

**CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH**

ORIGINAL APPLICATION NO.170/00727/2018

DATED THIS THE 25th DAY OF JUNE, 2019

HON'BLE DR.K.B.SURESH, JUDICIAL MEMBER

HON'BLE SHRI C.V.SANKAR, ADMINISTRATIVE MEMBER

Suraj Raj
S/o Raj Singh
Aged 47 years, working as
Senior Scientific Officer-I
ORDAQQA Engine, DGAQA
Ministry of Defence
C/o HAL Engine Division
P.O. C.V.Raman Nagar
Bengaluru-560 093.
Residing at No.297
Nakshatra Residency
4th Cross, Annasandra Palya
Bengaluru-560 017.

....Applicant

(By Advocate Sri A.R.Holla)

Vs.

1. Union of India,
by Secretary
Ministry of Defence
136, South Block
New Delhi-110 001.
2. The Director General
Aeronautical Quality Assurance
Ministry of Defence 'H' Block
New Delhi-110 011.
3. The Deputy Director General (South Zone)
Aeronautical Quality Assurance
Vimanapura
Bengaluru-560 017.
4. Union Public Service Commission
Dholpur House
Shahjahan Road
New Delhi-110 069.

5. Sri Anand Palathadathil Ramakrishna Pillai
Senior Scientific Officer-I
ALISDA, DGAQA
Ministry of Defence
Jalahalli Camp
Yeshwanthpur Post
Bengaluru-560 022.
6. Sri Srinivasa Phani Kumar Ayyagari
Senior Scientific Officer-I
ORDAQA, LCA-SP
C/o HAL LCA Division
Vimanapura
Bengaluru-560 017.
7. Smt. Umesh Kuwar
W/o Sri.Divyanshu Gupta
Aged about 38 eyars
Senior Scientific Officer-I
ORDAQA
Directorate General of Aeronautical
Quality Assurance, C/o BEL
Gaziabad-201 010. UP.
8. Smt. Ranjitha C
Senior Scientific Officer-I
DRDAQA, MRO & RWRDC
DGAQA, Ministry of Defence
C/o Helicopter MRO Division, HAL
Bengaluru-560 017.
9. Sri. Sudhakar Sahoo
Senior Scientific Officer-I
HQ, DGAQA
Ministry of Defence, 'H' Block
New Delhi-110 011.

....Respondents

(By Advocates Sri N.Amaresh for R1 to 3, Sri.K.Hanifa for R5 to 8)

O R D E R

(PER HON'BLE SHRI C.V.SANKAR, MEMBER (ADMN))

The case of the applicant in a nutshell is that he was appointed as Senior Scientific Officer(SSO) Gr.II on 19.9.2011(Annexure-A1) and he was posted to Headquarters, DGAQA, New Delhi intially and subsequently to Bengaluru under the 3rd respondent

and has been working in Bengaluru since 28.4.2018. The 2nd respondent published the seniority roll of SSO Gr.II vide notification dtd.25.10.2012 wherein the applicant's name is found at Sl.No.54 and the name of the 7th respondent is not found in the list(Annexure-A2). Subsequently, by notification dtd.26.11.2015(Annexure-A3) another seniority roll of SSO Gr.II as on 30.10.2015 providing for direct recruits and promotees has been published wherein the applicant's name is found at Sl.No.17 and the name of respondents No.5 to 9 are found at Sl.No.18,19,21,22 & 20 respectively. Applicant submits that from the above seniority roll, it is obvious that he is senior to the respondents No.5 to 9 and they belong to different branches of Engineering.

