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CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH, CUTTACK.

ORIGINAL APPLICATION NO. 768 OF 1996
Cuttack, this the 4th day of January 2001

Pabitra Mohan Pattanayak ...

Applicant

Vrs.

The Director General, ICAR & anr.... Respondents

FOR INSTRUCTIONS

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

N.V.S. Meher
(D.V.R.S.G. DATTATREYULU)
MEMBER (JUDICIAL)

S. Somnath Soni
(SOMNATH SONI)
VICE-CHAIRMAN
4.1.2001

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CENTRAL ADMINISTRATIVE TRIBUNAL,
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CORAM:

HON'BLE SHRI SOMNATH SOM, VICE-CHAIRMAN
AND
HON'BLE SHRI D.V.R.S.G.DATTATREYULU, MEMBER(JUDICIAL)

Pabitra Mohan Pattanayak,
aged about 48 years, son of Dwarikanath Pattanayak, working
as Laboratory Technician (T-II-3), Burla Research Centre of
CIFT, At/PO-Burla, District-Sambalpur.

..... Applicant

Applicant appeared & argued in person.

Vrs.

1. The Director General,
Indian Council of Agricultural Research,
Krishi Bhawan, Dr.Rajendra Prasad Road,
New Delhi-110 001.

2. The Director,
Central Institute of Fisheries Technology,
Willingdon Island, Matsyapuri, Kochin-682 029...
..... Respondents

Advocate for respondents-Mr.Ashok Mishra

O R D E R
SOMNATH SOM, VICE-CHAIRMAN

In this petition, the applicant has prayed for quashing the order dated 10.9.1996 (Annexure-12) and order dated 16.9.1996 (Annexure-10) so far as his date of promotion is concerned. The second prayer is for a direction to the respondents to promote the applicant to the grade of T-II-3 with retrospective effect from 17.9.1978 when he acquired ten years of experience. The third prayer is to direct the respondents to give him promotion with effect from the date his juniors were promoted, or in the alternative with effect from 13.3.1980 on his completion of ten years of service in Central Institute of Fisheries Technology. He has also asked for consequential financial benefits.

2. The applicant is a Matriculate and he has stated that he joined as Laboratory Attendant in Post-Graduate Department of Physics, Utkal University, on 14.9.1968. The admitted position is that he joined Central Institute of Fisheries Technology (CIFT) as Laboratory Attendant on 13.3.1970, a post which was later on redesignated as Junior Laboratory Assistant. It is also the admitted position that he was promoted to the post of Senior Laboratory Assistant in the pay scale of Rs 330 -560/- on ad hoc basis on 7.5.1976 and was regularised with effect from 1.1.1977. CIFT is a research institute under Indian Council of Agricultural Research (ICAR). Employees of ICAR are classified into five categories: (1) Scientific, (2) Technical, (3) Administrative, (4) Auxiliary, and (5) Supporting. Admittedly, the applicant belongs to Technical category. ICAR brought out Technical Service rules with effect from 1.1.1977. In circular dated 31.12.1976 technical employees were classified in three categories and 10 sub-categories. These are indicated below:

Category	Grade		Pay scale on on 1.10.75	from 1.1.86
Category-I	Technician 1 (T-1) i)	Rs.260-430/-	Rs.975-1540/-	
	Technician 2 (T-2) ii)	Rs.330-560/-	Rs.1200-2040/-	
	Technician I3 (T-I-3) iii)	Rs.425-700/-	Rs.1400-2300/-	
Category-II	Technician II3 (T-II-3) i)	Rs.425-700/-	Rs.1400-2300/-	
	Technician 4 (T-4) ii)	Rs.550-900/-	Rs.1640-2900/-	
	Technician 5 (T-5) iii)	Rs.650-1200/-	Rs.2000-3500/-	
Category III	Technician 6 (T-6) i)	Rs.700-1300/-	Rs.2200-4000/-	
	Technician 7 (T-7) ii)	Rs.1100-1600/-	Rs.3000-4500/-	
	Technician 8 (T-8) iii)	Rs.1300-1700	Rs.3000-5000/-	
	Technician 9 (T-9) iv)	Rs.1500-2000/-	Rs.3700-5000/-	

