

CENTRAL ADMINISTRATIVE TRIBUNAL,  
CUTTACK BENCH, CUTTACK

ORIGINAL APPLICATION NO. 51 OF 1994  
Cuttack this the 18<sup>th</sup> day of April, 2000

Surasen Jena

Applicant(s)

-Versus-

Union of India

Respondent(s)

FOR INSTRUCTIONS

1. Whether it be referred to reporters or not ? *Yes*
2. Whether it be circulated to all the Benches of the Central Administrative Tribunal or not ? *No*

*L.*  
(G. NARASTHAM)  
MEMBER (JUDICIAL)

*Somnath Som*  
(SOMNATH SOM)  
VICE-CHAIRMAN  
*18-4-2000*

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CENTRAL ADMINISTRATIVE TRIBUNAL,  
CUTTACK BENCH, CUTTACK

ORIGINAL APPLICATION NO. 51 OF 1994  
Cuttack this the 18<sup>th</sup> day of April, 2000

CORAM:

THE HON'BLE SHRT SOMNATH SOM, VICE-CHAIRMAN  
AND  
THE HON'BLE SHRT G.NARASTHAM, MEMBER (JUDICIAL)

...

Surasen Jena, aged about 54 years  
Son of Late Madhavananda Jena  
at present working as Director,  
Information & Public Relations Department  
Government of Orissa,  
At/Po: Bhubaneswar, District : Khurda

...

Applicant

By the Advocates : M/s.A.K.Mishra  
J.Sengupta  
D.K.Panda  
A.K.Guru  
P.R.J.Das

-VERSUS-

1. Union of India  
represented by the Secretary to  
Government of India,  
Ministry of Personnel, Public Grievances & Pensions  
North Block,  
New Delhi - 110 001

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Respondents

By the Advocates : Mr. A.Routray  
Addl. Standing Counsel  
(Central)

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ORDERMR. SOMNATH SOM, VICE-CHAIRMAN:

1. In this application under Section 19 of the Administrative Tribunals Act, 1985, the applicant has prayed for direction to Respondent, i.e. Union of India represented by its Secretary, Ministry of Personnel, Public Grievances and Pensions to fix his year of allotment in the Indian Administrative Service as 1978.
2. Facts of this case, according to petitioner, are that he joined Orissa Finance Service (Senior Branch) in 1964 and was posted as Additional Commercial Tax Officer at Cuttack which is a Gazetted Class-II post under the State Government. From 21.6.1983 he held the post of Financial Adviser-cum-Deputy Secretary under the State Government which is a Senior Class-I post. The applicant has stated that the post of Deputy Secretary is also held by the Members of Indian Administrative Service. He was continued in that post till 10.8.1984 and thereafter transferred and posted as Assistant Commissioner of Commercial Taxes in the same grade as that of a Deputy Secretary to the State Government. Applicant's case was recommended for appointment to the Indian Administrative Service, Orissa Cadre in accordance with Rule-8(2) of the Indian Administrative Service(Recruitment) Rules, 1954. Applicant has referred to the provisions of the Recruitment Rules and has mentioned that in order dated 16.6.1987 at Annexure-1 he was allowed to officiate against a post of Additional District Magistrate in the I.A.S. cadre under Rule-9 of I.A.S.(Cadre)Rules, 1954 for a period not exceeding three months. He was appointed to I.A.S. in order dated 28.7.1987 vide Annexure-2 and was confirmed on 28.7.1988. He was erroneously assigned the

year of allotment as 1983 without considering the fact that the applicant was holding an equivalent post during that time. He filed a representation for refixing the year of allotment, but this was rejected in order dated 5.3.1991(Annexure-3). He filed further representations dated 11.11.1991, 1.5.1992 and 15.7.1992 vide Annexures-4, 5 and 6 respectively and lastly a Memorial to the President of India dated 26.12.1992 vide Annexure-7. He received a communication dated 20.12.1993 from the State Government(Annexure-8) in which the applicant was informed that his representations have been forwarded to the Government of India and the information of Government of India to the State Government to the effect that applicant's Memorial addressed to the President was receiving their attention. But as no final order was received by the applicant on his various representations and Memorial he has come up in this application with the prayer referred to earlier.

