

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH: :MUMBAI

ORIGINAL APPLICATION NO. 32/99

Date of Decision: 4th 02.2004

T.S. Parekh

Applicants

Shri M.S. Ramamurthy

Advocate for applicant

Versus

Union of India & Ors. .

Respondents


Shri V.S. Masurkar.

Advocate for respondents 1 to 4

Shri G.K. Masand Advocate for Respondents 5 & 5

CORAM: HON'BLE SHRI A.K. AGARWAL. VICE CHAIRMAN
HON'BLE SHRI MUZAFFAR HUSAIN MEMBER (J)

1. To be referred to the reporter or not? ✓
2. Whether it needs to be circulated to other Benches of the Tribunal? x
3. Library. ✓


(MUZAFFAR HUSAIN)
MEMBER (J)

Gajan

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH: MUMBAI

ORIGINAL APPLICATION NO.32/99

THIS THE 4 TH MARCH, 2004

CORAM: HON'BLE SHRI A.K. AGARWAL. VICE CHAIRMAN
HON'BLE SHRI MUZAFFAR HUSAIN MEMBER (J)

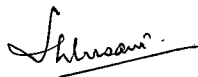
Thokarlar Shantilal Parekh,
Head of Department of Chemistry,
Govt. College, Daman. .. Applicant

By Advocate Shri M.S. Ramamurthy.

Versus

1. Union of India,
through the Secretary to the
Govt. of India, Ministry of
Home affairs, Central Secretariat,
North Block, New Delhi.
2. The Administrator of Daman & Diu
Union Territory of Daman & Diu,
Secretariat, Moti Daman,
Daman-396 220.
3. The Secretary (Education),
Union Territory of Daman & Diu,
Secretariat, Moti Daman,
Daman 396 220.
4. The Principal,
Govt. College, Daman.
5. Dy. B.C. Pathak,
Department of Sanskrit,
C/o Principal,
Govt. College, Daman.
6. Dr. Diwalkar Tripathi,
Department of mathematics,
C/o Principal,
Govt. College, Daman.
7. Dr. R.C. Chaudhury,
Department of English,
C/o Principal,
Govt. College, Daman.
8. Dr. J.K.Verma,
Department of Chemistry,
C/o Principal,
Govt. College, Daman. DELETED
9. Dr. S.S. Jha,
Department of Economics,
C/o Principal,
Govt. College, Daman.

...2.



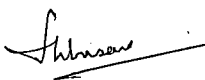
10. Dr. H.S. Sharma,
Department of Political Science,
C/o Principal,
Govt. College, Daman.
11. Dr. P.K. Mishra,
Department of Physics,
C/o Principal,
Govt. College, Daman. .. Respondents

By Advocate Shri V.S. Masurkar for R1 to R4.
Shri G.K. Masand for R5 & R6.


O R D E R
Hon'ble Shri Muzaffar Husain, Member (J)

The applicant being aggrieved by the order dated 29.10.1998 passed by Administration of Daman & diu and Dadra & Nagar Haveli, has approached this Tribunal under Section 19 of the Administrative Tribunals Act, 1985. The applicant has prayed for quashing and setting aside of the order dated 29.10.1998 and direct the respondents to consider the applicant also for the post of designated Reader in relaxation of the stipulation contained in Government of India circular dated 17.6.1987, 07.9.87, 22.7.88 and 04.01.89.

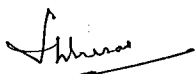
2. The facts of the case briefly enumerated are that the applicant is a B.Sc., I Class of Gujarat University, Ahmedabad of 1966, M.Sc., II Class of Sardar Patel University, Vidyanagar of 1968, M.Phil in Chemistry, 1980 participated in Summer Institute of four weeks at S.V.S. Engineering College, Surat. He was Tutor in Arts & Science College, Khelwad district, Surat for four years and two months. Joined Government College, Daman on 01.8.1972 as Assistant Lecturer,