Originally, these Rules were brought into force from 1.1.1977. Later on in circular dated 18.2.1978 (Annexure-3) these Rules were given effect to from 1.10.1975. Functionally the technical service personnel were categorised in eight categories which are: (1) Field/Farm Technicians, (2) Laboratory Technicians, (3) Workshop Staff including Engineering Workshop Staff, (4) Library/Information/Documentation Staff, (5) Photography Staff, (6) Artists, (7) Press & Editorial Staff including Translators, and (8) Drivers. Admittedly, the applicant belongs to the second functional category of Laboratory Technicians. In this category of Laboratory Technicians there are as many as 60 different types of workers, details of which have been mentioned in Schedule I to the Technical Service Rules. Qualifications in respect of different categories have been laid down in Schedule-III to the Technical Service Rules. Rule 8 of the Technical Service Rule provides that the existing permanent and temporary employees appointed through regularly constituted Departmental Promotion Committees/Selection Committees will be fitted into the grades specified in rule 4 on point to point basis without any further screening, irrespective of their qualifications. It has also been provided in this rule that persons holding positions in the merged grade of Rs.425-700/- and possessing qualifications prescribed for Category II will be fitted in grade T II-3(Rs.425-700). The applicant had been promoted as Senior Laboratory

Assistant in the pay scale of Rs.330-560/- and on coming into force of the Technical Service Rules, he was fitted in and regularised as Category I F-2 with effect from 1.1.1977. In a subsequent order dated 18.2.1978 (Annexure-3) it was provided that Technical Service Rules would be given effect to from 1.10.1975 instead of 1.1.1977. These Rules were further amended in order dated 27.1.1979 in which for Laboratory Technical the essential qualification was changed. In the original Technical Service Rules, according to the Schedule to the Rules, for Laboratory Technician in Category I, the essential qualification was Matriculate with one year certificate in the relevant field, or Matriculate with 5 years experience of working in the relevant field, or Intermediate/Equivalent qualification in the relevant field, and the desirable qualification was Diploma in the relevant field. For Category-II the original qualification was three years Diploma/Bachelor's Degree/equivalent qualification in the relevant field and 3 years experience in the relevant field for diploma-holders, and the desirable qualification was some experience for Bachelor's degree holders. In order dated 18.2.1978 some changes were made in the essential qualification and it is only necessary to note this because this change does not concern us in the present case. Changes were made only for Category II Laboratory Technician and instead of three years Diploma it was provided that in fields where duration of Diploma Course available in the country is for two years, the minimum qualification prescribed will be "Two years Diploma" instead of

"Three years Diploma". These qualifications were further amended in order dated 27.1.1979. The applicant's case is based on these amended qualifications for Category-II. The essential qualification for Category-II Laboratory Technician was made Matriculate with ten years experience in the relevant field only for existing employees holding position in the Council as on 1.1.1977. The applicant has stated that having joined as Laboratory Attendant in Physics Department of Utkal University on 14.9.1968, he had acquired ten years experience on 14.9.1978 and thus he should have been fitted in T-II-3 grade with the pay scale of Rs.425-700/- with effect from 17.9.1978. Alternatively, his claim is that having joined CIIT on 13.3.1970, he in any case acquired ten years experience by 13.3.1980 and he should have been promoted to T-II-3 grade from that date. The applicant's case is that under the circular dated 27.1.1979 (Annexure-1), referred to earlier, he is entitled to be promoted to T-II grade from the date by which he acquired ten years experience. He has stated that Rule 7 of Technical Service Rules provided for merit promotion and even though he was originally regularised in Category-I,T-2 in the pay scale of Rs.330-560/-, he was promoted to Category-I,T-I-3 in the pay scale of Rs.425-700/- with effect from 1.7.1982. His grievance is that he should have been promoted to Category-II,T-II-3 in the same pay scale of Rs.425-700/- But instead of that he was granted two

