

*Am. Approved For Re-perking 'Am.*

**Central Administrative Tribunal, Lucknow Bench,**

**Lucknow**

**ORIGINAL APPLICATION No.221/2009**

This the 25<sup>th</sup> day of February, 2010

**Hon'ble Mr. Justice A.K. Yog, Member (J)**

**Hon'ble Dr. A.K. Mishra, Member (A)**

Mrs. Laxmi Singh, aged about 34 years, wife of Sri Rajeshwar Singh, resident of C-866, Mahanagar Extension, Lucknow (presently posted and working as Superintendent of Police, U.P. Power Corporation Limited, Lucknow).

.....Applicant

By Advocate: Shri C.B. Pandey,  
Sri R.C. Singh,  
Sri S.P. Singh  
Sri Rohit Tripathi

**Versus.**

1. Union of India, through the Secretary, Ministry of Home Affairs, New Delhi.
2. Union of India, through the Secretary, Department of Personnel & Training, Ministry of Pensioners, Pensioner' Grievances, New Delhi.
3. Director (Police), government of India, Ministry of Home Affairs, North Block, New Delhi.
4. State of U.P., through the Principal Secretary, Department of Home, Civil Secretariat, Lucknow.
5. State of West Bengal, through the Principal Secretary, Department of Home, Ritters' Building, Kolkata.

.....Respondents

By Advocate: Sh. Ashish Agnihotri For Resp. No 1, 2 & 3  
Sri A.K. Chaturvedi For Respondent no.4  
None (For Respondent no.5)

**ORDER (Oral)**

**Delivered by Justice A.K. Yog, Member-J**

Heard.

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Learned counsel for the parties. Perused the record. Respondent no.5/State of West Bengal, in spite of notice issued/served by registered post, chose not to respond.

**BACK GROUND/FACTUAL MATRIX:-**

2. Relevant facts required for decision of this O.A. are recapitulated hereinafter – Ms. Laxmi Singh/Applicant was selected by UPSC (Union Public Service Commission) on the basis of all India examination in IPS (Indian Police Service) on the basis of her excellent merit/performance in the said examination). She performed well during probation/training and awarded Prime Minister's baton and Home Ministry Revolver by the Vice President of India. She was, however, in spite of her opting for U.P. State cadre, was allocated West Bengal State cadre leaving the Applicant dissatisfied. According to the Applicant, two other persons of other States were illegally inducted in U.P. cadre depriving of her option of being placed in U.P. State cadre. She contends that (on the basis of her merit), she should, at the initial stage of entry in service, have been allocated U.P. State cadre – and said action of the Respondents is arbitrary and illegal.

3. The applicant, for redressal of her grievance, filed O.A. no. 586 of 2000 before Central Administrative Tribunal-Lucknow Bench, which was dismissed vide order dated



14.3.2001 (Annexure-2/Compilation-II); not being satisfied, the Applicant filed *Writ petition no. 476 (S/B) of 2001 (Ms. Laxmi Singh Vs. Union of India & Others)*, which was allowed by a Division Bench of Allahabad High Court vide its (detailed and reasoned) judgment and order dated 24.11.2001 (Annexure-3/Compilation-II); for convenience-relevant extract is reproduced:

*“Under these rules, the Central Government has prepared a roster system which has been quoted in paragraph 9 of the Writ petition. Clause 1 of this roster system states “the vacancies in every cadre will be earmarked for ‘outsiders and ‘insiders’ in the ratio of 2:1 in order to avoid problems relating to fractions and to ensure that this ratio is maintained, over a period of time, if not during every allocation, the break-up of vacancies in a cadre between ‘outsiders’ and ‘insiders’ will be calculated following the cycle of ‘outsiders’ ‘insiders’ ‘outsider’.*

*While it is true that as held by the Supreme Court in Rajiv Yadav’s case (supra) a person has no right to claim allocation of a particular cadre, at the same time this does not mean that the Government can act arbitrarily in this regard. As held by the Supreme Court in Meneka Gandhi Vs. Union of India AIR 1978 SC 597 arbitrariness violates Article 14 of the Constitution. Hence the allocation of the cadre has to be done in a non-arbitrary manner.*

