

CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION NO.: 1300/93

Date of Decision : 30/8/93

D.P. Dhapodkar Applicant.

Shri G.K.Masand Advocate for the  
Applicant.

VERSUS

Union of India & Others. Respondents.

Shri R.R.Shetty for  
Shri R.K.Shetty Advocate for the  
Respondents.

CORAM :

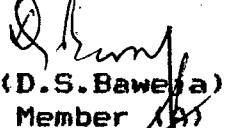
The Hon'ble Shri D.S.Bawea, Member (A)

The Hon'ble Shri S.L.Jain, Member (J)

(i) To be referred to the Reporter or not ? ✓

(ii) Whether it needs to be circulated to other Benches of the Tribunal ? T

(iii) Library X

  
(D.S.Bawea)  
Member (A)

mrjk

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH, MUMBAI

OA.NO.1300/93

Dated this the 30th day of August 2000.

CORAM : Hon'ble Shri D.S.Baweja, Member (A)

Hon'ble Shri S.L.Jain, Member (J)

Devrao Punaji Dhapodkar,  
Assistant General Manager (BASE),  
BASE Depot, Govt. of India,  
Ministry of Defence,  
Canteen Stores Department,  
Sweri, Bombay.

... Applicant

By Advocate Shri G.K.Masand

V/S.

1. Union of India  
through the Secretary,  
Ministry of Defence,  
PO. Army H.Q.,  
New Delhi.

2. The Secretary & Deputy  
Director General,  
Canteen Services,  
North Block,  
Room No. 15, 3rd Floor,  
New Delhi.

3. The General manager,  
Canteen Stores Department,  
'Adelphi',  
119 M.K.Road,  
Bombay.

... Respondents

By Advocate Shri R.R.Shetty  
for Shri R.K.Shetty

..2/-

O R D E R

(Per : Shri D.S.Baweja, Member (A))

The applicant was promoted as Assistant General Manager on adhoc basis for six months from 1.4.1986 in Canteen Stores Department. He was continued thereafter on promotion in spells of six months each. The applicant was placed on the panel dated 13.11.1987 at Sr.No.10 (total 11 persons on the panel) for regular promotion as AGM. The panel was effective from 14.10.1987 for a period of one year or till the panel is exhausted. Since there were nine clear vacancies on the date of issue of the panel, nine officers Sr.No. 1 to 9 were given regular promotion from 14.10.1987 as per the order dated 16.11.1987. On the same day, another order was issued promoting the applicant along with Shri S.U.Pardeshi (Sr.NO.11) on officiating basis. At the same time the adhoc promotion of the 11 officers placed on the panel was discontinued by the order dated 16.11.1987. Subsequently, by order dated 19.11.1988, one Shri Vinod Kumar whose case was kept in the "sealed cover" was interpolated in the panel at Sr.No.7 on being exonerated in the chargesheet enlarging the panel to 12 persons with applicant being shifted to Sr.No.11. However, subsequently, as per order dated 26.9.1989, the officiating promotion of the applicant was discontinued from 13.4.1989 stating that the currency of the panel expired on 13.4.1989. By another order on the same date, the applicant along with Shri S.V.Pardeshi were promoted on adhoc

basis as AGM for a period of 6 months with break of one day. Thereafter, the applicant was continued on adhoc promotion in spells of 6 months each with a break of one or two days. After holding DPC in 1987, no DPC was held till the DPC held in 1993 and panel notified on 29.10.1993 though the vacancies in the intervening period regularly occurred. The applicant submits that two vacancies each occurred in the years 1988, 1989, 1990, 1991 and one vacancy in 1993 on account of retirement. The applicant was not selected in the panel dated 29.10.1993. The applicant also contends that the applicant should have been considered against the vacancy of 1988. It is also the case of the applicant that once the applicant had been selected in the panel dated 13.11.1987, the respondents cannot subject the applicant to fresh selection in 1993. Feeling aggrieved, the applicant has filed the present OA. on 23.11.1993.

2. With the above back ground, the applicant has sought the following reliefs :-

(a) to hold that once the applicant was empanelled by DPC on 14.10.1987 in the panel dated 13.11.1987, the respondents cannot cancel that panel and subject the applicant to fresh selection in the year 1993.

(b) to hold and declare that the applicant has been regularly promoted as AGM from 14.10.1987 and he is entitled to count his service retrospectively from 1.4.1986 when he was first promoted on adhoc basis.

