

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A. NO. 387 OF 2008

Wednesday, this the 30th day of September, 2009.

CORAM:

**HON'BLE Dr.K.B.S.RAJAN, JUDICIAL MEMBER
HON'BLE Mr.K.GEORGE JOSEPH, ADMINISTRATIVE MEMBER**

P. Prabha,
Superintendent of Police (Non-IPS),
Working as Vigilance Officer (Excise),
Office of the Commissioner of Excise,
Vikas Bhavan P.O., Thiruvananthapuram,
Residing at Quarter No.C-2, Vikas Bhavan
Police Quarters, Vikash Bhavan P.O.,
Thruvanathapuram.

... Applicant

(By Advocate Mr. O.V.Radhakrishnan^{Sr.} with
Mrs. K. Radhamani Amma)

versus

1. State of Kerala represented by its
Chief Secretary, Secretariat,
Thiruvananthapuram.
2. Union of India represented by its
Secretary, Ministry of Home Affairs,
New Delhi.
3. Union Public Service Commission
represented by its Secretary,
Shajahan Road, New Delhi.
4. The Selection Committee for Selection
to the Indian Police Service constituted
under Regulation 3 of the IPS
(Appointment by Promotion) Regulations,
1955, represented by its Chairman,
Union Public Service Commission,
Shajahan Road, New Delhi.
5. C. Rajagopal, Assistant Inspector
General of Police (Public Grievances)
Retired, residing at Padma,
TC 9/164-1, 'O' Street, Jawahar Nagar,
Kowdiyar, Thiruvananthapuram.
6. S.Jogesh, Superintendent of Police,
Vigilance (Southern Range), Plammoodu,
Pattam, Thiruvananthapuram.

7. George Varghese,
Superintendent of Police (Retired),
residing at Edayile Veedu,
Elakollur, Konni P.O, Pathanamthitta. ... Respondents

(By Advocate Mr. R. Premasankar, GP for R1
Advocate Mr. TPM Ibrahim Khan SCGSC for R2
Advocate Mr. Thomas Mathew Nellimoottil for R3&4
Advocate Mr. C. Unnikrishnan for R5 and
Advocate Mr. P.V. Mohanan for R7)

The application having been heard on 14.08.2009, the Tribunal on the ~~30th September 09~~ delivered the following:

ORDER

HON'BLE Mr.K.GEORGE JOSEPH, ADMINISTRATIVE MEMBER

In this O.A. the applicant challenges Annexure A8 notification dated 28.8.2008 selecting three Kerala State Service Police Officers towards filling-up three substantive vacancies in the IPS cadre of Kerala and consequent appointment notifications Annexure A9 dated 28.8.08 and Annexure A10 dated 30.9.08.

2. The applicant joined the Kerala State Police Department as Sub Inspector on 15.7.1976. Having completed 8 years continuous service in the post of Deputy Superintendent of Police on 30.8.05 he became eligible for consideration for appointment to IPS against vacancies of the year 2006 and onwards. For want of sufficient number of vacancies he was not included in the select list for the year 2006. He was listed at serial No.7 out of 9 names in the zone of consideration for 3 vacancies for the year 2007. Aggrieved by the selection of Respondents No.5 to 7, who are seniors but less meritorious in the eyes of the applicant, he has filed this OA and sought the following reliefs:-

"(i) Call for the records leading to Annexure A8 notification dated 28.8.08, A9 notification dated 28.8.08 and Annexure A10 notification dated 30.9.08 and to set aside the same;

(ii) To declare Regulation 6 of IPS (Appointment by Promotions) Rules 1955 as unconstitutional, ultra vires and void.

(iii) To issue appropriate direction or order directing the 4th respondent to revise the Select List for the vacancies of the year 2007 already prepared under Regulation 5(1) and 5(5) of the Regulations, 1955 and to prepare fresh Select List by making categorization of officers as 'outstanding', 'very good' and 'good' on the basis of entries in the Service records of the officers included in the field of choice without giving any weightage or regard to inter-se seniority in terms of Regulations 5(4) and (5) of the Regulations, 1955 and thereafter arrange the officers included in the respective categories based on their inter-se seniority;