*It is to be noted that the roster system as quoted in paragraph 9 of the Writ petition reference is made to vacancies and not to posts. The distinction between the vacancies and posts is well known. The allocation of selected candidates is done on the basis of the roster system against the vacancies and not against the posts. Hence in each year the vacancies have to be determined and the roster system applies to the same. However, that does not seem to have been done in this case by the respondents. A perusal of paragraph 7 of the counter affidavit of the respondent filed before the Tribunal shows that they have mixed the vacancies of 1998 and 1999, which in our opinion was illegal. Each year’s vacancies has to be separately determined and allocation made on that basis and the authorities cannot mix up the vacancies of two separate years for making allocation. Admittedly for the 1999 Examination where were two vacancies in the U.P. cadre of IPS. Had there been three vacancies there would have been no difficulty because one vacancy would have been allotted to an insider candidate. The question arises as to what happens if there are only two vacancies. In our opinion, when there are only two vacancies one of the vacancies has to be given to an insider. The reason for this is that in the roster system two third of the vacancies are to be allotted to the outsiders i.e. 66.7% of the vacancies. If there are two vacancies*

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*and one is allotted to an insider that means an outsider gets only 50% seats. However, in both these two vacancies are allotted to 'outsider' that means that outsiders get 100% seats. Since the figure 66.7% is closer to the figure 50 as compared to the figure 100, in our opinion, the only reasonable view that can be taken is that when there are two vacancies one is to be allotted to an insider candidate.*

*It may be mentioned that the roster system itself contemplates fractions as is evident from clause (1) of the same and hence the only reasonable view is that which we have taken above.*

*Hence in our opinion, the respondents were wrong in allocating both the vacancies of U.P. cadre in IPS to outsiders. Hence the stand of the petitioner appears to be correct.*

*The Writ petition is, therefore, allowed. The impugned judgment dated 14.3.2001 as well as the orders allocating the petitioner to West Bengal are quashed. Since the petitioner was highest amongst the selected insider candidates of U.P., hence the seat in U.P. cadre for insider was to be allotted to her. We direct accordingly. However, since two outsiders have been working in U.P. cadre, we are not disturbing their allocation to U.P. cadre in the special circumstances of the case.*

*No order as to costs.*

*Dated 24.11.2001."*

4. As per afore-quoted judgment and order of the High Court ( which is self explanatory) it concluded that the applicant was arbitrarily/illegally deprived of her option and directed that the Applicant be allotted U.P. State Cadre without disturbing other candidates, who were wrongly placed & working in U.P. State cadre.

5. Against the above referred order passed by the High Court, G.O.I. (Government of India) filed SLP No. 4689 (C) of 2002. During pendency of said SLP, certain interim orders were passed by Apex Court from time to time. For ready reference, relevant interim order passed on 20.4.2004 (Annexure-5/Compilation-II), is quoted in para 6 of

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the impugned order. For convenience, said para is reproduced:

*“After we heard the matter at length, we direct the Union of India to file a supplementary affidavit indicating therein that there was no mixing up of vacancies of the year 1998 and 1999 in the cadre of Indian Police Service in Uttar Pradesh within four weeks. Reply to it may also be filed by the respondents in another four weeks. In the meantime, the Union of India shall consider the application of the respondents for change of cadre from West Bengal to Uttar Pradesh and shall inform the result thereof”.*

6. In compliance to the aforesaid interim order of the Hon'ble Supreme Court, Government of India filed an affidavit (verified on 12.5.2004) assuring the Court to consider request of the applicant for “change of state cadre” (Annexure RA-1 to the Rejoinder Affidavit in the O.A.) Paras E, F & G of the said affidavit are reproduced :

- “E. *From the above, it will be seen that the vacancies filled up in IPS cadre of Uttar Pradesh from Civil Services Examination, 1998 & Civil Services Examination, 1999, have not at all been mixed up.*
- F. *As regards the other direction of the Hon'ble Supreme Court to Union of India to consider the application of the respondent for change of her cadre from West Bengal to Uttar Pradesh, it is submitted that pursuant to the said directions, the petitioner, Union of India, has already written a letter to the Chief Secretary, Govt. of West Bengal on 23.4.2004, requesting him, inter alia, to forward representation, if any, received from the contesting respondent for change of her cadre to this petitioner for consideration.*
- G. *The representation of the contesting respondent for change of her cadre, as and when received through Government of West Bengal, will be considered by the appellants in accordance with the statutory provisions as well as approved policy of the Central Government with regard to change of cadre of the member of the All India Services and the result thereof, will be intimated to the Hon'ble Supreme Court of India.”*

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Aforesaid Affidavit –refers to the Applicant’s claim of allocation of U.P. State as per her merit (and adjudicated by the High Court). It will not be out of context ‘ to note’ that the basic grievance of the applicant was with respect to her claim of U.P. cadre on the basis of her merit at ‘initial-entry’ point of the service (as opposed to change of ‘State cadre’ during service), but not considered at all.

