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CENTRAL ADMINISTRATIVE TRIBUNAL
BENCH AT MUMBAI

ORIGINAL APPLICATION No. 456/94/199

Date of Decision: 30.10.96

Dwarka Prasad

Petitioner/s

Shri R.C.Ganguly with M.S.Rama

murthy & Sh.S.C.Parijat.
Advocate for the
Petitioner/s

V/s.

Union of India & Ors.

Respondent/s

S/Shri Suresh Kumar, S.Natarajan, A.V.Bhukari,
Shri J.P.Deodhar.


Advocate for the
Respondent/s

CORAM:

Hon'ble Shri **B.S.Hegde, Member(J),**

Hon'ble Shri **M.R.Kolhatkar, Member(A).**

- (1) To be referred to the Reporter or not? ✓
- (2) Whether it needs to be circulated to other Benches of the Tribunal?


(B.S.HEGDE)
MEMBER (J).

(16)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
MUMBAI BENCH, MUMBAI.
ORIGINAL APPLICATION NO. 456 / 1994.

Wednesday, this the 31st day of October, 1996.

Coram: Hon'ble Shri B.S.Hegde, Member(J),
Hon'ble Shri M.R.Kolhatkar, Member(A).

1. Dwarka Prasad,
5/92, Customs Quarters,
Adenwala Road, Five Gardens,
Matunga, Bombay - 400 019.
 2. Satyapal Dudeja,
303, Sankalp Co-op. Hsg. Society,
Subhash Road, Vileparle(E),
Bombay - 400 057.
- (By Advocate Shri R.C.Ganguly along
with Shri M.S.Ramamurthy and
Shri S.C.Parijat).

... Applicants.

V/s.

1. Union of India through
Secretary to Government of India,
Ministry of Finance, Department of
Revenue, New Delhi.
2. The Secretary, Department of
Personnel, Public Grievances &
Administrative Reforms, Govt.
of India,
New Delhi.
3. Collector of Customs (General
New Customs House,
Bombay - 38.
4. Central Board of Excise & Customs,
represented by Chairman, Central
Board of Excise & Customs,
North Block, New Delhi.
5. P.K.Thomas,
6. O.P.N. Singh.
7. Sateesh Chander.
8. Suresh Nair.
9. Rajeev Kumar Magoo.
10. Ravinder Kumar.
11. D.S.Rana.
12. Naveen Kant.
13. B.S.Mangat.
14. Nandakumar.
15. M.V.Chowdhary.
16. T.K.Panda.
17. Ved Prakash.
18. J.P.Singh.

... Respondents.

(By Advocate Shri Suresh Kumar for
Shri M.I.Sethna for R-1 to R-4.
Shri S.Natarajan for R-5 to 11 & 13 to 17.
Shri A.V.Bhukari for R-12. Shri J.P.Deodhar
for Intervenor).

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O R D E R

(Per Shri B.S.Hegde, Member(J))

By this application the applicants are challenging the Recruitment Rules of 1988 by which promotional avenues to the post of "Appraisers" of the applicants have been drastically reduced, whereas the "Examiners" has been increased. This fixation of quota is a subject matter of challenge.

2. The applicants are Preventive Officers and they had filed an M.P. (M.P. No.381/95) for early hearing and interim direction to the respondents. After hearing both the parties, the Tribunal rejected their plea on 5.6.1995, against which the applicants filed an SLP (SLP No.13885/95) in the Supreme Court, the Supreme Court dismissed the SLP on 17.7.1995 and directed the Tribunal to hear the matter as early as possible, that is why the matter is fixed for final hearing. The private respondents i.e. "Examiners" had filed M.P. No.590/95 stating that they would be directly affected if the relief as prayed for in the O.A. is granted and therefore they sought to be impleaded as necessary parties. Accordingly, the M.P. was allowed on 25.8.1995 directing the applicants to join them as party respondents. The applicants have also prayed in this O.A. that the reservation of 75% quota of posts of "Appraisers" for being filled by "Examiners" is ultra vires and unconstitutional and the provisions of Recruitment Rules, 1988 providing for reservation of quota for feeder post should be quashed.