3. Respondent, viz., the Union of India in the counter have opposed the prayer of the applicant and have stated that year of allotment in respect of the applicant has been rightly fixed as 1983, in accordance with rules. The provisions of the relevant rules have been mentioned by the respondent in the counter. As these will be discussed while considering the submissions of learned counsel for both sides, it is not necessary to refer to those rules at this stage. It is only necessary to note three factual points; firstly, it has been stated by the respondent(Union of India) that there is no provision for officiation of a Non State Civil Service Officer in the I.A.S. prior to his appointment unlike provision for such

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officiation in respect of State Civil Service Officer, the second factual aspect referred by the respondent is that the applicant was considered for appointment to T.A.S. in 1982 along with one Mr.N.K.Swain. In that selection Mr.Swain was selected and the applicant was not selected. Mr.Swain was assigned 1982 as the year of allotment and therefore, the applicant cannot get higher year of allotment than 1982 as assigned to Mr.Swain; and the third aspect referred to by the respondent is that the rules regarding fixation of seniority for the Non State Civil Service Officers appointed to T.A.S. came up for consideration before the Hon'ble Supreme Court in the case of **Union of India vs. G.K.Sangameswar & Raja Subramanian vs. Chief Secretary and Ors.** reported in AIR 1996 SC 612 and the relevant rules have been upheld by the Hon'ble Supreme Court and in the light of that, fixation of year of allotment in case of the applicant has been rightly done. On the above grounds the Union of India(Respondent) have opposed the prayer of the applicant.

4. Applicant in his rejoinder has referred to rules regarding fixation of seniority. He has also referred to T.A.S.(Regulations & Seniority) Rules, 1986 and has stated that had his seniority been fixed on the basis of I.A.S.(Regulation & Seniority) Rules, 1978, his year of allotment would have been 1978. He has also stated that he had been holding the post of Deputy Secretary-cum-Financial Adviser from 21.6.1983 and if this service is taken into consideration inasmuch as the post of Deputy Secretary is held by the officer of the earlier T.A.S. then he would have got the year of allotment. He

has also stated that in other States Non State Civil Service Officers appointed to I.A.S. have been given the benefit of equivalence restorspectively as mentioned in his representation at Annexure-7. He has further stated that the principle of equivalence has been given effect to by different States in the country and the same should not be ignored in his case. He has also stated that the fact that Shri N.K.Swain, a selectee of 1982 ~~having~~ not challenged his year of allotment would not preclude the applicant from asking for an earlier year of allotment to which he is entitled to in accordance with rules. As regards the judgment of the Hon'ble Supreme Court as referred to by respondent in the counter, the applicant has stated that the decision has come on 13.7.1993, but his representation was rejected on 5.3.1991. He has also stated that the decision of the Hon'ble Apex Court could not have retrospective effect and therefore, this decision is not applicable and his case is governed by the decision of the Hon'ble Gujarat High Court in the case of K.K.Baxi vs. Union of India reprtred in 1987(5) SLR Page-9. On the above grounds the applicant has reiterated his prayer in his rejoinder.

5. We have heard Shri A.K.Mishra, learned counsel for the applicant and Shri A.Routray, learned Addl. Standing Counsel appearing for the Union of India(Respondent) and also perused the records.

6. Before considering submissions made by the learned counsel for both sides, it has to be noted that the applicant was appointed to I.A.S. in order dated 28.7.1987(Annexure-2). Indian Administrative Service(Regulation of Seniority) Rules, 1987 came into

force with effect from 6.11.1987. Therefore, the case of the applicant has to be determined on the basis of Indian Administrative Service(Regulation of Seniority) Rules, 1954. This has been mentioned by the applicant himself in Para-5 of his rejoinder and also been mentioned by the learned counsel for the petitioner.

7. Before going into the question of seniority and year of allotment, the provisions of recruitment to the I.A.S. can be referred to. Under Rule-4 of Indian Administrative Service(Recruitment) Rules, 1954, recruitment to the service shall be made by a competitive examination; by selection of persons from amongst Emergency Commissioned Officers and Short Service Commissioned Officers of the Armed Forces of the Union; thirdly by promotion of substantive members of State Civil Service and 4thly by selection in special cases from among persons, who held in a substantive capacity Gazetted posts in connection with affairs of a State and who are not members of the State Civil Services. Recruitment to the service by promotion or selection is governed by Rule-8 of the Recruitment Rules. Sub-rule-1 of Rule-8 deals with appointment by promotion of persons from the State Civil Services. Sub-rule-2 of Rule-8 of Recruitment Rules deals with Non-State Civil Services Officers. The relevant rule is quoted below.