7. The issue of ‘change of State cadre’ during service appears to have cropped up before the Hon’ble Supreme Court which dealt with it through its interim order/s. The applicant was sent on ‘deputation’ to the State of U.P.(entirely a different matter) in view of compelling/compassionate circumstances placed by the applicant before Government of India as well as Supreme Court as an interim arrangement.

8. While the matter was pending before the Apex Court, applicant filed a representation dated 8.5.2005 before respondent no.1, which was rejected by Government of India vide order dated 3.6.2006 (Annexure-6/ Compilation-II). Again reading of said order (particularly paras 6 to 11), makes it clear that the Government of India considered - ‘whether the applicant was entitled for change of state cadre (from West Bengal to U.P.)’ – during service in view of its

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prevailing policy (quoted in para 7 of the order dated 3.6.2004) which is reproduced below:

*“(a). Marriage between two All India Service officers born on different cadres provided the transfers does not get transferred to his/her home State.*

*(b) Generally no cadre transfer should be permitted on medical grounds/personal reasons. However, for extreme hardship cases the following criteria shall be applied before considering/deciding on the request for cadre:*

*(i). the nature of the problem(s) to be assessed by Govt. Of India in each case, on merits;*

*(ii). the problem should be of such a nature that inter cadre deputation will not solve the officer’s problems.”*

9. While SLP was pending before Supreme Court, another affidavit (verified on 22.6.2004) was filed by the Government of India before Apex Court on same facts (as stated in earlier affidavit- verified on 12.5.2004). The said affidavit was controverted by Ms. Laxmi Singh/Applicant by filing objection in the form of affidavit (verified on 25.8.2004); a copy filed as Annexure RA-2 to the Rejoinder Affidavit in the O.A.

10. Apex Court, therefore, passed another interim order (supposed to be on 29.4.2005 –quoted in para 8 of the impugned order dated 2.1.2001; which is reproduced below:

*“Ms. T.S. Doabia, Learned Senior Counsel, appearing for the appellants, on instructions, states that the Government is considering to the first respondent on deputation in the State of Uttar Pradesh on obtaining vigilance clearance form the State of West Bengal. The State of Uttar Pradesh has expressed its no objection. Let this decision be taken on one way or the other within a period of two weeks. The minimum and / or maximum period of deputation shall also be indicated in the decision may be taken by the appellants. List the appeal after two weeks”.*

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11. It further transpired from the record that the Apex Court happened to consider as an interim measure the question of deputation in order to mitigate the hardships of the applicant. It is not in dispute that the respondent no.1 sent the applicant on deputation to serve in State of U.P. sometime in the year 2005, which period was to expire on 20.6.2008. The State of U.P., in view of the fact that the term of deputation of the applicant was expiring, wrote a letter to the Central Government and communicated the aforesaid facts to the applicant. Be that as it may, as on fact, the applicant has been continuing to serve State of U.P. (on deputation basis) till date. Her continuance in State of U.P. appears to be either under order of Deputation or interim order passed by Apex Court as well as in O.A. no. 224/2008 (Ms. Laxmi Singh Vs. Union of India & Others), which is pending as on date before this Tribunal.

12. Learned counsel appearing on both sides have joined to state, as on fact, that neither the State Government of West Bengal, nor the State Government of U.P. has objection to the request of cadre change requested by the Applicant.

13. SLP was, however, finally disposed of vide Supreme Court order dated 21.7.2005, extract of it, for ready reference, is reproduced below:



*"The respondent, Ms. Laxmi Singh, has now joined on deputation, U.P. cadre for a period of three years. It is agreed by learned counsel that, in this view, the matter has been resolved. The salary, if any, due to the office, would be paid according to the rules.*

*In view of the aforesaid, we need not go into the question of correctness of the view taken by the High Court. The appeal is disposed of, leaving the question to be open."*

14. Applicant again submitted representation dated 20.10.2008 (Annexure-8/Compilation-II) for issuing appropriate order regarding her request for allocation/allotment of U.P. State cadre on the basis of her merit read with judgment and order passed by High Court (referred to above).