advance increments on 29.9.1988 and again on 1.1.1989 by wrong interpretation of the relevant rules. It is further stated that in circular dated 9.8.1979 twenty-four posts of Category-II, T-II-3 were advertised to be filled up by promotion from amongst eligible persons in Category-I. In this notice it was specifically mentioned that existing employees holding position in the Council on 1.1.1977 and who have acquired the amended qualification as stipulated in circular dated 27.1.1979 are eligible to apply. The applicant offered his candidature, but he was not considered for the post even though his juniors were promoted to Category-II, T-II-3 in order dated 19.2.1980. The applicant has stated that he had ten years experience by the relevant date of the circular dated 9.8.1979, but his case was illegally ignored. He had represented and his representations were also forwarded. Another person, S.Kero was promoted to Category-II, T-II-3, but he resigned on 14.11.1983 and though the post remained vacant his case was not considered. The applicant has stated that a similarly circumstanced person, M.K.Kuttykrishnan Nair, who was denied promotion to Category-II, T-II-3 with effect from 20.7.1980, the date on which he acquired ten years of experience, approached the Ernakulam Bench of the Tribunal and on the Tribunal allowing his Application, he was promoted to Category-II, T-II-3 with effect from 20.7.1980 in order dated 17.9.1992 at Annexure-9. It is further stated that some other similarly situated persons, namely, T.K.Devid and M.V.Vijayan, who were promoted to Category-I, T-I-3, were later on absorbed as Category-II, T-II-3. He made

various representations and he was informed that his case was considered by the DPC in the year 1979 along with others, but he was not recommended for promotion. The applicant has mentioned the names of his juniors who have been given promotion to Category-II, T-II-3 and has complained of discriminatory treatment. Challenging the arbitrary action of the respondents, the applicant filed OA No.379 of 1993 before the Ernakulam Bench of the Tribunal, which was disposed of on 9.2.1994 with a direction to the respondents to dispose of his representation keeping in mind the decisions of Hyderabad Bench and Ernakulam Bench. But even after that his case was not taken up and ultimately, his case was placed before the Review DPC and he was given promotion to Category-II, T-II-3 in the revised pay scale of Rs.1400-2300/- with effect from 29.6.1996 in order at Annexure-12. Subsequently his promotion was made effective from 1.1.1995 in order at Annexure-13. The applicant's grievance is that after the essential qualification was amended for the existing employees and on his acquiring ten years experience, he should have been inducted in Category-II, T-II-3, but this was not done. In the context of the above, he has come up in this petition with the prayers referred to earlier.

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3. Respondents in their counter opposing the prayers of the applicant, have mentioned that with the coming into force of the Technical Service Rules from 1.1.1977 and later on made effective from 1.10.1975, the new categorisation with pay scale was introduced and existing employees were allowed the

option to retain their scales as personal to them. They have stated that when the Technical Service Rules were introduced from 1.1.1977, the applicant was fitted in as Senior Laboratory Assistant in Category-I, T-2 from 1.1.1977. Later on giving retrospective effect to the Rules from 1.10.1975, the applicant was inducted on point to point basis in Technician-I. As the Technical Service Rules provided for career advancement by way of grant of merit promotion to the next higher grade as per rule 6 he was considered for next promotion to Category-I, T-2 as by 31.12.1975 he had completed more than five years of service as Junior Laboratory Assistant and he was granted merit promotion to the next higher grade of Category-I, T-2 in the pay scale of Rs.380-560/- from 1.7.1976. Later on completion of another five years of service in Category-I, T-2 on 31.12.1981, his performance was assessed and he was granted merit promotion to the next higher grade, i.e., Category-I, T-I-3 in the pay scale of Rs.425-700/- from 1.7.1982 in order dated 7.11.1983. Later on he was assessed on 31.12.1987 and granted two advance increments from 1.1.1988 and on subsequent re-assessment he was granted one more advance increment from 1.1.1989. The respondents have stated that the applicant joined the service under the respondents only on 13.3.1970 and as such he cannot be deemed to possess 10 years experience in the relevant field on 17.5.1978. The respondents have pointed out that under Rule 7 of Technical Service Rules, career advancement was confined to technical persons in the respective categories by giving merit promotion,etc., as mentioned

in the rule and the applicant is not entitled to be inducted in Category-II, T-II-3 from 1.10.1975. It is also stated that the relaxed qualification mentioned in the circular dated 27.1.1979 was applicable in case of promotion in terms of Rule 7(1) to 7(3) of the Technical Service Rules and these are not applicable for induction cases. They have stated that prior to 31.12.1994 merit promotions were restricted within each respective categories and persons holding highest grade in each category, i.e., Category-I, T-I-3; Category-II, T-5; and Category-III, T-9 were not eligible for further merit promotion. The respondents have admitted that in response to the circular dated 9.8.1979 notifying the vacancies in Category-II, T-II-3 to be filled by appointment of persons in Category-I possessing the qualifications prescribed for Category-II, T-II-3, the petitioner applied with his bio-data. As he did not have the essential qualification of Diploma or Bachelor's Degree, being a Matriculate and did not also have ten years of experience, he was not entitled to be so promoted. His case, however, was placed before the Departmental Promotion Committee, and the Committee did not recommend his name. The respondents have stated that this happened in 1980 and the applicant is making this grievance after a lapse of 15 years. The respondents have made various averments regarding the cases of M.K.Kuttikrishna Nair and M.Vijayana, and these will be referred to while considering the decisions. They have also stated that juniors named by the applicant possessed the essential qualifications