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3. In brief, the undisputed facts are that there are three Group 'B' grades in the Customs Department viz. Superintendent of Customs (Preventive), Appraisers and Administrative Officers/Assistant Chief Accounts Officers. The posts of Superintendent of Customs (Preventive) are filled exclusively by promotion of Preventive Officers and the posts of Administrative Officers are filled by promotion of Office Superintendent. The grade of Appraisers belongs to Group 'B'. This grade is filled up from the following feeder channel i.e. Examiners, Preventive Officers and Office Superintendents. According to 1961 Rules, not less than 50% of the posts of Appraisers in each cadre had to be filled in by direct recruitment through UPSC and the remaining posts may be filled by any other method mentioned in Rule 3. Rule 14 of 1961 Rules envisages recruitment by promotion and appointment to the service against quota available for departmental promotion under Rule 4 will be made on the basis of 'selection' on merit from following sources:

- (i) Examiners who have put in a minimum service of 5 years as Examiner.
- (ii) Examining Officers who have put in a minimum service of 5 years as Examining Officer or Preventive Officers, Grade I or in both grades together.
- (iii) Ministerial Officers :
 - (a) who are not over 40 years of age,
 - (b) who are at least Deputy Superintendents and
 - (c) who have a University degree and must have shown aptitude for superior kind of work.
- (iv) Preventive Officers, Gr.I, who have put in in a minimum service of 5 years in the grade and who are not more than 35 years of age.

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The Selection shall be made in such manner as may be prescribed by the Board in consultation with the Commission. Provided that no officer shall have any claim to such promotion as of right."

According to D.O.P. Circular dt. 10.9.1985 a cadre should not have more than one channel of promotion as this may lead complications regarding seniority of Officers of Officers in different feeder grades. In the case of Preventive Officers and Ministerial Officers in the Customs Department, they have two channels of promotion, Preventive Officers who are direct recruits, normal line of promotion is as Superintendent of Customs (P) and Ministerial Officers whose normal line of promotion to Group 'B' level to the post of Administrative Officers/Assistant Chief Accounts Officers ~~are~~ also eligible for promotion to the post of Appraisers, whereas, in the case of Examiners, they have only one line of promotion and they are eligible for promotion to the post of Appraisers only. Both Preventive Officers and Ministerial Officers had been demanding that the maximum age limit and educational qualification prescribed for eligibility for promotion to the grade of Appraisers should be done away with. The Staff representatives of these federations raised this matter in the Departmental Committee of the Ministry of Finance and the Federation also demanded for lifting of the age limit for promotion to the grade of Appraisers.

4. Having regard to the advice of the U.P.S.C. and the demands of the various Staff Federations, the Recruitment Rules for the grade of Appraisers had to be revised. While considering the revision of the

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Rules it was felt that Preventive Officers and Ministerial Officers have their own line of promotion and they have no claim for promotion to the post of Appraisers. The contention of the Examiners is that whatever promotion the applicants get would be at the cost of Examiners who are the legitimate claimants for all the posts of Appraisers falling in the promotion quota under 1988 Rules, which prescribes 50% by direct recruitment and 50% by Promotion out of which 75% are earmarked for Examiners, 20% for Preventive Officers and 5% for Office Superintendents. The only difference between the two Rules are that in 1961 Rules there is no quota fixation, but age restriction was there. Whereas, in 1988 Rules the age restriction was removed and quota rule was introduced and all the three feeder cadres do get regular share of promotion according to quota in the grade of Appraisers keeping in view the instructions of the D.O.P. dt. 19.9.1985, it was decided to fix the ratio between the three cadres for filling up the promotion quota to the grade of Appraisers. In 1961 Rules the percentage was flexible, but after the new Rules came into force percentage have been fixed.

5. The main thrust of argument of the learned counsel for the applicant Shri R.C.Ganguli is that all the applicants joined the Department between 1978 to 1982 and at the time of their joining the Department stipulation provided in 1988 Rules were not available and they were given certain assurance at the time of their appointment on the basis of 1961 Rules. Since

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both the Preventive Officers and Examiners are recruited by way of direct recruitment in their feeder cadre, it is not open to the Respondents to make any further discrimination in further promotions to the posts of Appraisers. Having treated both the Preventive Officers and the Examiners on the equal footing till 1988, the Respondents are not justified in reducing the chances of promotion of the applicants by amendment of the 1961 Rules in 1988. Further, the criterion for promotion to the posts of Appraisers were amongst Examiners, Preventive Officers Gr.I and Managerial Officers were based on common select list drawn up on inter se seniority basis and seniority-cum-suitability was the basis for such promotion, the impugned 1988 Rules providing 75% quota for Examiners had defeated the entire purpose of 1961 Rules of treating officers of the same class as equals. Besides, that working out of quota rule would create a situation where the Examiners who have been inducted into service as late as 1990 would steal a march even over their seniors like the applicants who joined the service between 1978 to 1982. Further, it was urged that the decision of the Madras Bench does not lay down any law etc.