(iv) To issue appropriate direction or order directing the 4th respondent to prepare the select list including three names of the State Police Officers unconditionally for the vacancies determined for the year 2007 by the Central Govt and to include the name of provisionally selected or deemed to be provisionally selected officers separately without allowing the vacancy/vacancies to get lapsed and without depriving the right of the officers included in the field of choice for appointment by promotion to IPS by reason of the pendency of the criminal cases or for withholding of integrity certificate by the State Govt in respect of the persons included above them;

(v) To issue appropriate direction or order directing the respondents 1 to 4 to appoint the applicant to IPS in case he is included in the Select List of the year 2007 prepared afresh and finally approved by the commission with effect from the date of his entitlement with all consequential benefits;

(vi) To grant such other reliefs which this Hon'ble Tribunal may deem, fit and proper in the circumstances of the case; and


(vii) To award cost to the applicant."



3. The applicant contends that Regulation 5(5) of the Regulations, 1955, gives primacy to merit in the process of selection. An 'outstanding' junior would be placed higher in the select list in preference to a 'very good' or 'good' senior officer. The selection committee is not competent to dilute the procedure for selection by merit and to give primacy to seniority. It was contended that respondents 5-7 who are only eligible to be graded as 'very good' or 'good' cannot be preferred to the applicant who has all along been graded as 'outstanding' for the preceding 5 years of selection. The service records of respondents No.5-7 do not exhibit positive merit and they cannot be categorized as outstanding/very good. Besides, the 5th respondent was charged sheeted for the offences punishable under Sec. 120-B, 465, 471, 365, 342 506, 323, 109 and 34 IPC. The action of the 4th respondent, the Selection Committee, in not including the applicant in the select list prepared under Regulation 5(5) cannot be justified either in law or logic. It is illegal, arbitrary, discriminatory and unreasonable, therefore, the impugned notifications should be set aside.

4. Respondents have filed their counter as here under :-

- (a) By Respondent No.1
- (b) On behalf of Respondent No.3 & 4
- (c) By Respondent No.5
- (d) By Respondent No.7



5. In so far as the reply from the 1st respondent is concerned, it has been stated that the name of the applicant was included in the zone of consideration. However, his name did not figure in the Select List prepared


by the Selection Committee as per notification dated 28.08.2008. As the State Government does not have any say in the matter of selection which is exclusively within the domain of Central Government and the Selection Committee, they have no further comments to offer.

6. So far as respondents No.3 & 4 are concerned, it has been stated in the counter that the applicant was considered for promotion and thus his right for consideration for promotion has not been hampered. As could be seen from various decisions of the Apex Court, as contained in para 8.2-8.7, selection for promotion cannot be claimed as a right.

7. Respondent No.5 has stated in his reply that he is both senior and also sufficiently meritorious as required by the relevant rules and it is for this reason that his name figures at Sl. No.1 of the Select List. Though, initially, he was kept under suspension from 25.02.2001 to 20.11.2003, pending Vigilance Case No.1 of 2001, the answering respondent was acquitted in the criminal case by the Special Judge, Thiruvananthapuram. In respect of another case, C.C. No.523/2000 also the answering respondent was acquitted for the offences punishable under Sections 120-B, 465, 471, 365, 342, 506, 323, 109 & 34 IPC, as per judgment dated 27.08.2008. It was after such acquittal that the Government of Kerala cleared the stump block standing in the way of the answering respondent and forwarded the proposal to declare the name of the said respondent provisionally included in the Select List as "unconditional" to UPSC as per proviso to Rule 7(4) of the Indian Police Service (Appointment by promotion) Regulations, 1955. Accordingly, UPSC declared the provisional inclusion of the name of the answering respondent as unconditional and final.

8. The 7th respondent in his reply had stated that there were no adverse entries in his Confidential Report, nor departmental proceedings contemplated/pending against him and that no vigilance case was registered against the answering respondent. According to him, there are about 40 good service entries in his Confidential Report and as per the seniority his name stood included in the field of choice for consideration at Sl. No.8. The Selection Committee rightly included his name as Sl. No.3 in Select List. The selection records, if summoned will indicate that the answering respondent is demonstrably superior to the applicant and others who were not selected. The respondent has also referred to certain decisions of the Apex Court to refute the contentions of the applicant and in support of the answering respondent.