promoted to the post of Lecturer from 01.01.1973 and to a Selection Grade Lecturer on 01.01.1986 in the scale of pay of Rs.3700-125-4950-150-5700 which is identical with the pay scale of a designated Reader. He was appointed to the post of Head of Department of Chemistry vide order dated 29.4.1992. The applicant apprehend, because of illegal and arbitrary order dated 29.10.98 his juniors may supersede him in status and future promotion; whereas it was never intended by the Career Advancement Scheme (CAS for short). Hence creation of separate cadre of Reader of Ph.D. degree vide order dated 29.10.98 is arbitrary, illegal and unreasonable and there is no justification to grant separate seniority list for PH.D. degree holders in Government College, Daman where PH.D. and non-Ph.D holding Selection Grade lecturers have identical scale of pay. The order dated 24.9.1997 in OA 187/97 has only directed the respondents to consider the case of the applicants and their promotions/ designation as Reader is in accordance with th CAS of 1988. There is no whisper that designated Reader with Ph.D. should have separate seniority list vis-a-vis non-Ph.D lecturer. It is significant to note that respondents have never created the post of Reader in Government College of Daman. There is no post of Professor either in the Government College, Daman. There are only four category of teaching staff viz. (i) Lecturer, (ii) Senior Lecturer, (iii) Selection Grade Lecturer and (iv) Principal and



hence promotion of Selection Grade Lecturer to the post of Reader in Government College, Daman is illegal. For Reader in Government College, Daman there are no recruitment rules for a PH.D., holding Lecturer. Ph.D. degree holder is only a selection grade lecturer in substance, but only receives three additional increments for his PH.D. degree and nothing more and they will be designated as Reader. Since there is a common scale of pay, there cannot be two separate seniority list. It has also been stated that an OA 578/96 and 896/96 were filed by lecturers of National Defence Academy, Pune. The Tribunal declined to grant various reliefs claimed by PH.D. degree holders and directed the Government to pass orders within six months from the date of the order. Thereafter Central Government passed two orders dated 23.02.1998 and 29.4.1998 rejecting the demand of Ph.D holding lecturers. In a similar case, the State Government of Maharashtra granted designation of PH.D. holding lecturer in non-agricultral University but ordered that PH.D. lecturers will have common seniority list. It is also submitted that there is no mandatory direction in circular dated 17.6.1987, 07.9.87, 22.7.88 and 04.01.89 to create the post of Reader without prior identification by the University Grants Commission of need for such post in Government college, Daman. The applicant further submits that the upgradation of seven persons mentioned in the order dated 29.10.1998 had not been done by appropriate experts on the subject. The



seniority proposed to be drawn by administrative order dated 29.10.1998 cannot over rule the seniority statutorily fixed by UPSC at the time of recruitment. The applicant prayed that order dated 29.10.98 is liable to be quashed and set aside.

3. The respondents have opposed the application. The official respondents 1 to 4 have filed written statement wherein, it has been stated that the applicant has approached this Tribunal without exhausting departmental remedy available to him in so far as he submitted his representation on 23.11.98 and has approached this Tribunal on 30.12.98. therefore, the application is premature and hence liable to be dismissed on this ground alone. Further, the order dated 29.10.98 was passed in compliance of this Tribunal order in OA 187/97 and on recommendation of the Screening / Selection Committee. The grievance of he applicant to consider him for the post of Reader in relaxation of eligibility criteria cannot be entertained having regard to the binding rules and regulations of the CAS of 1988 and the aforesaid direction of this Tribunal, which is for considering those lecturers who are qualified and become entitled to promotion / designation to the post of Reader in terms of the CAS. The case of the applicant was considered by a Screening / Selection Committee and it did not find the applicant eligible for promotion / designation to the post of

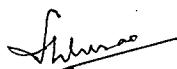


Reader. The contentions of the applicant are misconceived. The designation / upgradation of post of Reader in government College, Daman in accordance with para 15 of the CAS which interalia provides that the post of Reader for this purpose will be created by upgrading the corresponding number of posts of lecturers. The applicant does not possess even equivalent published work. He also submitted his self appraisal for consideration by the Screening / Selection Committee and the Committee did not find him qualified and eligible for the post of Reader. Therefore, the applicant is not entitled to any relief and the OA deserves to be dismissed.

4. The private respondents (R. 6, 8, 5 & 10) have also filed separate reply and countered the pleas raised by the applicant. Respondent No.8 expired, hence his name was delted by the Tribunal vide order dated 04.02.2004.

5. We have heard learned counsel for the parties and gone through the materials placed on record.

6. The applicant's main prayer is that the order dated 29.10.98 (Annexure A1) be quashed and set aside and official respondents be directed to consider the applicant also for the post of Reader in relaxation of criteria laid down in the relevant rules. The main



contention raised by the learned counsel for the applicant is that notwithstanding the designation of respondents as Reader they will not get seniority over the applicants. The respondents, both official as well as private, contended that once respondents 5 to 11 have been screened by the committee and promoted / designated as Reader they will become senior to the lecturer and selection grade lecturer.