6. The application has been opposed by the official respondents, as well as, private respondents.

Shri M.I.Sethna along with Shri Suresh Kumar appeared on behalf of the Official Respondents. Shri S.Natarajan appeared for Respondents 5 to 11 and 13 to 17.

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Shri A.V.Bhukari appeared for Respondent No.12.

Shri J.P.Deodhar appeared for Intervenors (All India Customs Appraisers Federation).

7. Shri J.P.Deodhar vehemently urged that the application has no merit and the same is required to be dismissed. He further submitted that there is a decision of the Madras Bench of this Tribunal relating to All India Customs Appraisers Federation by its order dt.9.8.1989. In that O.A. the very same Recruitment Rules had been challenged by the Federation of the present applicants, as well as, the All India Customs Appraisers Federation. It is further submitted that prior to 1961 present applicants were not eligible to be considered for the post of Appraisers, but only ^{by} 1961 Rules Preventive Officers are made eligible to be considered for the posts of Appraisers subject to limitations. With the age restriction under Rule 14 of the 1961 Rules, Preventive Officers are finding it difficult to get further promotion. Accordingly, in 1988 age restriction was taken away and quota rule was fixed. Further, it is submitted, that it is incorrect to state that there is common seniority of applicants as well as Examiners, but they have a separate seniority and separate avenue of promotion and only when a panel is prepared for consideration to the posts of 'Appraisers' respective feeder cadres' eligible candidates their names are drawn up in a panel and promotions are made in accordance with the names mentioned in the panel. The

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learned counsel for the respondents heavily relied upon the decision of the Madras Bench in which the very same Recruitment Rules and the parties before the Madras Bench are the same and therefore, it is not open to the present applicants to re-agitate the matter by filing this present petition.

8. Further, the application filed by the applicants is admittedly a belated one. That the decision of the Madras Bench was rendered in 1989, whereas representations were made to the authorities by the applicants in the year 1992 after lapse of three years and the present application was filed in 1994; therefore, the application filed by the applicants is barred by time. It is also stated that it is incorrect to state that the decision of the Madras Bench is not based on sound reasoning. As a matter of fact, the decision of Madras Bench is binding on the other co-ordinate Benches and once a decision is given by the Tribunal on a particular issue which is not challenged, is binding on the succeeding Bench. In this connection, the learned counsel for the Intervenor Shri Deodhar relies upon the Supreme Court decision in M/s. Kesho Ram & Co. and Ors. V/s. Union of India ((1989) 3 SCC 151). In that case, the Supreme Court has held that under Article 141 once a point or a issue is finally decided by the Court, it becomes binding and cannot be re-opened on the ground that some arguments had not been raised or considered by the Court. In that decision, it was held that once the validity of a provision or notification is upheld by the Court, all grounds must be presumed to have been considered by the Court and fresh litigation challenging

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validity of the same provision on some additional grounds would be barred by principle of res-judicata. As stated earlier, each category has their own promotional avenue and feeder cadres as far as 'Examiners' are concerned, the only promotion is to the post of 'Appraisers'. Since amendment of the Recruitment Rules, 1988 is a policy decision of the Government, it is not open to the applicants to question the same again unless they establish the same is contrary to Rule making power or is arbitrary. In this connection, the Respondents counsel relies upon the decision of the Supreme Court in Union of India & Ors. V/s. Syed Mohd. Raza Kazmi and Ors. (1992 Supp (2) SCC 534), wherein the Apex Court held that the policy of promotion be decided by the Government and the Tribunals or Courts cannot issue directions, it should not interfere unless the policy is arbitrary or discriminatory.