"(2). The Central Government may, in special circumstances and on the recommendation of the State Government concerned and in consultation with the Commission and in accordance with such regulations as the Central Government may, after consultation with the State Governments and the Commission, from time to time, make recruit to the Service any person of outstanding ability and merit serving in connection with the affairs of the State who is not a member of State Civil Service and that State( but who holds a gazetted post in a substantive capacity) )"

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8. Indian Administrative Service (Appointment by Selection) Regulation 1956 provides for eligibility, mode of selection and appointment to service. Under Regulation 3 it is provided that in accordance with Sub-rule-2 of Rule-8 of the Recruitment Rules, State Government may from time to time consider the cases of persons not belonging to State Civil Service, but serving in connection with the affairs of the State who are of outstanding merit and ability and have completed not less than 8 years of continuous service under the State Government in a gazetted post involving duties comparable in importance and responsibility to that of State Civil Service and have held the post in a substantive capacity and

*SJm.* propose the names of officers suitable for appointment to the Service. Thus the appointment of the applicant to the I.A.S. is governed by Sub-rule-2 of Rule-8 of Recruitment Rules and Regulation 3 of Indian Administrative Service - (Appointment by Selection) Regulation 1956. The seniority of officers appointed to the I.A.S. is fixed in terms of provisions of Indian Administrative Service (Regulation of Seniority) Rules, 1954. As we have earlier mentioned this rule has been replaced by (Regulation of Seniority) Rules 1987, but the applicant's case would be governed by 1954 Rules. Rule-3 of 1954 Rules deals with assignment of year of allotment and Sub-rule-1 provides that every officer shall be assigned an year of allotment under provisions hereinafter contained in this rule. Sub-rule-2 deals with year of allotment of an officer who was in service at the commencement of that rule and does not concern us for the present purpose. We are concerned with portions of Sub-rule

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 3(b) and 3(c) which are quoted below.

"(3) The year of allotment of an officer appointed to the Service after the commencement of these rules, shall be -

(b) where the officer is appointed to the Service by promotion in accordance with sub-rule(1) of rule-8 of the Recruitment Rules, the year of allotment of the junior-most among the officers recruited to the Service in accordance with rule 7 of those rules who officiated continuously in a senior post from a date earlier than the date of commencement of such officiation by the former :

Provided that the year of allotment of an officer appointed to the Service in accordance with sub-rule(1) of Rule 8 of the Recruitment Rules who started officiating continuously in a senior post from the date earlier than the date on which any of the officer recruited to the Service in accordance with rule 7 of those Rules so started officiating, shall be determined ad hoc by the Central Government in consultation with the State Government concerned.

Explanation - 1 - In respect of an officer appointed to the Service by promotion in accordance with sub-rule(1) of rule 8 of the Recruitment Rules, the period of his continuous officiation in a senior post shall, for the purpose of determination of his seniority, count only from the date of the inclusion of his name in the Select List, or from the date of his officiating appointment to such senior post, whichever is later:

Explanation - 2 - An officer shall be deemed to have officiated continuously in a senior post from a certain date if during the period from that date to the date of his confirmation in the senior grade he continues to hold without any break or reversion a senior post otherwise than as a purely temporary or local arrangement.

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 (c) where the officer is appointed to the Service by selection in accordance with sub-rule(2) of Rule 8 of the Recruitment Rules, such year as may be determined ad hoc by the Central Government on the recommendation of the State Government concerned and in consultation with the Commission :

Provided that he shall not be allotted a year earlier than the year of allotment of an officer appointed to the Service in accordance with sub-rule(1) of Rule 8 of the Recruitment Rules, whose length of service in the State Civil Service is more than the length of continuous service of the former in connection with the affairs of the State".