7. The learned counsel for the applicant has raised the contention that proposed re-fixation of seniority of Reader vide impugned order is in violation of the seniority granted to the applicant by UPSC at the time of his initial recruitment. He has also contended that the scale of pay for selection grade lecturer and designated Reader is the same and there cannot be two seniority list of one cadre staff.

8. Learned counsel for the respondents on the other hand contended that the impugned order has been passed in pursuance of various instructions of Central Government following the direction of this Tribunal in OA 187/97 and on recommendation of the Screening / Selection Committee. It has also been submitted that the applicant does not fulfil the eligibility requirement for promotion to the post of Reader. Therefore, he has neither legal right nor locustandi to challenge the promotion order of respondents 5 to 11.



who having been found duly qualified and selected by the Screening Committee and there is no such rule /regulation and or provision in CAS, which may entitle the applicant to consider him to the post of Reader in relaxation of the eligibility criteria. The seniority in the cadre of Reader is consequential benefit by virtue of their promotion to the post of Reader for which the applicant is neither qualified nor eligible. According to CAS of 1988 certain guidelines are issued by Government of India for upgradation of post of Lecturer to that of Reader. According to scheme the lecturer who has put in eight years of service and who possess PH.D. degree or equivalent published work would be eligible for promotion to the post of Reader. The relevant extract of Government, Ministry of Human Resource Development, Department of Education notification dated 22nd July, 1988 are reproduced below:

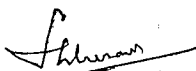
Career Advancement:

"14. Every Lecturer in the Senior scale will be eligible for promotion to the post of Reader in the scale of pay of Rs.3700-5700 if he/she has

(a) completed 8 years of service in the senior scale, provided that the requirement of 8 years will be relaxed if the total service of the lecturer is not less than 16 years.

(b) obtained a Ph.D. degree, or an equivalent published work;

(c) made some mark in the areas of scholarship and research as evidenced by self-assessment, reports of referees, quality of publications, contribution to educational renovation, design of new course and curricula, etc.;




(d) participated in two refresher courses / summer institutes each of approximately 4 weeks duration or engaged in other appropriate continuing education programmes of comparable quality as may be specified by the UGS, after placement in the Senior Scale; and

(e) consistently good performance appraisal reports.

15. Promotion to the post of Reader will be through a process of selection by a Selection Committee to be set up under the Statutes / Ordinances of the University concerned or other similar Committees set up by the appointing authorities in accordance with the guidelines to be laid down by the UGC. Posts of Readers will be created for this purpose by upgrading a corresponding number of posts of lecturers in the Universities and Colleges."

9. A perusal of the record indicates that Daman Administration had entertained some doubt about this notification and had sought clarification from the Government of India by writing a letter dated 01.12.1993 (Exhibit R3). The Administration pointed out some problems in giving effect to the CAS of 1988 and sought advice / clarification. This letter was replied by Government of India letter dated 30.9.94 (Exhibit R4) stating that Daman administration should come out with a scheme and requested the administration to constitute a committee and take necessary steps for promotion to the post of Reader from Lecturer. A selection committee was constituted in pursuance of Government of India decision and judgment of the CAT Mumbai Bench in OA 187/97 and on the recommendation of the Screening / Selection Committee, the impugned order dated 29.10.98 has been passed. The learned counsel for the applicant has argued that category of designated Reader is not a higher category than the category of selection grade



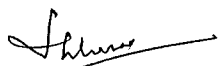
lecturer and grant of seniority to Ph.D. holder lecturer over the selection grade lecturer by designating the former as Reader is discriminatory and violative of Article 14 and 16 of Constitution of India. Learned counsel for the respondents has submitted that the designation / upgradation of the post of Reader in Government College, Daman in accordance with para 15 of the CAS which interalia provides that the post of Reader will be created for this purpose by upgrading number of post of lecturer, In the normal course as and when an official is promoted to the higher cadre, naturally he will have to be senior to those who are in the lower cadre. The respondents contention is supported by two documents, which are Ministry of HRD letter dated 30.9.94 (R4) and South Gujrat University letter dated 19.12.98 (at page 161 of Paper Book). Relevant extract of R4 is as under:

"It is clarified that as per the Govt. of India and UGC's instructions those teachers who are fulfilling the qualifications laid down for promotion to the post of Reader, if found suitable by the Selection Committee may be promoted to the post of Reader and their seniority will be maintained in the cadre of Reader and as such there will be no such anomaly."

