judgment. Following operative portion of the Judgment will be most material: -



"8. In view of the facts mentioned above, we are of the view that the applicants are entitled to succeed. We accordingly direct that the present applicants should be considered for appointment to the various categories of posts enumerated in categories 65 to 70 of employment notice no. 9 of 1978. In accordance with the Railway Board's instructions dated 19.9.1988 (Annexure-8 of the application). The respondents must comply with those orders within a period of six months from the receipt of a copy of this order"

In that Judgment of Central Administrative Tribunal, Patna Bench it was not adjudicated that whether the applicants are entitled for seniority w.e.f. 1982 but a direction was given to the respondents to consider the case of the applicants for appointment. Hence, it cannot be said that the present O.A. is barred by the principle of resjudicata. At that time dispute was for giving appointment to the applicants of that case. There was no dispute regarding the seniority. It is also material to state that the present applicants filed O.A. No. 254 of 1999 and the O.A. was decided on 06.04.2005. In the O.A. same prayer was made by the applicants but the O.A. was not decided on merits, rather the O.A. was disposed of with direction to <sup>the</sup> General Manager, Eastern Railway, Hajipur to consider and decide the applicant's representation dated 02.06.1998 (Annexure-6) and treating the present application as supplementary representation by passing a detailed and reasoned order within a period of three months from the date of receipt of copy of the order.<sup>11</sup>) The claim of the applicants regarding seniority was not turned down by the Tribunal on merits. But with the expectation that the respondents will consider the case of the applicants and decide the representation of the applicants by a reasoned and speaking order. But the representation of the applicants was rejected holding that as the applicants had joined in the year 1991, much

*Atul Bhowmik*

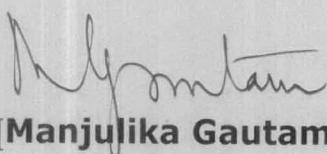
after the joining of respondent No. 4 and others hence, the seniority cannot be given to them in view of Rule 303 of the Indian Railway Establishment Manual. Position would have been different if the claim of the applicants might have been turned down on merits. In these circumstances, we disagree with the arguments of learned counsel for the respondents that the O.A. is barred by principle of resjudicata.

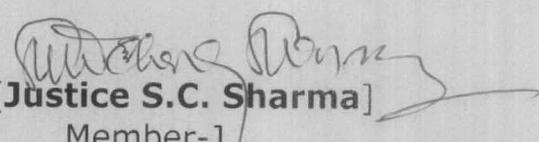
10. For the reasons mentioned above, we are of the opinion that the applicants are entitled to relief claimed in the O.A. They are entitled for notional appointments from the year 1982 when illegal appointments were given to respondent No. 4 and 6 ignoring the claim of the applicants who were having higher merits in comparison to them, and due to extra ordinary and exceptional circumstances, the appointment was not given to the applicants in the year 1982 rather appointment was illegally given to the fraudulent persons who manipulated their appointment illegally in spite of the fact that they secured lesser marks in the selection. It was a glaring example of high handedness of the Railway Administration and the conduct of the then Railway Authorities deserves to be deprecated and condemned. We are sorry to state that at this stage we are unable to do anything in the matter otherwise those illegally appointed persons deserve to be prosecuted and their appointments must be cancelled because such candidates are numerous in number and it is not possible to implead them as party, and moreover it will open a Pandora box after 30 years. Hence, they may be allowed to continue in service and the Railway Authorities had permitted them to continue in

*D.W. Chary*

service but they have been permitted to reap the fruits of their own fraud. Hence, the O.A. deserves to be allowed.

11. O.A. is allowed. The respondents are directed to give effect to the appointment of the applicants vide Employment Notice No. 09/1978 from 1982 at par with respondent No. 4 and other candidates who were appointed with lower merits. It is also provided that appointment of the applicants shall be given effect from 1982 and it may be treated notionally from 1982 for the purpose of calculating the period for qualifying the period of pension. ₹ 5000/- is awarded as cost.

  
[**Manjulika Gautam**]  
Member - A

  
[**Justice S.C. Sharma**]  
Member-J

/M.M/