15. Aforesaid representation of the applicant dated 20.10.2008 has been rejected vide impugned order dated 20.1.2009 (Annexure-1/Compilation-I). Relevant paras 6 to 12 of impugned order dated 2.1.2009, quoted below:

*"6. After admission, SLP (Civil) No.4720/2002 was converted into Civil Appeal No.4689/2002 and was heard at length by the Hon'ble Supreme Court of India on 20.04.2004. During the course of arguments, the counsel for Ms. Laxmi Singh argued that the Union of India had mixed up the vacancies and also mentioned some compassionate grounds for allocation of Uttar Pradesh Cadre of IPS to Ms. Laxmi Singh. One of the grounds given was that her father was murdered in Lucknow and there was no one in the family to look after her old and ailing mother and her young brother and sister. He further stated that the request of Mrs. Laxmi Singh for change of her cadre from West Bengal to Uttar Pradesh is pending with the Union of India for the last six months. Upon hearing, the Hon'ble Supreme Court of India vide order dated 20.04.2004 (Annexure-III) directed the Union of India as under:-*

*"After we heard the matter at length, we direct the Union of India to file a supplementary affidavit indicating therein that there was no mixing up of vacancies of the year 1998 and 1999 in the cadre of Indian Police Service in Uttar Pradesh within four weeks. Reply to it may also be filed by the respondents in another four weeks. In the meantime, the Union of India shall consider the application of the respondents for change of cadre from West Bengal to Uttar Pradesh and shall inform the result thereof".*

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7. Accordingly, this Ministry filed affidavit that vacancies filled up from Civil Service Examination, 1998 and Civil Services Examination, 1999 in the IPS Cadre of Uttar Pradesh had not been clubbed. This Ministry also considered the representation dated 08.05.2004 of Ms. Laxmi Singh, IPS (WB:2000), for change of her cadre from West Bengal to Uttar Pradesh on ground, inter-alia, that her father Shri Inder Dev Singh was brutally murdered by hired assassins and that her mother is a heart patient and her condition has worsened after the death of her father. As the request for change of cadre of Ms. Laxmi Singh was not covered by the grounds on which change of cadre was allowed to Members of the Service, the same was rejected and the result was intimated to the Hon'ble Supreme Court of India.

8. The matter again came up for hearing before the Hon'ble Supreme Court of India on 29.03.2005. During the course of arguments, the Government Counsel informed the Hon'ble Supreme Court that the Central Government was considering short term Stay to State deputation of the contesting respondent, i.e. Ms. Laxmi Singh, IPS (WB:2000), from West Bengal to Uttar Pradesh on extreme compassionate grounds in relaxation of the policy of the Central Government on the subject. Upon this, the Hon'ble Supreme Court passed the following order (Annexure-IV):

*“Ms. T.S. Doabia, Learned Senior Counsel, appearing for the appellants, on instructions, states that the Government is considering to the first respondent on deputation in the State of Uttar Pradesh on obtaining vigilance clearance form the State of West Bengal. The State of Uttar Pradesh has expressed its no objection. Let this decision be taken on one way or the other within a period of two weeks. The minimum and / or maximum period of deputation shall also be indicated in the decision may be taken by the appellants. List the appeal after two weeks”.*

9. The Hon'ble Supreme Court minutely perused this Ministry's 30-Point Vacancy Roster on the basis of which determination of outsider and insider candidates to be allocated to a particular IPS cadre out of total number of candidates being allocated to that State cadre is done. The Hon'ble Supreme, Court was fully satisfied that the roster has been followed strictly by the Central Government. The Hon'ble Supreme Court also satisfied itself that the vacancies from the CSE-1998 and CSE-1999 had not been clubbed by the Central Government at the time of allocation of cadres to the candidates selected for appointment to IPS on the basis of CSE-1999 as held by the Hon'ble High Court of Allahabad, Lucknow Bench, in their judgment.

10. In view of the above order of the Hon'ble Supreme Court of India, Ms. Laxmi Singh, IPS (WB:2000), was allowed inter-cadre deputation from West Bengal to Uttar Pradesh for three years with effect from the date of her joining the State of Uttar Pradesh in relaxation of the policy guidelines of the Central Government on the subject on extreme compassionate grounds, vide this Ministry's Order No.1-21021/12/2002-IPS.III/IV, dated the 12<sup>th</sup> May, 2005 (Annexure : V). An affidavit to this effect was filed on

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behalf of the Union of India before the Hon'ble Supreme Court of India.