(c) to hold and declare that the clubbing of the vacancies occurring between 1988 to 1993 for holding DPC in 1993 is illegal and bad in law.

(d) Direct respondents to hold separate DPC for each year for the vacancies arising during the years 1988, 1989, 1990, 1991 and 1993 and prepare the panel accordingly.

(e) In the alternative to prayer at (a) & (b) above, to place the name of the applicant in the panel of AGMs notified on 29.10.1993.

3. The applicant has advanced the following grounds in support of the reliefs prayed for :-

(a) Once the applicant was placed on the panel dated 13.11.1987, he cannot be subjected to fresh selection in 1993.

(b) The vacancies which occurred in the year 1988 with the retirement of two AGM (Shri B.S.Negi & Shri George Varghese) ought to have been taken into account for the panel drawn up in 1987. With the existing 9 vacancies, there would be 11 vacancies and the applicant at S.No.10 in the panel would have been regularly promoted.

(c) The selection conducted by the DPC on 23.11.1993 is vitiated as the same has not been done on the basis of year-wise vacancies arising from the year 1988 onwards and zone of consideration accordingly and consideration of the annual confidential reports of the relevant five years. The applicant was entitled to be considered for the vacancies of all the years as he was on the top of the list.

(d) DPC was not entitled to declare the applicant unfit for promotion on the so called adverse remarks in the report for the year ending December, 1992.

(e) The Bench mark prescribed for general candidates as per the Department of Personnel & Training's O.M. dated 10.3.1989 is not applicable to Scheduled Caste/Scheduled tribe candidates. In this case, what is required is to determine fitness or otherwise by the DPC. Therefore the claim of the applicant for not being placed on the panel of 1993 cannot be dismissed for not reaching the Bench mark.

4. The respondents have filed written statement opposing the OA. The respondents at the outset have opposed the OA. on two grounds :- (a) The OA. is barred by limitation. (b) OA. is bad for 'non joinder' of the persons placed on the panel dated 29.10.1993 who will be affected if the relief is granted to the applicant. As regards on merits for non placement on the panel notified on 29.10.1993, the respondents submit that the name of the applicant was considered with others on the year-wise

vacancies basis and the applicant was not found fit for all the years. As the contention of the applicant with regard to benefit of reservation being given to Scheduled Tribe candidates, the respondents state that the same is not tenable as there is no reservation for promotion from one group 'A' post to another group 'A' post. It is accepted by the respondents that in respect of Scheduled Caste/Scheduled Tribe candidates, there is no requirement of reaching Bench mark. They are required to be assessed as 'fit' or 'unfit' by the DPC for promotion. In the applicant's case, the DPC graded him 'unfit' for promotion for all the years. Thus, there is no infirmity in the DPC proceedings as alleged by the applicant. As regards consideration of the adverse remarks in the report for the period ending December, 1992, the representation made by him to the competent authority was rejected and therefore the adverse remarks stand in the report and the DPC has to take note of the same.

In respect of the relief of regular promotion from 1.4.1986 as per panel notified on 13.11.1987, the respondents submit that applicant could not be regularly promoted due to non availability of the vacancies. This was due to the fact that DPC for regular promotion to the post of Deputy General Manager (DGM) could not held first for finalisation of the recruitment rules and then on account of pending litigation in the various Benches of the Tribunal with regard to seniority. Therefore, the resultant vacancies in AGM grade also remained on adhoc basis.

Regular DPC for promotion to the post of DGM could be held in 1994. The currency of the panel remains for one year and extendable by another six months. After the validity of the panel is over, the persons placed on the panel who could not be promoted for want of vacancies are required to be considered by the next DPC as and when vacancies are available. In view of this position of Rules, the respondents state that claim of the applicant that he cannot be subjected to fresh selection is not sustainable.

5. The applicant has not filed any rejoinder reply for the written statement of the respondents.

6. We have heard the arguments of Shri G.K.Masand and Shri R.R.Shetty for Shri R.K.Shetty for the applicant and respondents respectively.