Relevant extract of letter dated 13.12.1997 is as under:

With reference to your letter No. GC/EST/Seniority/98-99/599 Dt. 19/11/1998 I am to inform you that the promoted Reader from the Selection Grade Lecturer under the Career Advancement Scheme become Senior to all categories of Lecturer.

10. So far as the contention regarding same pay scale is concerned we observe that though pay scale of



selection grade lecturer and Reader are same, but there are substantial differences between these two cadres and they're not identical. The expression 'promotion' for Reader and 'placement' for selection grade lecturer abundantly makes it clear that the Reader post is promotional post and constitutes a separate and a higher cadre. Whereas selection grade is extension of pay scale in the existing cadre of lecturer. The qualification prescribed for Reader is higher i.e. Ph.D degree or equivalent published work; whereas selection grade is to be given to a lecturer after completing stipulated years of service. According to CAS a lecturer in senior scale is required to be considered for designation / promotion to the post of Reader after acquiring the degree of PH.D. or equivalent published work. Therefore, the promotion / designation to the post of Reader is a movement from the cadre of lecturer to the cadre of Reader.

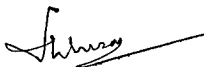
11. Learned counsel for the applicant has contended that the impugned order dated 29.10.98 is liable to be quashed in terms of decision of CAT in OA No.578/96 and 896/96 read with Ministry of Defence order dated 23.02.98 and 29.10.98. Learned counsel for the respondents has submitted that the decision of Ministry of Defence and that of Maharashtra Government are unilateral without the sanction of Ministry of HRD and



UGC and therefore, these decisions are not binding on the colleges under Central Government and Union Territories. The demand of the applicant for relaxation of eligibility criteria on the basis of above mentioned decision is untenable because for the teachers of Government College, Daman, Ministry of HRD is the competent rule making authority. We have gone through the judgment of the Tribunal in OA 578/96 and 896/96 and also the Ministry of Defence Order dated 23.02.98 (Annexure A14) and 29.4.98 (Annexure A16). The perusal of the decision of Tribunal goes to show that the Tribunal did not pass any order on merit of the case, since respondent department NDA mentioned that they were seriously considering the request of the applicants therein for giving the status of the Reader to the applicants and sought six months time to resolve the issue. The Tribunal disposed of those application with directions to consider the rival contention of the persons and frame a scheme within a period of six months. Whereas, in OA 187/97 of Dr. D.Tripathi Vs. Union of India (Annexure A10) the Tribunal decided the issue on merit and gave specific direction to the respondent administrator. More over, the order has become final and fully implemented after the issuance of the order dated 29.10.98. The Tribunal while disposing of the OA 578/96 and 896/96 made the following observations:

Further the possession of PH.D. degree was not

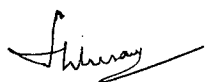
...13.



considered a qualification to improve the quality of instructions in the context of unique nature of training environment at the NDA."

12. The situation in the Government College in Daman is totally different being an institution where teaching and research work goes simultaneously. Hence for the maintenance of the standard, institution like Government College, Daman, it has been envisaged in the CAS of 1988 that research degree and research activities would be essential elements for professional growth of a college / University / lecturer as well as to improve the quality of instruction. So far as the orders of Ministry of Defence are concerned, according to para 29 of the CAS, anomalies if any, should have been brought to the notice of Ministry of HRD and that was actually done by the administration of Daman & Diu seeking clarification vide letter dated 01.12.93. It was replied by the Ministry letter dated 30.9.94 that the promotion to the post of Reader would be through process of selection by a Selection Committee appointed by the appointing authority and teacher fulfilling the qualification laid down in para 14 and 16 of the appendix-I of 1988 circular dated 22.7.1988. A selection grade lecturer, if found suitable by the Selection Committee would be promoted to the post of Reader and his seniority drawn will be maintained in the cadre of Reader.

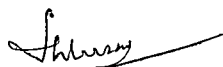
13. Learned counsel for the applicant has also placed reliance on the Apex Court judgment in Dr.



...14.