9. It has also to be noted that Government of India issued a Circular dated 6.6.1978 with regard to fixation of seniority under Rule-3(3)(c) of Seniority Rules for Non State Civil Service Officers recruited to the Service by selection. This circular has been quoted in full in the judgment of the Hon'ble Supreme Court in G.K.Sangameswar's case. For the present purpose it is only necessary to note that in this circular Government of India mentioned that in letter dated 15.2.1977 it was laid down that seniority of a Non State Civil Service Officer appointed to I.A.S. by selection shall be determined in consultation with the U.P.S.C. on the analogy of Rule-3(3)(b) of the I.A.S. (Regulation of Seniority) Rules, 1954 subject to the proviso to Rule-3(3)(c) of the said Rules. Thus from the rules as quoted by us above, as also the circular dated 6.6.1978 it is clear that the year of allotment of a Non State Civil Service Officer appointed to I.A.S. by way of promotion has to be determined in accordance with Rule-3(3)(c) of the Seniority Rules, 1954 and its proviso on the analogy of Rule-3(3)(b) which is applicable to State Civil Service Officers appointed to I.A.S. by promotion. The applicant has based his prayer for assignment of an earlier year of allotment on three grounds. Firstly he has stated that even prior to his appointment to I.A.S. on 28.7.1978, in order dated 6.6.1987 he was ordered to officiate in an I.A.S. post, i.e. Additional District Magistrate, Cuttack under Rule-9 of the I.A.S. (Cadre) Rules, 1954, but this period of officiation has not been taken into consideration. The second ground urged by him is that prior to his appointment to I.A.S. he had held the posts

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which were equivalent to I.A.S. post from 1983, but this period of equivalence has not been taken into account and in case of Non State Civil Service Officers selected and appointed to I.A.S. in other States, such period of service in equivalence posts has been taken into consideration and therefore, he has been discriminated against. The third ground urged by the learned counsel for the petitioner during hearing of the Original Application is that State Civil Service Officers, who have been appointed to I.A.S. after the applicant was so appointed on 28.7.1987 have been allotted the same year of allotment as 1983. Learned counsel for the petitioner specifically mentioned the cases of S/Shri Madan Mohan Panda and Brajendra Prasad Mohanty and several others as mentioned in the Disposition List of All India Service Officers; which was also produced by him during hearing. These three grounds are discussed below separately.

10. As regards officiation of the applicant in the post of Additional District Magistrate, Cuttack from June, 1987 respondent at Page-4 of the counter have stated that a State Civil Service Officer after inclusion of his name in the select list can be appointed to an I.A.S. cadre post on officiating basis by the State Government concerned under Regulation 8 of I.A.S. (Appointment by Promotion) Regulation and Rule9 of the I.A.S. (cadre) rules, 1954. Such officiation on a cadre post is relevant for the purpose of fixation of year of allotment of State Civil Service Officer. But there is no such provision for posting of Non State Civil Service Officers in the cadre posts on officiating basis under Rule-9 of the Cadre Rules. For considering the above submissions of both

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sides it is necessary to note Rule-9 of the Cadre Rules. It is to be noted that in the Notification dated 6.6.1987, the applicant was allowed to officiate against the post of A.D.M., ~~at~~ Cuttack under Rule-9 of the Cadre Rules. Rule-9 of the Cadre Rules provides that a cadre post in a State shall not be filled up by an officer who is not a cadre officer except when there is no cadre officer is available and where vacancy is not likely to last for more than three months. Sub-rule-2 of Rule-9 lays down that the cadre post shall not be filled up by a person who is not a cadre officer except in accordance with the following principles. These principles under Sub-rule 2 lay down that if there is a select list appointment/appointments shall be made in order of names of officers in the select list. In case of any departure from the orders of names appearing in the select list or if no select list is ~~in force~~ <sup>a</sup> reference has to be made to the Central Government and such appointment shall be made only with prior approval of the Central Government, Rule-8 of (Appointment by Promotion) Regulations also provides for appointment of members of State Civil Service from the select list to the I.A.S. in accordance with provisions of Rule-9. In Indian Administrative Service (Appointment by Selection) Regulation Rules, 1956, there is no provision for officiation of a Non State Civil Service Officer to an I.A.S. post prior to his appointment to the I.A.S. The concept of a select list is also not there in I.A.S. (Appointment by Selection) Regulation 1956. In view of the above provisions of law it is clear that a Non State Civil Service Officer, like the applicant on his selection by the Selection Committee under the Selection Regulation 1956 and before his actual

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 appointment to I.A.S. cannot officiate in the I.A.S. cadre post. In view of this the applicant cannot get any credit of the period of his officiation in the I.A.S. post from 6.6.1987 for the purpose of assigning his year of allotment. In any case, this period of officiation was for a very short time because his actual appointment came on 28.7.1987. This contention of the petitioner is, therefore, held to be without any merit and the same is rejected.