9. It is clear from this that it is for the department to decide the policies of promotion which will be concerning with the interest of all employees belonging to various cadres. It is not for the Administrative Tribunal or for the Courts to interfere with this and to dictate the avenues of promotions. Admittedly, since the cadres of applicants as well as the 'Examiners' are separate cadres, merely reduction in chance of promotion due to separate cadres cannot be treated as violative of Articles 14 and 16 of the Constitution. It is well settled that avenue of promotion is not a reduction in promotion. This is reiterated by this Tribunal in O.A. 95/87 vide order dt. 21.4.1993 stating

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that Preventive Officers and Examiners are different two categories and they fill up a different quotas and whatever has been said in the case of Examiners could have applied to the Preventive Officers only if they belonged to the class, but in the instant case they do not belong to the same class. In this connection he relies upon the following decisions:

1. Secretary to the Government of Orissa V/s. Laxmikanta Nanda and Ors. (1994 (1) SCC 587).

In this case it is held that reduction in chances of promotion due to separation of cadres cannot be treated as discrimination.

2. P.Muregesan and Ors. V/s. State of Tamil Nadu and Ors. (1993) 2 SCC 340.

In this case it is held that amended Rule is not violative of Articles 14 and 16 of the Constitution. Rule making authority is competent to impose complete bar, as well as, partial restriction on the basis of educational qualification etc.

3. Union of India & Ors. V/s. S.L.Dutta and Another. (1991) 1 SCC 505.

In this case it is held that policy decision of Government of Technical or Scientific nature, Court normally, does not interfere in the absence of arbitrariness or malafides.

4. Girish Sahai and Ors. V/s. Union of India. (1989) 9 ATC 251.

In this case it is held that Government has power to amend Recruitment Rules, such amendment is valid even if it reduces chances of promotion of some employees, that by itself is not a ground to hold that the amended rules are arbitrary.

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5. Swapan Kumar Choudhary and Ors. V/s. Tapas Chakravorty and Ors. (1995) 4 SCC 478.

In this case it is held that it was for the Government to apply its mind and take a decision in the matter, as well as, in the matter of granting same scale of pay to all the three categories of Inspectors.

In the light of the above, the learned counsel for the Respondents urged that by amending the Recruitment Rules of 1961 in the year 1988, the Competent Authority was justified in amending the Recruitment Rules and no-where the applicants have challenged the validity of the Recruitment Rules or have stated that the said Recruitment Rules are arbitrary or mala fides. In the absence of which it is not open for them to challenge the promotions made under the amended Recruitment Rules at this belated stage.

10. Shri S.Natarajan who is appearing on behalf of Private Respondents except for Respondent No.12 submitted that the 'Examiners' normal promotion is to the posts of 'Appraisers' whereas, the present applicants were promoted to the post of Office Superintendent. Therefore, 1988 Rules were amended so as to give further promotional avenues to the present applicants. Since the applicants did not challenge the Madras decision, the said decision is binding on the applicants who were parties before the Madras Bench. All these applicants were members of the Federation who had filed a petition before the Madras Bench which was considered and dismissed by the Bench. Both the applicants Federation, as well as, All India Customs Appraisers

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Federation were a party to the O.A. before the Madras Bench and have challenged the very notification of 1988 amendment Rules. Therefore, it is not open to them to raise the same plea again by filing this O.A. which amounts to res-judicata. He also submitted that except pay, there is no commonness between the two cadres.

10. Shri A.V.Bhukari, counsel for Respondent No.12 also urged that the question to be decided by this Bench is whether quota fixed by the Government is arbitrary and what prompted the Respondent Department in amending the 1961 Rules. The official respondents in their reply before the Madras Bench had made it crystal clear regarding the reason for amendment of the 1961 Rules. Thereby, having achieved the result, it is not open to the present applicants to agitate the matter once again stating that their chances of promotion has been decreased. Needless to repeat, that the promotions of the applicants are 100% to the posts of Superintendent has not been touched. Under the 1961 Rules, there are some restrictions for them to get further promotion to the posts of 'Appraisers' which has been removed by 1988 Rules and fixed a quota because, so far as the applicants are concerned, the posts of 'Appraisers' is an "ex-cadre post" and they cannot fill up the same as a matter of right. This is a second channel of promotion, whereby considering the contentions of the various parties, the official respondents have come to the conclusion and took a policy decision by fixing the quota for the Examiners, Preventive Officers, and Office Superintendents. There is considerable justification and rationale behind the fixation of the quota by the

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Government and it is a policy decision which benefits all the section of society. Therefore, the quota fixed in 1988 cannot be treated as arbitrary and malicious. Since the very same factors have been considered by the Madras Bench, the principles of res-judicata would apply to this case, since present applicants were members of the Federation, thus the Federation filed a case before the Madras Bench on this ground itself, therefore, the application is required to be dismissed. He also urged that the application is devoid of merits and barred by limitation. Though the rules came into force in 1988 and thereafter 5 DPCs have been held and the new Recruitment Rules have been acted upon. He urged that the citations referred to by the applicants do not apply to the facts of this case. As a matter of fact, there is no challenge to Government making Rules or to amend Rules.