7. During the hearing, it was revealed by the respondents that two posts of AGM were surrendered as per order dated 31.10.1987, i.e. before the issue of the panel. This point was not brought out in the written statement. It was also noted that respondents had not brought out clear position with regard to the vacancies of AGMs particularly those arising due to adhoc promotions to the post of DGM. Therefore, the respondents were directed to file additional written statement. The respondents filed additional written statement accordingly. However, during

further arguments, the position brought out with regard to occurrence of the vacancies was still vague and the respondents were directed to file further written statement indicating the details of the vacancies assessed for the DPC held in 1987. The respondents have filed the further written statement after serving the copy on the applicant. These additional written statements as we deliberate subsequently bring out the details which the respondents did not come out while filing the first written statement. ~~The applicant has filed rejoinder reply to the first additional written statement.~~ The contents of the second additional written statements were controverted by the applicant during arguments. We will consider the merits of the reliefs prayed for keeping in view the submissions made in the additional written statements.

8. Before going into the merits of the reliefs sought for, we will deliberate on the plea of limitation raised by the respondents. The respondents have contended that the OA. filed on 1.8.1994 seeking relief of counting period of service of adhoc promotion from 1.4.1986 for seniority and regular promotion from 14.10.1987 when the applicant was placed on the panel dated 13.11.1987 is barred by limitation. The applicant, however, has not filed any rejoinder reply to counter this ground. In the OA., it is mentioned that the same is within the limitation period. Considering the facts of the case, we are inclined to find merit in the ground of limitation raised by the respondents

so far as relief for regular promotion as per panel dated 13.11.1987 and counting the adhoc period of service for seniority is concerned. In pursuance of the panel dated 13.11.1987, the applicant was promoted on officiating basis as per order dated 16.11.1987 while the other 9 persons on the panel were given regular promotion on the same date. Therefore, this point gave first cause of action to the applicant. If the applicant was of the opinion that he was promoted on 1.4.1986 against a regular vacancy, then order dated 16.11.1987 made him clear that his promotion even on being placed on the panel was not regularised. The further cause of action arose when the respondents as per order dated 26.9.1989 discontinued even officiating promotion from 13.4.1989 on the ground that the currency of the panel had expired. With the break of one day, the applicant was promoted on adhoc basis as per order dated 26.9.1989. The applicant at least now knew as per the order dated 26.9.1989 that his placement on the panel dated 13.11.1987 did not regularise his adhoc promotion from 1.4.1986 and he was not given the benefit of the panel dated 13.11.1987. The applicant kept quiet thereafter fully aware of status of his promotion as AGM till he was aggrieved by not being placed on the panel in 1993. Non placement on the panel dated 29.10.1993 does not give the cause of action to claim regular promotion from 14.10.1987 as per panel dated 13.11.1987 when applicant knew that he had not been allowed the benefit of regularisation of the adhoc promotion from 14.10.1987.

(V)

The applicant was also being thereafter promoted on adhoc basis on 6 months basis with breaks of one or two days thereafter for several years. Therefore, the limitation period has to necessarily relate back to the order dated 16.11.1987 or at least with the issue of the order dated 26.9.1989 when it was made clear to the applicant that benefit of the panel dated 13.11.1987 will not be given to the applicant. The applicant has not made any whisper of averment as to why he did not make any representation in 1989 or thereafter or sought legal remedy. In fact the non placement on the panel is not material to the relief sought by the applicant. The applicant seeks the benefit of regular promotion from 14.10.1978 as per panel dated 13.11.1987 and therefore this issue is independent of the panel dated 29.10.1993. In the face of these observations, we have no hesitation to conclude that the claim is stale, suffers from delay and laches and is barred by limitation.

9. We note that the applicant even on taking the ground of limitation by the respondents has not filed any application for condonation of delay. Delay cannot be overlooked while making an adjudication of a petition which involves claim of retrospective promotion as held by the Hon'ble Supreme Court in the case of Administrator of Union Territory of Daman & Diu vs. R.D.Valand, 1996 (8) SLR 617 (SC).

As held by the Hon'ble Supreme Court in Ramchandra Samatha & Ors. vs. Union of India, 1993 (2) SLR 811 SC, the delay deprives a person of the remedy available in law. A person who has lost the remedy by lapse of time loses his right as well.