11. Subsequently, the matter came up for hearing on 21.07.2005 and the Hon'ble Supreme Court of India, in view of the inter-cadre deputation allowed to Ms. Laxmi Singh, IPS (WB:2000), from West Bengal to Uttar Pradesh for a period of three years, finally disposed off the SLP in terms of the following judgment / order (Annexure-VI):

*"The respondent, Ms. Laxmi Singh, has now joined, on deputation, U.P. cadre for a period of three years. It is agreed by the Learned counsel that, in this view, the matter has been resolved. The salary, if any, due to the officer would be paid according to the rules.*

*In view of the aforesaid, we need not go into the question of the correctness of the view taken by the High Court. The appeal is disposed of, leaving the question of law open"*.

12. From the facts and circumstances mentioned above, the following will emerge:

(a). That in view of the inter-cadre deputation allowed to Ms. Laxmi Singh, the issue involved in the SLP filed by the Union of India against the judgment and order dated 24.11.2001 of the Hon'ble High Court of Allahabad, Lucknow Bench, was resolved. The Hon'ble Supreme Court of India, therefore, disposed of the Civil Appeal leaving the question of law open.

(b). That in this matter as the leave to appeal has been granted and appellate jurisdiction of the Supreme Court of India has been invoked, the order passed in appeal attracts the doctrine of merger. So the order of the Hon'ble High Court has merged with the order of Apex Court and no direction of the High Court remains outside scope of the order of the Apex Court requiring further action on the part of the Government of India."


### **ARGUMENTS : ON BEHALF OF THE APPLICANT:-**

16. Learned counsel for the applicant submits that the reasons/observation (contained in the afore-quoted of the impugned order, do not appear/find place in the Apex Court judgment and order dated 21.7.2005, Annexure-7/Compliation-II (quoted above). It is pointed out on behalf of respondents that final order of the Apex Court dated 21.7.2005 should be read

and interpreted keeping in view above referred interim orders of the Apex Court (as also noted in paras 6 & 8 of the said order impugned in the O.A). According to the learned counsel for the respondents, Apex court order dated 21.7.2005 is in two parts, which has been quoted above.

17. Learned counsel for the applicant, in turn, refutes correctness of the said stand taken by the Respondents. According to him, principle of 'Merger' and 'Res-judicata' are not attracted on the facts of this case. In support, he relied upon (i) 1997 (3) SCC 246 – *State of Orissa Vs. Krihna Stores*, (para 13); (ii) AIR 1967 SC 611 – *State of Madras Vs. Madurai Mills Co. Ltd*; and 2008 (8) SCC 65 – *State of Kerala & Another Vs. Kondottyparambanmoosa & Ors*. He submits that Apex Court did not adjudicate or decide any issue on fact or law.

18. Emphasis is laid upon the last sentence of the said part II of the said Supreme Court order wherein the Apex Court noted "*The appeal is disposed of leaving the question of law open*". According to the applicants' counsel, Hon'ble Supreme Court neither rescinded nor diluted the judgment and order passed by the High Court (referred to above) expressly. On that basis, it is being argued that High Court's order deserves to be implemented as the same has become final between the parties.



**ARGUMENTS ON BEHALF OF RESPONDENTS:-**

19. On the other hand, Learned Additional Standing Counsel (representing Government of India) submitted that the High Court's order merged into Supreme Court's order and lost its existence. According to him, Ist part of Apex Court dealt with the issue of deputation while IInd part of said order dealt with the issue of allocation of cadre (arising from High Court's order).

20. On behalf of respondents, no citation is placed to support theory of 'Merger' or 'Res-judicata'. From the above, it transpires that 'theory of Merger' relied upon in the impugned order has no basis or warrant in law.

21. Sri A.K. Chaturvedi, counsel representing State of U.P. referred to part I of Supreme Court's order and attempted to interpret Supreme Court order differently. He argued that Part I deals with 'Deputation' as well as issue of 'change of cadre'. According to Respondents' counsel – Apex Court had left the "question of law open" to be decided in other case/s in future. Unfortunately such an interpretation, in our opinion, is not possible on the reading of the order of Apex Court. There is no indication in the said order that parties to those proceedings had settled the dispute with respect to the issue of 'allocation of cadre at entry point of the service'. Order read as such does not show that matter factual/legal with respect to said issue of



allocation of cadre at entry point – between the parties to the SLP - was finally adjudicated.