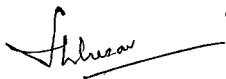
Rashmi Shrivastav Vs. Dr. B.D. Shrivastava and Others
AIR 1999 SC 1695. The Hon'ble Court while dealing with the interse seniority of Direct Recruits Vis-a-vis promotee Readers ruled that Direct Recruits and promotee Readers and Professors can not be treated equally for purpose of seniority and promotion. The ratio of this decision does not help the applicant as the matter in issue in the case on hand is entirely different from the case referred above. The question of seniority of lecturers of selection grade vis-a-vis Reader was not under consideration of the Hon'ble Apex Court.

14. Learned counsel for the applicant has further contended that the applicant in OA 187/97 had not attached the circular dated 17.6.87 deliberately. He has further contended that order dated 24.9.97 was passed by this Tribunal without noticing the provision of para 21 of Appendix to the Government circular dated 17.6.87. Hence this Tribunal is bound to rectify the order dated 24.9.97, which is erroneous and not binding on the applicant. Learned counsel for the respondent has invited our attention to Appendix to the circular dated 17.6.87 and Government of India, Ministry of HRD (department of Education) circular No.F-1-21/87-4.1 (Annexure A5) and stated that after issuing circular dated 17.6.87 University and College teachers in several state went on indefinite strike from 04.8.87. One of their major demands was opportunity for promotion to the



post of Reader as evident from the circular dated 07.9.87 (A4). Accordingly, amendments were made in appendix to circular dated 17.6.87 which can be seen at para 3 of Government of India circular dated 22.7.88. Therefore, appendix of 1987 circular stood totally replaced by Appendix-I of the 1988 circular, which is referred as CAS 1988. We are in full agreement with the submissions made by learned counsel for the respondents. A comparison of Appendix of 87 circular and Appendix of 1988 circular reveals that many paragraphs were retained verbatim or with slight modification. Para 21 of the Appendix 87 circular was not at all retained in the Appendix of 1988 circular and therefore became non-existent. It can be seen in para 18 of 1988 circular that UGC evolved a suitable guideline for creation of more post of Professor and Reader through selection process. Therefore UGC required to identify the colleges for creation of post of Reader for open selection. Respondents 5 to 11 have already been promoted and designated to the post of Reader under the scheme of upgradation of post as envisaged in para 15 of the scheme referred above. Therefore, the argument raised by the learned counsel for the applicant that the order of the Tribunal in OA 187/97 was passed without noticing the provision of para 21 of the Appendix to Government circular dated 17.6.87 is misconceived.

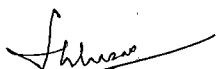
15. Learned counsel for the applicant has also




...16.

contended that the applicant and his similarly placed colleagues were not made parties in OA 187/97 and this decision is not binding on the applicant. He has further contended that the order dated 24.9.97 in OA 187/97 has only directed the respondents to consider the case of the applicants for their promotion / designation as Reader in accordance with CAS 1988. There is no whisper that Ph.D. holder Reader should have a separate seniority list vis-a-vis non-Ph.D lecturer. The perusal of the record goes to show that OA 187/97 was decided on 24.9.97 and review petition 16/99 filed by the applicant was also dismissed and judgment has been implemented. The impugned order passed by the respondents is not only based on the judgment of this Tribunal in OA 187/97, but also on the Government order (1) GOI, MHRD Notification No.F.I-21/87 U.I. dated 22.7.1988; (2) UGC Letter No.F.1-6/90 PS Cel) dated 27.11.1990, GOI MHRD letter No. F.4-18/93 U.T.I. dated 30.9.1994 as indicated in the order itself. Therefore, the fact that applicant was not a party in that case is not so material in view of the fact that CAS was also followed.

16. Learned counsel for the applicant stated that administrator of Daman & Diu and Nagar Haveli vide order dated 16.4.96 (Exhibit A18) constituted Screening Committee for considering placement / promotion of the cases of lecturers of Government college Daman in the senior scale /selection grade and promotion /



designation to the post of Reader to consider the issue arising out of implementation of CAS. The minutes of the meeting concluded that there would not be any general awarding of the designation of Reader on the basis of the PH.D. without due assessment of the necessity and impact of such designation in the functioning of the college. The minutes were approved by the administrator and in the light of the minutes of the meeting held on 28.4.97 the decision is contrary to the order dated 29.8.1997. Learned counsel for the respondents submitted that administrator did not issue any order on the basis of the minutes dated 28.4.97. The approval of the Respondent No.2 was taken on 27.8.97 and this Hon'ble Tribunal passed judgment in OA 187/97 on 24.9.97. Therefore, the administration decided not to act upon the minute and to implement the direction of this Hon'ble Tribunal in OA 187/97. It appears that the decision taken by the Committee held on 28.4.97 has no legal sanctity as the decision of the meeting is in contravention of the CAS and clarification of the Ministry of HRD, which is the rule making authority in respect of teachers of the Government College, Daman. The minutes were never approved by the Ministry, the rule making authority. The minutes were neither notified nor any order was issued based on the minutes. Therefore, no legal enforceable right is vested in the applicant with regard to minutes of the aforesaid meeting.