11. The second contention of the learned counsel for the petitioner is that with effect from 21.6.1983, he held the post of Financial Adviser-cum-Deputy Secretary till 10.8.1984 and thereafter he was posted as Assistant Commissioner which are equivalent to the I.A.S. grade, and this period of equivalence has not been taken into account while assigning year of allotment to him in 1983. Respondent in para-3 at Page-3 of the counter have stated that under Rule-3(3)(c) of the seniority rules, 1954, year of allotment of a Non State Civil Service Officer is determined ad hoc on the basis of recommendation by the State Government and in consultation with the U.P.S.C. For this purpose all the posts held by the officer prior to his appointment to I.A.S. by selection are seen so as to identify the post which can be held to be comparable to the senior scale of I.A.S. The Non State Civil Service officer then becomes entitled to the year of allotment of the direct recruit officer who started officiating on a senior post earlier than the commencement of officiation by a Non State Civil Service Officer on a post equivalent to the Senior Scale post of the I.A.S. Respondent have further stated that this is done on the basis of analogy

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of Rule-3(3)(b) of the seniority rules dealing with assignment of year of allotment to State Civil Service Officers appointed to I.A.S by promotion. They have also pointed out that under the proviso to Rule-3(3)(c) of the seniority rules, 1954, the non State Civil Service Officers appointed to the I.A.S. by selection cannot be assigned the year of allotment earlier than the year of allotment which has been assigned to a State Civil Service Officer appointed to the I.A.S. by promotion and who had rendered longer length of service in State Civil Service than the total gazetted service of the non State Civil Service Officers. Respondent have pointed out that these proviso have been kept with a view to ensuring that the State Civil Service Officer on his appointment to I.A.S. should not become junior to a non State Civil Service Officer appointed to I.A.S. and who had rendered less

service prior to appointment to the I.A.S. Therefore, the year of allotment of a non State Civil Service Officer cannot be higher than the year of allotment of a State Civil Service Officer who is appointed to I.A.S. earlier than him and whose length of service in the State Civil Service has longer than the gazetted service of a non State Civil Service Officer. Respondent have stated that according to information furnished by the Government of Orissa none of the posts held by the applicant prior to his appointment as I.A.S. were considered equivalent to Senior scale posts of I.A.S. and therefore, the crucial date for determination of his year of allotment was taken as 28.7.1987 which is the date of his appointment to the I.A.S. Applicant has stated that prior to his appointment to the I.A.S. he worked in many posts which were

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equivalent to I.A.S. post. The Government of India has gone by information furnished by the State Government that none of the posts held by the applicant prior to his appointment to I.A.S. were equivalent to I.A.S. post. The recommendation of the State Government is not before us. The applicant has also not made the State Government a party. The only respondent in this case is Union of India. This is all the more surprising because, in his representations vide Annexures-4 and 5 the applicant has mentioned in Para-5 that the crucial point/how the State Government recommends. He has also mentioned that the State Government in G.A. Department have given false reports more than once and facts have been distorted intentionally. In view of the stand taken by him in his representations his omission to implead State Government as a party in this case is fatal to his case and in the absence of the State Government being arraigned as party-respondent it is not open to the applicant to question ~~with~~ <sup>in</sup> the recommendation of the State Government that none of the posts held by him prior to his appointment to I.A.S. were equivalent to I.A.S. post. This contention is therefore, held to be without any merit and the same is rejected.

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12. The third aspect of the matter ~~is~~/persons belonging to the State Civil Service appointed to the I.A.S. much after him have been shown senior to him. Respondent at Page-5 of the counter have mentioned that the crucial date for determination of year of allotnement of the applicant has been taken as 28.7.1987 in view of the recommendation of the State Government that none of the posts held by him prior to 28.7.1987 were equivalent to

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the I.A.S. post. While mentioning this we discount the period from 6.6.1987 when the applicant was allowed to officiate against the post of A.D.M., Cuttack, as has been held earlier. Respondent has further stated that as per the information given by the State Government, Tara Dutt, a direct of the year 1983 was the junior most direct recruit officer, who started officiating in Senior scale post from a date earlier than 28.7.1987 and therefore, the applicant was entitled to 1983 as the year of allotment. Respondent have stated that S/Shri H.P.Mohapatra, A.N.Das and R.N.Mishra were State Civil Service Officers who were appointed to I.A.S. earlier than the applicant and had rendered longer period of service in the State Civil Service than the applicant's gazetted service. In course of his submission learned counsel for the petitioner has referred to the case of M.M.Panda who was appointed on 4.12.1989 and was given year of allotment as 1983 and Mr.B.P.Mohanty, appointed to I.A.S. on 21.11.1990 and were given the year of allotment as 1983 whereas the applicant appointed to I.A.S. on 28.7.1987 was given the year of allotment as 1983. Before considering this aspect of submission it must be noted that in this petition the applicant's prayer is for anti-dating his year of allotment from 1983 to 1978. We have already rejected two grounds on which such prayer has been made. From the Disposition List we find that persons like S/Shri A.N.Das and R.N.Mishra whose names have been mentioned by the applicant in top of Page 2 of his representation dated 1.5.1992(Annexure-4) have also been appointed to I.A.S. along with the applicant on 28.7.1987. There are several