prescribed for Category-II, T-II-3, whereas the applicant did not possess the essential qualifications for promotion on 29.11.1979. They have also referred to the direction of the Tribunal in OA No.379 of 1993 filed by the applicant before the Ernakulam Bench. In pursuance of the direction of the Tribunal, a Review DPC considered the applicant's case and on the basis of the recommendation he was promoted with effect from 29.6.1996. They have stated that later on with issuing of ICAR's clarificatory letter dated 8.8.1996 (Annexure-R/3) the applicant was given promotion to Category-II, T-II-3 with effect from 1.1.1995. On the above grounds, the respondents have opposed the prayers of the applicant.

4. The applicant in his rejoinder has reiterated his prayers and has given details of cases of different persons mentioned in the OA.

5. We have heard the petitioner in person as the counsels have abstained from court work and the petitioner wanted to argue the matter in person. We did not thus have the benefit of hearing the counsel of both sides.

6. The first point which arises for consideration is the date on which the applicant had acquired ten years of experience. The amended qualifications circulated in letter dated 27.1.1979 provided for Matriculation with ten years of experience for Category-II Laboratory Technician only for existing employees holding position in the Council on 1.1.1977. According to the applicant, he had joined as Laboratory Attendant in the Department of Physics, Utkal University, on 14.9.1968 and his ten years experience

should count from this date. We are unable to accept this contention because in a technical service, experience which is in lieu of educational qualification, must be experience in the relevant field. The respondents have pointed out that the applicant was engaged in work on fishing and fishing-nets and his experience as Laboratory Attendant in Department of Physics, Utkal University, is totally different from his work experience as Junior Laboratory Assistant and Senior Laboratory Assistant in CIFT. A rational understanding of requirement of ten years experience is ten years experience under the ICAR or its Research Institutes. This view of ours is also fortified by the fact that in response to the vacancy circular dated 9.8.1979 at Annexure-R/1, the applicant submitted his bio-data in letter dated 21.8.1979 which is at Annexure-R/2. In this bio-data he himself has mentioned about his experience in CIFT and he has not mentioned anything about his experience as Laboratory Attendant in the Department of Physics, Utkal University. Thus, going by the bio-data submitted by the applicant himself, his experience has to count for the purpose of promotion from 13.3.1970. Therefore, his first prayer for his entitlement for promotion with effect from 14.9.1978, which is ten years from the date of his joining the Department of Physics, Utkal University, is held to be without any merit and is rejected.

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7. The second grievance of the applicant is that on coming into force the Technical Service Rules, he should have been inducted in Category-II, T-II-3 and in any case he should have been

inducted in that grade with effect from 13.3.1980 when he had acquired ten years of experience. These two prayers are considered separately. So far as induction of the applicant in the relevant category on introduction of the Technical Service Rules is concerned, this is squarely governed by Rule 8 which is applicable to existing employees. We have already noted Rule 8 in this order. It was provided that existing employees would be fitted in different grades specified in Rule 4 on point to point basis without further screening and irrespective of their qualifications. It was also provided that persons holding posts in the merged grade of Rs.425-700/- and possessing qualifications prescribed for Category-II will be fitted in Category-II, T-II-3 in the pay scale of Rs.425-700/-. The Technical Service Rules came into force with effect from 1.1.1977 originally and was later on given effect to from 1.10.1975. On 1.10.1975 the applicant was in the pay scale of Rs.260-430/- and he was, therefore, rightly fitted in Category-I, T-1. At that time, the amended qualifications and relaxed qualification for Category-II did not come. Therefore, his prayer for being fitted in Category-II, T-II-3 from 1.10.1975 or 1.1.1977 is held to be without any merit and is rejected. Rule 7 of the Technical Service Rules provides for career advancement/merit promotion of persons within the respective categories. Under these Rules, as they stood originally and even after various amendments, category jump from one category to another category was not permitted mainly because the qualifications required for different categories were different. In a research organisation,