In regard to specific provisions on limitation in Section 21 of the Administrative Tribunals Act, 1985, we refer to the recent judgement of the Apex Court in the case of Ramesh Chand Sharma vs. Udhamp Singh Kamal & Ors. 2000 (2) SC SLJ 89 cited by the respondents during the hearing. In this case, the OA. was filed after 3 years of the cause of action. No prayer for condonation of delay <sup>km</sup> made. The respondents took the plea of limitation. The Tribunal ignoring the ground of limitation went into OA. on merits and allowed the relief prayed for. The matter was taken in the appeal before the Apex Court. The Hon'ble Supreme Court set aside the order of the Tribunal noting that the Tribunal erred in admitting the application barred by delay under Section 21 of the Administrative Tribunal's Act, 1985.

In the case of Prakash K. & Anr. vs. State of Karnataka & Ors., 1997 SCC (L&S) 482, while dealing the delay, the Hon'ble Supreme Court in para 3 have observed as under :-

" Though Mr. Bhagwath contends that the applicants have approached this Tribunal within one year of the date of the cause of action, that may not be technically correct. The cause of action arose when the select list was prepared which they knew as unconstitutional even as early as on

17.11.1993. This apart, we are of the firm view that the limitation provided under Section 19 of the Administrative Tribunals Act, 1985, does not come in the way of exercising our discretion and reject an application, if the application suffers from laches. This is the view we have already taken in *Nagaraja v. Director general and Inspector General of Police*. This Tribunal cannot act mechanically and grant the relief only on the ground that an applicant has approached this Tribunal within one year of the cause of action and he has made out a good case on merits, ignoring the realities and the effect of the relief on the administration and private parties. This Tribunal cannot shut its eyes to the inconvenience and injury that would result to the private respondents who have joined the service already."

In the present case, the OA. filed with reference to his non placement on the panel dated 29.10.1993 may be within the limitation but ~~for going on~~ <sup>in</sup> merits of relief of regular promotion from 14.10.1987 the delay has to be looked at with reference to the reliefs prayed for. The applicant claims the benefit of the panel dated 13.11.1987 for which the adverse order was first passed on 16.11.1987 and thereafter on 26.9.1989 which gave the cause of action for the reliefs prayed for. The applicant however failed to agitate the matter at the appropriate time.

Therefore, keeping in view the facts of the case as observed above and the law laid down by the Hon'ble Supreme Court in the above cited judgements, we must reach to the conclusion that the OA. is barred by limitation, suffers from delay & laches and deserves to be dismissed on this account alone so far as the relief of regular promotion from 14.10.1987 and counting of adhoc service from 1.4.1986 for seniority is concerned.

(6)

10. Inspite of our findings above of OA. being barred by limitation and suffering from delay and laches, we have considered the OA. for the said relief on merits in view of the fact that elaborate arguments were heard from both the sides. We find that even on merits the applicant has no case. The respondents in the additional written statements have brought out that the DPC in 1987 was held for 13 vacancies as on 31.12.1986 which included 4 chain vacancies on account of adhoc promotion to the post of DGM. Only 12 persons were eligible and all the 12 persons were placed on the panel. The respondents have given the details of the adhoc promotions name-wise to the post of DGM and resultant vacancies in AGM grade. It is brought out by the respondents that the applicant was promoted in 1986 against the resultant vacancies on account of adhoc promotions to DGM. The respondents have explained that 4 resultant vacancies <sup>which</sup> <sub>had been</sub> taken into account for holding DPC in 1987 did not materialise due to delay in holding of DPC for regularisation due to non finalisation of recruitment rules. The recruitment rules were finalised in 1988 but thereafter the DPC could not <sup>be</sup> <sub>held</sub> due to pending litigation for seniority in the various Benches of the Tribunal. Thus, there were only 9 clear vacancies for regular promotion. Even after the extension of currency of the panel for a further period of 6 months, DPC for regular promotions to the post of DGM could not take place. The applicant being at Sr.No.11 of the panel after interpolating the name of the person under sealed cover could not be regularly promoted. The DPC for

regular promotion to the post of DGM was held only in 1994 after the litigation was over. However, since some vacancies in the cadre of AGM had arisen due to retirement, the DPC for AGM promotion was held in 1993. Thus the applicant continued to be promoted on adhoc basis against the resultant adhoc vacancy. The applicant cannot be entitled for <sup>regular</sup> adhoc promotion against the adhoc vacancy till the person on adhoc promotion in the higher post is regularised. This issue has been recently examined in OA.No.1290/93, K.N.R.Pillai vs. Union of India by the same Bench wherein the claim of the applicant for counting the period of adhoc service for promotion as AGM against the vacancies arising due to adhoc promotions to the post of DGM was rejected as per order dated 24.4.2000. In view of what is held in OA.NO.1290/93, we are of the opinion that the case of the applicant must fail even on merits.