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other persons belonging to State Civil Service who have been appointed to T.A.S. after 28.7.1987, but have been given the year of allotment as 1983. These persons might have been appointed to T.A.S. from the same select list drawn up for the State Civil Service officers. The applicant has not made any specific averment with regard to these persons in his Original Application and it is therefore not possible to consider this aspect. Even M/s.M.M.Panda and B.P.Mohanty who were appointed to T.A.S. on 4.12.1989 and 21.10.1989 respectively have been allotted 1983 as the year of allotment. None of them has given been any higher year of allotment than the applicant. Inter se seniority position between the applicant and M/s.M.M.Panda and B.P.Mohanty is not a matter to be decided in this Original Application. The sole question for consideration is with regard to year of allotment assigned to the applicant. The applicant has not given instant of any person who has been appointed after him and has been given a higher year of allotment. This contention is, therefore, held to be without any merit and the same is rejected.

13. Learned counsel for the petitioner has relied on the decision of the Hon'ble High Court of Gujarat in the case of **K.K.Baxi vs. Union of India & Ors.** This case relates to assignment of year of allotment between two Non State Civil Service Officers, who were considered for one selection ~~altogether~~ and the person <sup>was</sup> who was entitled to an earlier year of allotment /found unsuitable and the person who was entitled to a later year of allotment was found suitable. In that case the Hon'ble High Court of Gujarat held that the officer

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 whowas found unsuitable in one selection after he got selected on a subsequent occasion by which time the <sup>found</sup> officer unsuitable to a later year of allotment has already appointed to I.A.S. than the officer who was selected on a subsequent occasion had to be given the same year of allotment as the non State Civil Service Officer, who was selected earlier. Thus this decision relates to giving year of allotment between two non State Civil Service Officers who were appointed to I.A.S. and has no application to the case before us. As regards the decision of the Hon'ble Apex Court ~~in~~ the case of G.K.Sangameswar(Supra), their Lordships of the Hon'ble Supreme Court noticed the relevant provisions in the rules and the circular dated 6.6.1978 and applied this to the facts of the case of the petitioner and the respondents before them in those two cases. They upheld the provisions of the rules as also circular dated 6.6.1978. We have taken note of the observations of the Hon'ble Supreme Court while considering the case of the applicant.

In the result, we hold that the applicant has not been able to make out a case for any of the reliefs prayed for and therefore, the application is held to be without any merit and the same is rejected, but without any order as to costs.

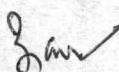
G.NARASIMHAM  
 MEMBER(JUDICIAL)

B.K.SAHOO

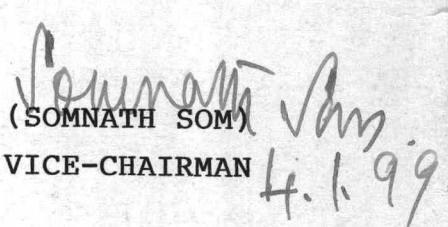
SOMNATH SOM  
 (SOMNATH SOM)  
 VICE-CHAIRMAN  
 18.1.2000

the Vigilance Organisation of the Railways completes their enquiry within a specified period if that has not already been completed. In consideration of this, we direct respondent nos. 1 and 2 to order the Vigilance Organisation to complete the enquiry and submit their report within a period of 90 (ninety) days from the date of receipt of copy of this order. Further action with regard to the interview/test will have to be taken on the basis of findings of the Vigilance Organisation in the enquiry into the alleged irregularities in the interview/test. In view of the above, it is not possible to issue direction to the respondents to give engagement to the applicants or even to enrol them in a panel to be appointed as substitutes against day to day casualties.

7. In the result, therefore, the application is held to be without any merit and is rejected subject to our direction given in paragraph 6 of this order. No costs.



(A.K.MISRA)  
MEMBER(JUDICIAL)



(SOMNATH SOM)  
VICE-CHAIRMAN  
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