9. Respondent No.2 submitted that the subject matter primarily and principally concerns the State Government and the UPSC. In respect of the contentions of the applicant, the said respondent has stated that the matter of inclusion of the name of the applicant in the select list of 2007 by expunction of another Officer (Respondent No.5) is beyond any comprehensions. The said Officer was senior to the applicant and he was finally appointed to IPS after his acquittal of the charges and after the UPSC declared his inclusion in the select list 'unconditional'.



10. The applicant has filed his rejoinder to the reply filed by the UPSC and the Selection Committee and the party respondents. In his rejoinder to the reply statement on behalf of R3&4, technical objections as to the competence of the Signatory to the reply has been raised. The C.A.T.

Procedure Rules do not contemplate filing of an interim reply statement and the respondents ought to have filed detailed reply immediately. The decision cited by the respondents 3&4 are matter for arguments and do not pertain to facts in controversy. The selection made by the Committee is vitiated by arbitrariness and legal malice.

11. With reference to reply by the 5th & 7th respondents, the applicant contended that the 5th respondent was kept under suspension for a period from February 2001 to November 2003 and there was a break during May 1998, November 2003, January 2004 and during subsequent period as well. The said 5th respondent reached excellent/outstanding merit only for a short period. His integrity during 2000 was doubtful. He had earned 'very good' for the period 2004 & 2005. Thereafter, the said 5th respondent cannot be graded as outstanding or very good for the period preceding 5 years. Vide Annexure A11, the UPSC has revised the guidelines for preparation of Select List according to which the Selection Committee would go through the service records of each of the eligible officers with a special reference to the performance of the officer during the last 5 years. Going by the guidelines, it would follow that the recommendations of the Committee for inclusion of the 5th respondent in the Select List is patently illegal, arbitrary and unreasonable. As regards acquittal of the 5th respondent, the applicant contended that since the acquittal was on the ground of failure of the prosecution to examine material witnesses, acquittal of the 5th respondent cannot be taken as honourable acquittal. As regards the 7th respondent, the applicant contended that he had earned outstanding only for the period from January 2002 to July 2002, August 2002 to December 2002 and January 2003 to November 2003 and as such strictly in accordance with the Annexure A11 guidelines, the

respondent No.7 cannot be graded 'outstanding'. As regards judicial review, the 7th respondent has not correctly understood the ratio in M.V. Thimmayah and others vs. UPSC. The Courts have ample power to strike down the Select List and it is adequate safeguard against arbitrary exercise of power.

12. In the additional reply filed by the UPSC, the technical objections as to the competence of the Signatory to the reply statement have been met with as hereunder :-

"5.2. It is respectfully submitted that the Under Secretaries in the Union Public Service Commission are authorised and competent to file replies in Court Cases arising out of Promotion/Selection to All India Services, after obtaining approval of the Commission. Accordingly, reply statements on behalf of the Commission are being filed by the Under Secretary in various Courts/Central Administrative Tribunals across the Country. In the instant case, as the Under Secretary looking after promotion/induction to All India Services of Kerala cadre, the deponent is well conversant with all the files and information relating to the process of selection of SCS/SPS/SFS and Non-SCS officers of Kerala as also the Rules and Regulations regarding convening the Selection Committee Meeting for promotion to the IAS/IPS/IFS from State Services. Therefore, the contention of incompetence made by the applicant herein is baseless.


6. Regarding the contention of the applicant at paragraph 4(ii) above, it is respectfully submitted that the relevant information regarding all the officers in the zone of consideration and Rules and Regulations, on the basis of which selections are made by the Selection Committee, are available in the relevant files of the UPSC. The Under Secretary examines all the information/documents received from the State Government and all communications regarding deficient documents are issued under his



signature. Even after the Selection Committee Meeting, other related matters and correspondence regarding approval of the recommendations made by the Selection Committee is also handled by the Under Secretary. Therefore, all the averments made in the reply statement filed by the Deponent in the instant case are based on facts and true as certified in the verification part in the reply statement already filed on behalf of the respondents No.3&4.

7.1. Regarding the contention at paragraph 4(iii) above, it is submitted that the averments made in the paragraph 3 to 6 are the rule position followed by the Selection Committee for selection of suitable officers for promotion to the All India Service, uniformly in all services/cadres. As already submitted at paragraph 2 of the reply statement filed on behalf of the respondent No.3&4, the respondents are not dealing with the facts of the O.A. parawise. Therefore, it was essential to reproduce the contentions made by the applicant. The contentions made by the applicant, which are relevant to the answering respondents are countered in the paragraphs 8.1 to 10 in the reply statement."