11. Shri M.I.Sethna along with Shri Suresh Kumar urged that there is no unreasonableness in fixing the quota. The only contention raised by the applicants in this O.A. is that by 1988 Rules promotion to the post of 'Appraisers' posts has been drastically reduced. But if we go through the pleadings, the contention of the applicants is found to be unjustified, as a matter of fact, their chances of promotion has been increased and it is incorrect to state that the rate of chances of promotion is reduced. Further contention is that even if there is a change in the chance of promotion, it is not open to the applicants to challenge the Recruitment Rules unless the policy decision of the Government is arbitrary or malicious one, that is not the case of the applicants. By 1988 Rules, the

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entire cadres of Preventive Officers are eligible to the promotion to the posts of 'Appraisers' and their restriction in age is removed. It is further reiterated that as per 1985 Circular since the Preventive Officers were having two channels of promotions it was objected by the UPSC in view of Department of Personnel Circular of 1985 and therefore, the quota is fixed by 1988 Rules. Though the pay scale is same, the functioning of the two cadres are different and hence the question of violation under Article 14 does not arise. There is no common seniority list and no reduction in the chances of promotion. In fact, by 1988 Rules, the entire cadre of Preventive Officers are eligible for promotion to the post of Appraiser and the embargo of age is removed and quota is fixed for the purpose.

12. Shri R.C.Ganguly along with Shri M.S.Ramamurthy counsel for the applicants relies upon the following decisions in support of their contention which are given below :

1. Thalla Anji Reddi and Others V/s. Union of India and Others. ((1991) 17 ATC 11.

This is a case regarding seniority and promotion. It has been held by the Bench comprising of Dr. Justice David Annoussamy, Vice-Chairman and Shri K.J.Raman, Administrative Member that the rules leading to unjust and unequal distribution of posts in actual implementation are violative of Articles 14 and 16 of the Constitution. The Bench finally held that the rule is unjust, bad, illegal and unconstitutional.

2. Kumari Shrilekha Vidhyarthi V/s. State of U.P. and Ors. (AIR 1991 SC 537).

In this case the Apex Court has held that a change in policy must be made fairly and should not give the impression that it was so done arbitrarily or by any ulterior criteria. Removal en bloc of all District Govt. counsel in State by State Government found to be arbitrary and can be judicially reviewed under Art. 14 of the Constitution.

3. Roop Chand Adlakha and Ors. V/s. Delhi Development Authority. (1989 9 ATC 639)

In this case, the Apex Court has held that when the State makes a classification between two sources, unless the vice of the classification is writ large on the face of it, the person assailing the classification must show that it is unreasonable and violative of Article 14. A wooden equality as between all classes of employees irrespective of all distinctions or qualifications, or job requirements is neither constitutionally compelled nor practically meaningful.

4. T.R.Kothandaraman and Ors. V/s. Tamil Nadu Water Supply and Drainage BD & Ors. (1994) 6 SCC 282.

In this case before the Apex Court which was regarding promotion based on Classification on higher educational qualification, it has been held that there is no constitutional infirmity in the classification and would not interfere with the ratio as prescribed because of the aforesaid special facts.

5. Dr. Ms. O. Z. Hussain V/s. Union of India
(1990(1) SLR 297)

In this case before the Supreme Court under Articles 16, 32 and 309 regarding promotion to 'A' category Scientists is non-medical wing of the Director General of Health services not receiving the same benefit of promotion and pay etc. as are being received by the same category of officers in other Ministries like Ministry of Science and Technology - The Supreme Court held that appropriate rules to be framed on the pattern of rules framed by the Ministry of Science and Technology.

6. Govind Dattatray Kelkar & Ors. V/s. Chief
Controller of Imports and Exports & Ors.
(1967) 2 SCR 290.

This was a Case before the Apex Court under Articles 14 and 16(1) of the Constitution of India between Promotees and Direct Recruits, fixation of seniority and its Constitutional validity. It was held by the Supreme Court that distribution of quota is reasonable.