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persons performing technical services have to have requisite educational qualification and that is the rationale behind categorising the technical personnel in three different categories. It was also provided that persons occupying the highest grade in particular category would not be entitled to further promotion to the next higher category. In these categories the scale of pay attached to Category-I, T-I-3 and Category-II, T-II-3 was the same, i.e., Rs.425-700/- . That is why at the time of initial induction Rule 8 provided that persons in the scale of Rs.425-700/- who had the qualification for Category-II should be fitted in Category-II, T-II-3. The applicant did not have the qualification as at that time the qualifications for Category-II were not amended and therefore, he could not have been inducted in Category-II, T-II-3. In any case he was also not in the scale of Rs.425-700/- and therefore, he could not have been inducted either in Category-I, T-I-3 or Category-II, T-II-3. This prayer is also, therefore, held to be without any merit.

8. His next prayer is for induction in Category-II, T-II-3 with effect from the date his juniors have been so promoted and in any case from 13.3.1980 when he completed ten years of service in CIFT. The essential qualifications for Category-II Laboratory Technician were amended in order dated 27.1.1979 (Annexure-1). In view of this amendment, in the circular dated 9.8.1979 applications were invited for filling up 24 vacant posts in Category-II, T-II-3 and the petitioner submitted his application with his bio-data at Annexure-R/2 in his

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letter dated 21.8.1979. The essential qualification for existing employees had by that time become Matriculate with ten years experience. But by 21.8.1979 the applicant had not completed ten years service under CIFT, having joined only on 13.3.1970 and therefore, even though his case was placed before the Departmental Promotion Committee, the Committee did not recommend him. We find nothing illegal in the action of the DPC in not recommending his name. Moreover, the applicant has also not challenged the fact of his non-recommendation by the DPC at the relevant time. The applicant has stated that his juniors were accordingly promoted ignoring his case. The respondents have pointed out that his juniors, namely, P.T.Sebastian, P.S.Alias, N.M.Vasu and V.G.Pillai had the essential qualification for Category-II, T-II-3 and accordingly they were given promotion and the petitioner was not promoted because his case was not recommended by the DPC. From the above, it is clear that even though category jump is not permitted under the Technical Service Rules, in view of amendment of essential qualification for Category-II in January 1979, a special dispensation was made with regard to existing employees in August 1979 and the applicant could not avail of the benefit because he did not have the essential qualification due to lack of service experience. In view of this, he could not make a grievance that his juniors were promoted after the essential qualifications were relaxed.

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9. The last prayer of the applicant is for promotion to Category-II, T-II-3 with effect from 13.3.1980 by which date he had admittedly completed 10 years of service under CIFT. As we have noted earlier,

under the Technical Service Rules, category jump from one category to another higher category was not permitted and career advancement/merit promotion was given to persons in different grades within the same category. The persons occupying the highest grade in any category were also not entitled to any further promotion. Accordingly, on 13.3.1980 by acquiring ten years experience and by being a Matriculate the applicant could not have the category jump and could not have been promoted to the level of Category-II, T-II-3. The petitioner has relied upon the case of M.K.Kuttykrishnan Nair and the decisions of the Ernakulam Bench of the Tribunal in the two O.As. filed by M.K.Kuttykrishnan Nair have been enclosed and we have gone through the same. Facts of the first case, TA No. K.593/87 are widely different from the case of the petitioner. M.K.Kuttykrishnan Nair started as a Peon in CIFT in 1966. His case was that even though he was appointed as Peon, he was actually doing the work of Laboratory Attendant. He later on became Junior Clerk. He was appointed as Senior Field Assistant on 8.5.1980. For Senior Field Assistant, Matriculation with five years experience in Laboratory or field was required. His case was that he had actually put in four years and 5 months as Laboratory Attendant by the time he was promoted to the post of Senior Field Assistant. He, therefore, claimed and his claim was upheld by the Tribunal that his period of service as Peon when he actually worked as Laboratory Attendant was taken into account and he was given promotion to Senior Field Assistant and therefore, the Tribunal directed that the above period should be taken into account towards service