13. The applicant has given rejoinder to the reply statement filed on behalf of respondent No.2. The applicant has contended that giving weightage to the seniority of the 5th respondent disregarding merit which ought to be the sole basis of selection is against the scheme of selection to IPS.

 14. Senior Counsel for the applicant has taken us through para 4 (VII) to (X) of the O.A. to substantiate that his entire records qualified for being graded 'outstanding' while that of party respondents would have to be graded lower than that of the applicant. The fact that the 5th respondent had been

kept under suspension and was facing criminal charges have all been highlighted by the senior counsel. According to the senior counsel, the acquittal of the 5th respondent cannot be treated as clear acquittal. The senior counsel also referred to Annexure A11 guidelines. The following are the decisions relied upon by the senior counsel in support of the case :-

1. (1997) 4 SCC - 575
2. AIR 1990 SC - 434
3. (1995) 6 SCC - 1
4. (1996) 2 SCC - 488
5. (1997) 1 SCC - 280
6. (1986) Suppl. SCC - 617
7. AIR 1987 SC - 593
8. (2005) 10 SCC - 15
9. (2008) 8 SCC - 725
10. J.T. 1992 (5) - 683
11. (2008) 2 SCC - 119
12. C.A.T. Rules.

15. Senior Central Government Standing Counsel for respondent No.2 also referred to a few judgments. Other respondents also justified the impugned order.

16. Arguments were heard and documents perused.

17. The contention of the applicant is that the Selection Committee erred in not grading him as outstanding as he had outstanding ACRs for the five years preceding the year 2007 and in selecting less meritorious respondents 5-7 as the Selection Committee had no discretion to disregard the grading reflected in the ACRS of the officers and dilute the principle of Merit Over Seniority in the selection process and that the Committee/UPSC

should not have included the 5th respondent unconditionally as he was facing a criminal case.

18. These contentions will have to be considered in the light of provisions of Promotion Regulations reproduced as under:

"5(1). Each Committee shall ordinarily meet every year and prepare a list of such members of the State Police Service, as are held by them to be suitable for promotion to the service. The number of members of the State Police Service to be included in the list shall be determined by the Central Government in consultation with the State Government concerned, and shall not exceed the number of substantive vacancies as on the first day of January of the year in which the meeting is held, in the posts available for them under rule 9 of the Recruitment Rules. The date and venue of the meeting of the Committee to make the selection shall be determined by the Commission.

5(4). The Selection Committee shall classify the eligible officers as 'Outstanding', 'Very Good', 'Good' and 'Unfit' as the case may be on an overall relative assessment of their service records.

5(5). The list shall be prepared by including the required number of names first from amongst the officers finally classified as 'Outstanding' then from amongst those similarly classified as 'Very Good' and thereafter from amongst those similarly classified as 'Good' and the order of names inter-se within each category shall be in the order of their seniority in the State Police Service.

Provided that the name of an officer so included in the list shall be treated as provisional if the State Government withholds the integrity certificate in respect of such an officer or any proceedings, departmental or criminal are pending against him or anything adverse against him which renders him unsuitable for appointment to the service has come to the

notice of the State Government.

Explanation I : The proceedings shall be treated as pending only if a charge-sheet has actually been issued to the officer or filed in a Court as the case may be.

6. Consultation with the Commission : The list prepared in accordance with Regulation 5 shall then be forwarded to the Commission by the State Government alongwith;

i) the records of all members of the State Police Service included in the list;

ii) the records of all members of the State Police Service who are proposed to be superseded by the recommendations made in the list;

iii) Deleted;

iv) the observations of the State Government on the recommendations of the Committee.

6(A). The State Government shall also forward a copy of the list referred to in Regulation to the Central Government and the Central Government shall send their observations on the recommendations of the Committee to the Commission.

7. SELECT LIST

7(1). The Commission shall consider the list prepared by the Committee alongwith :

a) the documents received from the State Government under Regulation 6;

b) the observations of the Central Government and unless it considers any change necessary, approve the list.

7(2). If the Commission considers it necessary to make any changes in the list received from the State Government, the

Commission shall inform the State Government and the Central Government of the changes proposed and after taking into account these comments, if any, of the State Government and the Central Government, may approve the list finally with such modifications, if any, as may in its opinion be just and proper.