**CONCLUSION:-**

22. Having given our thoughtful consideration to the material on record (referred to us by the learned counsel for the parties) and also their arguments – endeavoring to interpret Supreme Court order in their favour taking contrary stand, we note that there were three aspects of the whole matter; one –“Deputation’, second ‘change of cadre’ under Government policy and relevant rules (if any); and third - illegality in initial ‘allocation of cadre’ at entry point in service (which was subject matter of High Court’s order).

23. We are convinced that the principles of merger or res-judicata are not attracted in the facts of the instant case as the Apex Court did not ‘adjudicate’ while passing order dated 21.7.2005 (Annexure-7/Compilation-II); the impugned order has proceeded on the ground that the Apex Court in its order dated 21.7.2005 foreclosed the issue whether initial allocation of cadre (posting the Applicant in State of West Bengal) was arbitrary/illegal as held by High Court (referred to above).

24. We find that the policy adopted by the Government of India on the issue requires consideration of various facts including the nature of problem faced by a particular officer which is such that inter-state change cadre can solve it and it has to be judged on the basis of merit of each case. In view of the above, it is clear that requests for ‘change cadre’



while already in service from one State to another can be claimed and it must be decided by the Government of India particularly for more than once- if circumstances and consideration change in future. Similarly issue of extension of 'Deputation' claimed by the Applicant is subject matter of another O.A. no. 224/2008 (pending in this Tribunal). Question of 'Merger' or 'Res-judicata' has no application to the issue of 'Deputation' or 'Extension of Deputation' nor it arises for consideration in this O.A. We cannot lose sight of the fact that the request of the Applicant for correct and proper 'allocation of cadre' vide her representation dated 20.10.2008 (Annexure-8/Compilation-II) has not been considered and adjudicated by Hon'ble Supreme Court at any stage except by the High Court. Apparently the prayer for correct allocation of State cadre (in U.P.) has been confused or mixed up with prayer for change of cadre as per the then 'circumstances' of the Applicant (like murder of her father, illness of mother etc.). 24. Observations made in the impugned order passed by the Central Government dated 2.1.2009 (Annexure-1/ Compilation-I) indicates that Respondent no. 1 is unduly swayed by facts pertaining to deputation and/or issue of 'change of cadre', which is wholly unwarranted.

25. The said authority while passing the impugned order proceeds on the basis that the claim of the applicant for



correct allocation of cadre cannot be considered as the matter stood adjudicated and foreclosed by the order of Hon'ble Supreme Court. In our considered view, it is wholly misconceived/misplaced as the orders of the Supreme Court did not touch the issue of allocation of State cadre at the entry of service.

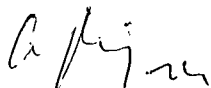
26. Learned counsel for the respondents has placed no citation to support the impugned order (Annexure-1/Compilation-I) particularly on the issue of 'Merger'.

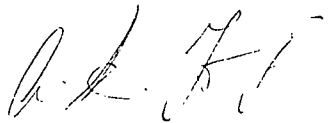
27. Here itself, prima-facie, we are of the opinion that the judgment and order dated 24.11.2001(Annexure-3/Compilation-II), unless it was rescinded by higher court after adjudicating the issue arising therein, should not be normally ignored as having become non-existent and it ought to be duly respected. Prima-facie, High Court order in the facts of the instant case, has not lost its efficacy – particularly when there is no adjudication by Apex Court on the relevant aspects of the issue; namely roster number of vacancy and where there is mixing up of vacancies etc. (as noted by High Court). It is well settled that no-one can add or extract and/ or otherwise read something which is not expressedly or otherwise reflected in the judgment of the Apex Court.

28. In the result, impugned order dated 2.1.2009 (Annexure-1/Compilation-I) is hereby quashed with direction to Respondent no.1 to give effect to the High Court order dated 24.11.2001 (Annexure-3/Compilation-II) or seek clarification of the Apex Court order dated 21.7.2005 (Annexre-7/Complilation-11) before deciding the representation ( in question) filed by the applicant.



29. O.A. stands allowed subject to the observations made above. There will be no order as to costs.

  
**(Dr. A.K. Mishra)**  
**Member (A)**

  
**(Justice A.K. Yog)**  
**Member (J)**

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