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experience and he must be taken to have acquired ten years of field experience for being promoted to Category-II, T-II-3. The Tribunal also directed consideration of his case for the above promotion. In the instant case, we have already rejected the applicant's prayer that his service as Laboratory Attendant in Utkal University should be taken into consideration. In view of this, the decision in M.K.Kuttykrishnan Nair's case (supra) does not provide any support to the prayer made by the applicant in the instant case. The second case of M.K.Kuttykrishnan Nair in OA No.189 of 1991, disposed of on 23.2.1992 in which he complained that his case was considered by Departmental Promotion Committee for promotion to Category-II, T-II-3 but was not recommended. In this case he complained of malice and mala fide against the members of Departmental Promotion Committee and the Tribunal directed that a Review DPC should consider his case for promotion to the level of Category-II, T-II-3. This decision is also of no support to the applicant. So far as the decision of Hyderabad Bench of the Tribunal is concerned, this decision in OA No.541 of 1988 is at Annexure-10 of the OA. It is not necessary to go into facts of this case except noting that the applicants therein were promoted from Category-I, T-I-3 to Category-II, T-II-3 which, accordingly to the respondents, was erroneously done and accordingly, the promotion order was cancelled and they were reverted to the level of Category-I, T-I-3. This was challenged by the applicants before the Hyderabad Bench of the Tribunal. The applicants pointed out that in case of certain other persons, who were promoted allegedly illegally from Category-I, T-I-3 to Category-II, T-II-3 and were reverted subsequently to the original grade, the respondents

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restored back their promotion and the applicants in OA No.541 of 1988 prayed that their promotion should also be restored. The Tribunal held that the applicants before them are on the same footing as those persons whose promotion, though stated as erroneous by the departmental authorities, was restored and accordingly the Tribunal ordered for restoration of their promotion. In the instant case the applicant was never promoted to Category-II, T-II-3. The Rules are very clear that category jump was not allowed except immediately after the relaxed qualification came into force and on another occasion, which will be noted hereafter, and accordingly on the basis of the judgments of the Ernakulam Bench and Hyderabad Bench, the applicant cannot claim that he should be allowed category jump.

10. The petitioner has relied on a clarificatory letter issued by ICAR on 27.4.1979 in which it has been mentioned that alternate qualifications laid down in circular dated 27.1.1979 (Annexure-1) are applicable to such of the technical personnel who are on the Council's strength on 1.1.1977 and these qualifications would not apply to persons joining Council's Technical Service after 1.1.1977. It is stated that the intention was to apply the amended qualifications to persons who joined service between 1.10.1975 and 31.12.1976. It was also clarified that the amended qualifications would be effective from 23.1.1979, the date on which the President, ICAR approved the same. We have already noted that during the period from 1.10.1975 to 31.12.1976 the applicant was not in Category-I, T-I-3 and on the basis of amended qualifications he could not have been inducted or promoted

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to Category-II, T-II-3 because he did not have the qualification by that date. This contention is, therefore, held to be without any merit and is rejected.

11. It is to be noted that ICAR in their circular dated 8.8.1996 has mentioned that a question has been raised whether ICAR employees, who are on the strength of the Council as on 1.1.1977, i.e., the initial date of formation of Technical Service and possessing the relaxed qualifications in terms of the circular dated 27.1.1979, are eligible for the purpose of category jump from Category-I to Category-II in terms of Council's circular dated 1.2.1995. It has been further mentioned that after consideration of the matter by the competent authority it has been decided that the Council employees in service as on 1.1.1977 and possessing alternate qualifications in terms of the circular dated 27.1.1979 and letter dated 6.4.1994 will also be eligible for category jump from Category-I to Category-II with effect from 1.1.1995 in terms of the Council's circular dated 1.2.1995. Council's circular dated 1.2.1995 has not been enclosed by the applicant or the respondents. But in any case from this circular dated 8.8.1996 it appears that such category jump was permitted with effect from 1.1.1995 and even though the applicant was actually promoted to Category-II, T-II-3 originally in order dated 10.9.1996 with effect from 29.6.1996, in the subsequent order dated 16.9.1996 (Annexure-13) his promotion to Category-II, T-II-3 was ante-dated from 1.1.1995 strictly in compliance with the circular dated 8.8.1996. In view of this, we find no illegality in the two orders at Annexures 12 and 13. The prayer for quashing Annexures-12 and 13 is accordingly rejected.

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12. In the result, therefore, the Original Application is held to be without any merit and is rejected. No costs.

(D.V.R.S.G.DATTATREYULU)
MEMBER (JUDICIAL)

Somnath Som
(SOMNATH SOM)
24.1.2001
VICE-CHAIRMAN

December 22, 2000/AN/PS