7. Parmeshwar Prasad Suri V/s. Union of India and Ors.
(1989) 11 ATC 830.

This was a case before the Patna Bench of the Tribunal where the challenge was regarding Compulsory Retirement under Article 311 of the Constitution of India. The Bench held that imposition of a major penalty by appellate authority after obtaining a supplementary report directly from the Enquiry Officer and by-passing the Disciplinary Authority is illegal. It has further held that the appeal against dismissal - Remitting the case for further enquiry without setting aside the dismissal is irregular.

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8. State of U.P. and Another V/s. Synthetics and Chemicals Ltd. and Anr. (1991) 4 SCC 139.

In this case before the Supreme Court it has been held that a decision which is not express and is not founded on reasons nor it proceeds on consideration of issue cannot be deemed to be a law declared to have a binding effect as is contemplated by Article 141. Uniformity and consistency are core of judicial discipline. But that which escapes in the judgment without any occasion is not ratio decidendi. Any conclusion or declaration arrived without application of mind or preceded without any reason cannot be deemed to be declaration of law or authority of a general nature binding as a precedent.

13. The above decisions would show that the function of the Government cannot be interfered with by the Tribunal unless there is arbitrariness or mala fides are established.

In this case, considering the various aspects and contentions of the parties we are satisfied that quota fixed for feeder post i.e. Preventive Officers in the facts and circumstances of the case is reasonable and there is no arbitrariness in the decision and since the very same issue has already been decided by the Madras Bench of the Tribunal. The said decision of the co-ordinate Bench is binding on us, in which the Madras Bench has held that the notified rules do not affect the right of any of these applicants as government servants, since chances of promotion do not form part of conditions of service. Besides, the framing of recruitment rules for posts amounts to laying down a policy

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of Government. In view of the inherent right of the Government to frame recruitment rules under proviso to Article 309 of the Constitution, any attack on the rules on the ground of inclusion of certain category of posts as a feeder category for promotion cannot be sustained. The appellants have not brought out any fresh materials for our consideration to reverse the Madras Bench decision or required to interfere with the policy decision of the Government. It is the Judgment that estops the parties from re-opening the dispute. A large number of authorities were cited on either side in support of their contentions. But the question that falls for consideration in this case is as to whether the fixation of quota by 1988 Rules is arbitrary or violative of Article 14 of the Constitution and the different quota fixed for promotion to the post of 'Appraisers' have reasonable relation to the nature of the office to which the promotion is contemplated. The idea of equality in the matter of promotion can be predicated only when the conditions of promotion are drawn from the same source. In the instant case, they were drawn from different source. That being so, further question that would arise is whether the classification is reasonable or not must therefore depend upon facts and circumstances of each case. When the State makes a classification between two sources unless the vice of the classification is writ large on the face of it, the person assailing the classification must show whether it is unreasonable and violative of Article 14, that is not the scenario in this case. In Dr. Ms. O. Z. Hussain V/s. Union of India (1990(1) SLR 297) wherein the

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Apex Court has held that a right to be considered for promotion is a term of service, but chances of promotion are not. Since the fact that there was reduction in the chances of promotion did not amount a change in the conditions of service. The same ratio will apply to the present case. Even assuming if any infirmity occurred in 1988 Rules, since the applicants have not challenged the vires of the Recruitment Rules in this O.A. and many promotions have already been effected pursuant to the Recruitment Rules, the Tribunal is reluctant to interfere in such matters.

We cannot be oblivious of this situation and interference of the Tribunal is warranted only if the applicants have made out a case that the amended Recruitment Rules are arbitrary or malicious. A decision on an issue of law will be as res-judicata in a subsequent proceeding between the same parties, if the cause of action of the subsequent proceedings is the same as in the previous proceedings. Needless, to mention that the very same notification has already been challenged before the Madras Bench which has upheld the same and has dismissed the application of the applicants. Therefore, the principle of res-judicata would apply in this case, as such it is not open to the applicants to re-adjudicate the very same case once again.

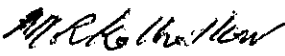
14. In the result, for the reasons stated ^{above} we see no legal or constitutional infirmity in fixing the quota to the posts of 'Appraisers' from the feeder categories i.e. Preventive Officers,

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Examiners and Office Superintendents.

15. Accordingly, we do not see any merit in the O.A.
and the same is dismissed, but with no order as to costs.


(M.R. KOLHATKAR)
MEMBER(A)


(B.S. HEGDE)
MEMBER(J).

B.