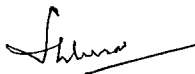
17. Learned counsel for the applicant has also referred UGC letter dated 21st August, 2003 which was issued in reply to letter of Development Commissioner, Daman dated 21.7.2003 seeking clarification on the subject. The letter was filed by respondent No.2 in OA No.756/99 through M.P. No.727/03. The letter reads as under:

"With reference to your letter No. GG/EST/Court-Case/BCP-756/99-00 (Part-I)/62 dated 21.7.2003 received through Shri Sanjeev Kumar, Director, Ministry of HRD on the above subject and to inform you that Lecturer (Selection Grade) & Readers from two separate cadres under the Career Advancement Scheme, the promotion to the post of Reader is not vacancy bound i.e. post of Reader is not required for promotion as Reader as their substantive post remains as Lecturer."

A perusal of this letter goes to show that the post of Reader is not vacancy bound. The impugned order dated 29.10.98 also speaks as under:

"According to para 15 of the Career Advancement Scheme, the post held by the above mentioned incumbents will stand upgraded insitu to the post of Reader in the pay scale of Rs.3700-125-4950-5700 (pre-revised) with the condition that after they are vacated by the above mentioned incumbents it will be treated as Lecturer in the pay scale of Rs.2200-75-2800-100-4000 (pre-revised). Their seniority will be maintained in the cadre of Reader."


Therefore, it can be concluded that the impugned order is not in any way contradictory to UGC letter dated 21.8.2003.



18. Learned counsel for the applicant has argued that upgradation of seven persons mentioned in the order dated 29.8.98 has not been done by the person with appropriate expertise on the subject. Learned counsel for the respondents on the other hand has contended that the claim of equivalency has to be examined and decided by the subject expert, only when the candidate has become eligible in terms of stipulated qualification and equivalent published work. The applicant was neither PH.D. nor he possess equivalent published work. Therefore, he has no locustandi to challenge the selection of dulyqualified person. The applicant submitted selfappraisal for promotion to the post of Reader as evident from R2. Since the applicant did not fulfil the eligibility criteria for the post of Reader, he has neither legal right nor locustandi to challenge the promotion order of Respondents 5 to 11, who have been found duly qualified and selected by Screening/Selection Committee and have been appointed to the post of Reader. He has taken a calculated chance to appear in the selection and since he was not found suitable, he cannot turn around and say that the constitution of Selection Committee was not proper. In Madan Lal Vs. State of J & K reported in JT 1995 (2) SC 291 the Hon'ble Supreme Court has held that :

"It is now well settled that if a candidate takes a calculated chance and appears at the interview is not palable to him he cannot turn round and subsequently contend that the process of interview was unfair or selection committee

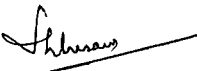
...20.



was not properly constituted. In the case of Om Prakash Shukla v. Akhilesh Kumar Shukla, AIR 1986 SC 1043 : (1986 Lab IC 796), it has been clearly laid down by a Bench of three learned Judges of this Court that when the petitioner appeared at the examination without protest and when he found that he would not succeed in examination he filed a petition challenging the said examination, the High Court should not have granted any relief to such a petitioner."

19. In view of the aforesaid discussion, we are of the considered opinion that the impugned order dated 29.10.98 is fully in conformity with the CAS 1988 and perfectly valid. The post of Reader is a promotional post and constitute a separate cadre and seniority is a consequential benefit. Hence, the decision to maintain seniority in the cadre of Reader is lawful, legal and rightful exercise of power. There appears no ground to interfere in the matter.

20. In the circumstances, the OA has no merit and liable to be dismissed and dismissed accordingly with no order as to costs.


(MUZAFFAR HUSAIN)
MEMBER (J)


(A.K. AGARWAL)
VICE CHAIRMAN

Gajan