11. Now we come to the issue of panel notified on 29.10.1993 in which the applicant does not find his name. The applicant has challenged non placement of his name in the panel on three grounds.

12. The first ground is that the vacancies of all the years occurring from 1988 onwards had been clubbed together and the reports of the relevant years were not considered. The respondents have made available the proceedings of DPC. On going through the same, we note that the selection was held for five vacancies, two for 1991, one for 1992 and 2 for 1993. The

eligibility list based on the zone of consideration has been considered separately for each year and recommendations have been made for year-wise accordingly. The applicant has been considered for all the years and has not been found fit by the DPC. Therefore, the contention of the applicant of clubbing of the vacancies for all the years was done is not tenable and DPC proceedings do not suffer from this infirmity.

13. The second ground is that the adverse entries for the confidential report for the period ending December, 1992 cannot come in the way of the applicant for being declared fit for promotion. The applicant was conveyed adverse remarks as per letter dated 18.6.1993. The applicant represented against the same on 14.7.1993. His representation was rejected as per letter dated 7.9.1993. Once the representation has been rejected by the competent authority, the adverse remarks stand in the report and DPC will certainly take note of the same. The applicant has elaborately averred in the OA. putting his defence against the adverse remarks. However, the counsel for the applicant did not argue on this point in the hearing. Further, the applicant has also not prayed for quashing of the adverse remarks. Therefore consideration of the December, 1992 report by the DPC with the adverse remarks is valid and does not call for any interference.

14. The third ground is with regard to the non application of Bench mark in case of the applicant as the applicant belongs to Scheduled Tribe category. There is no dispute on this point as

(N)

the O.M. relied upon by the applicant is clear on this issue and the respondents admit the contention of the applicant. As per the O.M., the candidates belonging to reserve category are to be only assessed as 'fit' or 'unfit' for promotion by the DPC. The respondents confirm the following of the same by the DPC in respect of the applicant. This is born by the proceedings of DPC. DPC has not given any grading in respect of the applicant as done for general category candidates and has assessed the applicant as 'unfit'. Therefore, this presumption of the applicant as being the cause for his non placement on the panel is misplaced.

15. The fourth ground is that since the applicant had been selected by DPC for promotion to the post of AGM and placed on the panel dated 13.11.1987, the applicant cannot be subjected to fresh selection and the earlier selection will remain valid till the applicant is promoted. This is contested by the respondents. The respondents have submitted that the panel has currency and those placed on the panel if are not promoted during the currency for want of vacancies, then the panel expires and the benefit of the panel to such candidate does <sup>not</sup> subsists. Such candidates are required to be considered again in the next DPC as per the extant rules. The applicant has not controverted this stand of the respondents by filing rejoinder reply. Further, the applicant has not cited any rules to support his contention and to counter the stand of the respondents. Once the panel expires after the

(x)

currency of the panel is over, then those not promoted from the panel cannot continue to enjoy the benefit of that panel. We therefore subscribe to the submission of the respondents and reject the contention of the applicant.

16. Now we come to the core issue with regard to the occurrence of the vacancies after the panel dated 13.11.1987 was notified. The applicant in OA. has indicated the occurrence of the vacancies from the year 1988 onwards. Since the respondents in the written reply had not come out with the details of the vacancies clearly as brought out earlier, were directed to file additional statement. In the additional statement filed on 16.8.2000, the respondents have given the occurrence of the vacancies after the declaration of the panel dated 13.11.1987 as under :-

1988	1989	1990	1991	1992	1993	Total
—	—	—	—	—	—	—
—	1	1	2	1	1	6

The applicant, on the other hand, has stated that two vacancies arose in 1988 due to retirement of Shri B.S.Negi and Shri George Verghese, two vacancies in 1989 due to retirement of Shri I.S.Rheen & Shri B.R.Sarin, two vacancies in 1990 due to retirement of Shri M.R.Shambharkar and V.B.Aggarwal, two vacancies in 1991 due to retirement of Shri A.S.Paul and Shri

(A)