7(3). The list as finally approved by the Commission shall for the Select list of the members of the State Police Service.

7(4). The Select List shall remain in force till the 31st December of the year in which the meeting of the Selection Committee was held with a view to prepare the list under sub-regulation (1) of Regulation 5, or upto 60 days from the date of approval of the Select List by the Commission under sub-regulation (2) whichever is later."

19. The UPSC has framed internal guidelines for the Selection Committee meetings for preparing the select list for promotion to all India Services (Annx.A11) wherein it is made clear that *"For making an overall relative assessment, the Committee will not depend solely on the grading recorded by the reporting/reviewing/accepting authority but will make its independent assessment of the service records of the eligible officers as per the procedure indicated below."*

20. Para 4.4 of the said guidelines reproduced below deals with overall assessment/categorization of officers :-

"4.4 While finalising the Overall Assessment of the officers (para 3.1 above refers), an officer shall be graded as :

A. "Outstanding", if in the opinion of the Selection Committee, the service records of the officer reflect that he is of

outstanding merit possessing exceptional attributes and abilities and these characteristics are reflected in at least four of the ACRs for the last five years including the ACR for the last year (i.e. upto the preceding year for which the Select List is prepared). While grading an officer as "Outstanding", the following indicative guidelines would be observed.

(i) Whilst the overall grading in the ACRs will have its relevance, however, in order to have a final view, it will be essential to carefully peruse and assess all the individual attributes/columns in the ACRs like, Work Performance, Targets Achieved, Supervision, Managerial capabilities, personality traits etc. before the Committee decides to grade an officer as 'Outstanding'.

(ii) Thus, there should be an in-depth analysis of the performance of the officer before he is rated as 'Outstanding'. There should also be consistency in the grading given by different Committees in different years.

(iii) Considering the fact that such 'Outstanding' officers are going to supersede other officers, there is a greater need to ensure that such an officer has met the stringent norms of being graded as 'Outstanding'. For such purposes, the ACRs of the concerned officer should elaborate his significant achievements or exceptional nature of work in the areas of law and order, disaster management, implementation of developmental schemes etc.

(iv) Postings are not within the competence of an officer for which he ought not to be discriminated. However, the Committee may also like to examine the various positions that such 'Outstanding' officers have



occupied and the nature of duties performed by him over the years in the process of assessing the officer."

21. It is quite evident that the Selection Committee would not be guided merely by the overall gradings in the ACR but would make its own assessment on the basis of the entries in the ACRs "because some time the overall gradings in an ACR may be inconsistent with the grading under various parameters or attributes." It is also made clear that an officer has to meet stringent norms for being graded as 'outstanding' because he is going to supersede other officers.

22. In the self assessment of the applicant based on the gradings in the ACRs he is more meritorious to his seniors and he is outstanding enough to supersede them. But in the overall relative assessment made by the Selection Committee, not solely depending on the grading recorded in the ACRS but also assessing the service records of the eligible officer as per procedure, the applicant was obviously not categorized as outstanding so as to supersede his seniors. The Hon'ble Supreme Court in the case of UPSC Vs. K. Rajaiah, (2005) 10 SCC 15 has held as under :-

"The power to classify as 'outstanding', 'very good', good' and 'unfit' is vested with the Selection Committee. That is a function incidental to the selection process. The classification given by the State Government authorities in the ACRs is not binding on the Committee. No doubt, the Committee is by and large guided by the classification adopted by the State Govt, but for good reasons, the Selection Committee can evolve its own classification which may be variance with the gradation given in the ACRs."



23. Again the case of Nutan Arvind Vs. Union of India & Ors (1996) 2

SCC 488, the Hon'ble Supreme Court has held as under:

"When a high level Committee had considered the respective merits of the candidates, assessed the grading and considered their cases for promotion, this Court cannot sit over the assessment made by the DPC as an appellate authority."

24. The decisions of the Apex Court have all been gone through and the independence and powers of the Selection Committee have been manifested as hereunder in the recent decisions :-

(a) In **UPSC v. K. Rajaiah, (2005) 10 SCC 15**, it has been held as under:-

"The power to classify as "outstanding", "very good", "good" and "unfit" is vested with the Selection Committee. That is a function incidental to the selection process. The classification given by the State Government authorities in the ACRs is not binding on the Committee. No doubt, the Committee is by and large guided by the classification adopted by the State Government but, for good reasons, the Selection Committee can evolve its own classification which may be at variance with the gradation given in the ACRs. That is what has been done in the instant case in respect of the year 1993-94. Such classification is within the prerogative of the Selection Committee and no reasons need be recorded, though it is desirable that in a case of gradation at variance with that of the State Government, it would be desirable to record reasons. But having regard to the nature of the function and the power confided to the Selection Committee under Regulation 5(4), it is not a legal



requirement that reasons should be recorded for classifying an officer at variance with the State Government's decision."

(b) Citing the above portion of the judgment, the Apex Court has, in the case of **M.V. Thimmaiah v. UPSC, (2008) 2 SCC 119**, reaffirmed the same, in the following words:-

"the view taken by the High Court is correct that it is always within the power of the Selection Committee to record its own assessment about the selection which may be at variance with that of the reporting officer or reviewing officer."

(c) Referring to the above case of K. Rajaiah, the Apex Court in the case of **UPSC v. L.P. Tiwari, (2006) 12 SCC 317**, observed as under:-

"12. It is now more or less well settled that the evaluation made by an expert committee should not be easily interfered with by the courts which do not have the necessary expertise to undertake the exercise that is necessary for such purpose. Such view was reiterated as late as in 2005 in **UPSC v. K. Rajaiah** wherein the aforesaid Regulations for the purpose of promotion to the IPS cadre were under consideration. "

(d) That the DPC's independence need not be meddled with by a judicial review has been emphasized in the decision of the Apex Court in **Union of India v. S.K. Goel, (2007) 14 SCC 641**, wherein it has been held as under:-

"we hold that DPC enjoyed full discretion to devise its method and procedure for objective assessment of suitability and merit of the candidate being considered by it. Hence, the interference by the High Court is not called for."



The decision by the Select Committee in the instant case can thus be scanned through the above decisions of the Apex Court.

25. With a view to ascertaining the actual gradings afforded by the Selection Committee, the assessment sheets was called for from the respondents and the same perused. In the case of R5, the fact of criminal case is pending had also been reflected. The selected candidates (R5, 6 & 7) have been rated as under :-

- (a) R5 :- 04 Very Good, 01 Good
(Overall assessment – Very Good).
- (b) R6 :- 01 Outstanding, 03 Very Good and 01 Good
(Overall assessment – Very Good).
- (c) R7 :- 02 Outstandings, 03 Very Good
(Overall assessment – Very Good).

26. As regards the applicant, the gradings given by the Selection Committee are 04 Very Good and 01 Good, overall assessment is Very Good.

27. The contentions of the applicant that the 5th respondent's acquittal cannot be considered as honourable acquittal has to be rejected, for it is only when acquittal takes place on account of benefit of doubt that the said acquittal cannot be characterized as honourable acquittal. When there are no sufficient evidences to prove the offence, and when the acquittal is on account of the same, it has to be treated as a clear acquittal.

28. Though the senior counsel elaborately argued about the gradings as contained in the para 4, 7 & 10 of the O.A., they being only the gradings afforded by the reporting / reviewing Officers, the same need not be the gradings that should be given by the Selection Committee. As already extracted above, the Selection Committee, following its guidelines, graded the applicant as well as the party respondents uniformly as Very Good and



recommended the first three for appointment and in respect of R5 such a recommendation has been made unconditional only after receipt of Integrity Certificate from the State Government. As held by the Apex Court in Smt. Anil Katiyar Vs. Union of India, the Tribunal is not expected to play the role of an Appellate Authority or of an Umpire in the absent proceedings of the DPC and it could not sit in judgment over the selection made by DPC unless the selection is assailed is being vitiated by malafide or on the ground of it being arbitrary. Though the applicant has levelled malafide, the same has not been substantiated. We did not find any arbitrariness in the selection made. The applicant's right to be considered has been fully protected and the selection made is found to be strictly in accordance with the Regulations.

29. In view of the above, the application being totally devoid of merit, merits only dismissal and it is accordingly ordered. No costs.

(Dated, the 30th September, 2009.)



K. GEORGE JOSEPH
ADMINISTRATIVE MEMBER

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Dr.K.B.S.RAJAN
JUDICIAL MEMBER