R.K.Prasad and one vacancy in 1993 with the retirement of Shri A.R.Sabharwal. From the date furnished by the respondents with the additional statement, it is noted that the applicant's assessment of the vacancies is misplaced as he has taken into account the retirement of DGMs also who were promoted on regular basis. Since the panel of DGM had not been finalised as already deliberated, the resultant vacancies on adhoc promotion to the post of the DGM in the AGM grade will be also adhoc vacancies. Therefore, on retirement of DGMs, the resultant vacancies could not be taken as regular vacancies in the AGM's grade. Further, Shri B.S.Negi retired in October 1987 and Shri George Verghese said to have retired in 1988 was working as regular DGM. Therefore, there is no vacancy arising in 1988 and the position given by the applicant is not factual. In 1989, one vacancy of AGM arose due to retirement of I.S.Raheen promoted DGM on adhoc basis while Shri B.R.Sarin was working as DGM on regular basis. The vacancy of Shri B.S.Negi had been raised for promotion of one person whose promotion was kept in sealed cover. ~~Since~~ <sup>Unfised</sup> This vacancy had arisen after the period for which the vacancies were considered by the DPC in 1987 (Upto December 1986). However, we are not going into this irregularity as the promotion of Shri Vinod Kumar is <sup>but</sup> ~~under~~ challenge. Keeping these observations in view, we find that the vacancies year wise indicated by the respondents and detailed earlier is factual. As against these <sup>wise</sup> year vacancies, the DPC in 1993 was held for the following vacancies :-

1991	1992	1993	Total
----	----	----	-----
02	01	02	5

The respondents admit that DPC in 1993 was held not for the correct year-wise vacancies obtainable. With this fact situation, we find that applicant's claim though for consideration against the vacancy of 1988 is not tenable but he was entitled to be considered for the vacancy arising in 1989 and then against vacancy of 1990 if not found fit. The persons placed on the panel dated 29.10.1993 were considered against the year-wise vacancies of 1991, 1992 & 1993. If such a direction is given to consider the name of the applicant against the vacancies of year 1989, 1990, then the others as per the zone of consideration will have to be considered along with the applicant. This will, however, not disturb the placement of the 5 persons on the panel dated 29.10.1993 and already regularly promoted, as the review DPC will have to consider for promotion to 6 vacancies instead of 5 vacancies. The panel will be modified only to the extent of placement of the applicant at appropriate place if selected against the vacancies of the year 1989 & 1990.

17. The respondents have taken the ground that the applicant has not made those placed on the panel dated 29.10.1993 as party respondent and therefore the OA. is bad for 'non joinder' of the necessary parties. We are not inclined to accept this ground.

The applicant has not challenged the placement of any particular person on the panel. The applicant has pointed out infirmity in the assessment of the vacancies for holding year-wise DPC. Therefore, there is violation of the extant rules committed by the respondents. The claim is against the respondents and no particular relief against individual person placed on the panel is being sought. In such a situation, failure to implead the affected persons will not be fatal as held by the Hon'ble Supreme Court in the case of Jaswant Singh vs. State of Rajasthan, 1995 (8) SLR 121. Those placed on the panel on 29.10.1993 and already promoted may be proper party but not necessary party. As held by Hon'ble Supreme Court in the case of Udit Narain Singh Malphahna vs. Addl. Member of Board of Revenue, Bihar, AIR 1963 SC 786, a necessary party is one without whose being party, effective order cannot be passed. Further, while giving the final direction, their position will be maintained.

18. In the result, we allow the OA. partly with following directions :-

- (a) Claim of the applicant for regular promotion from 14.10.1987 and counting past adhoc service from 1.4.1989 is dismissed as being barred by limitation and also devoid of merits.
- (b) The case of the applicant for regular promotion to the post of AGM will be considered by the review DPC against the one vacancy each of 1989 &

(V)

..21/-

1990 along with other eligible persons as per the extant rules. If the applicant is found fit, then he will be placed on the panel of 1993 accordingly with consequential benefits of seniority etc. The applicant will be advised the result of the review DPC.

(c) Placement of the 5 persons on the panel dated 29.10.1993 will remain intact (as the review DPC is to be held for 6 vacancies) except the interpolation of the name of the applicant if found fit at the appropriate place.

(d) The compliance of the direction at (b) will be done within a period of three months from the date of receipt of the order.

(e) No order as to costs.

S.L.JAIN /

(S.L.JAIN)

MEMBER (J)

D.S.BAWEJA

(D.S.BAWEJA)

MEMBER (A)

mrj.