2. The applicant submits that the 7th respondent Smt.Umesh Kuwar who is at Sl.No.21 in the seniority list has filed OA.971/2016 seeking direction to place her above the officials at Sl.No.3,4 & 9 on the ground that she was recruited in the same recruitment year and had secured more marks than the aforesaid officials. She was appointed as per the order dtd.20.9.2012 and joined the post on 19.11.2012. In the said OA, the applicant was not made a party. The Tribunal has allowed the OA holding that the placement of the 7th respondent at the bottom of the consolidated seniority list is not in consonance with the DoPT OM dtd.3.7.1986 and she shall be placed in terms of marks secured by her vis-a-vis other selected candidates of that particular year. Further in regard to the inter-se seniority between all the candidates selected in the six disciplines in the consolidated merit list, the same should be prepared strictly based on the marks secured by them as communicated by the UPSC and the inter-se seniority between promotees and direct recruits shall be re-examined treating the vacancy year for direct recruits as 2008-09(Annexure-A4). In pursuance of the said order of the Tribunal in OA.No.971/2016, the 2nd respondent

published the draft seniority list of SSO Gr.II by notification dtd.23.1.2018(Annexure-A5) wherein the applicant has been brought down to Sl.No.27 and the respondents No.5 to 9 were placed above the applicant. 7th respondent was appointed on 19.11.2012 whereas the applicant was appointed on 30.12.2011. The other respondents No.5,6,8 & 9 were appointed subsequent to the applicant and they are juniors to the applicant. The Hon'ble Apex Court has held that an employee cannot get seniority prior to the date he is borne on the cadre. As such the seniority assigned to the respondents No.5 to 9 is illogical, unreasonable and not in accordance with law. The applicant submitted representation against the draft seniority list on 12.2.2018(Annexure-A6) raising several grounds viz., (a) he was recommended for appointment by the UPSC prior to that of the respondents No.5 to 9, as per the DOPT instructions, (b) the inter-se seniority of candidates nominated from reserve panel will be fixed as per consolidated merit given by UPSC but no consolidated merit list has been prepared by the UPSC, (c) in the order in OA.971/2016, the Tribunal noted that the recruitment cases are different and as separate merit lists are prepared there is no question of preparing a consolidated merit list on the basis of marks of six disciplines mixed up, (d) the reliance placed by the Tribunal in the case of Neeraj Kumar Sharma Vs. UPSC is not appropriate as the former case pertains to the marks granted in a competitive(civil services) examination to determine seniority, where performance of all the candidates was assessed in a common examination whereas in the instant case, there was no occasion to assess the performance of the candidates uniformly and it is based on the marks obtained in interviews only and (e) the law laid down by the Supreme Court is applicable to the cases prospectively whereas in the instant case, the issue of seniority has attained finality before the decision of the Supreme Court. But the

2nd respondent, without considering the grounds raised by the applicant, published the final seniority list placed the applicant below the respondents No.5 to 9 vide notification dtd.24.4.2018(Annexure-A7). The 2nd respondent has furnished the reasons for its decision on the various points vide order dtd.8.5.2018(Annexure-A8) and blindly applied the order made in the OA.971/2016 by this Tribunal to reject the applicant's contention. The 2nd respondent has failed to consider the reasonableness of DOPT instructions regarding seniority to be assigned to the officials based on the marks obtained by them in the interview, when they are qualified in different disciplines of engineering. The unequals have been treated equally thereby violating the provisions of Article 14 of the Constitution of India. Therefore, the applicant has filed the present OA seeking the following relief:

- i. To quash the (a) Notification No.4460/CC/UK971/DGAQA/Admin-1 dtd.24.4.2018 issued by the respondent No.1, Annexure-A7 and (b) order No.4460/CC/UK971/DGAQA/Admin-1 dtd.8.5.2018, issued by the respondent No.2, Annexure-A8,*
- ii. Direct the respondents to assign seniority to the applicant above the respondents No.5 to 9 in the cadre of Senior Scientific Officer Grade-II, with consequential benefits.*

3. The respondents have filed their preliminary submission and submit that the Defence Aeronautical Quality Assurance Service Rules 2005 provided for induction at the level of Senior Scientific Officer (SSO-II) by way of direct recruitment (75%) and by promotion(25%). Accordingly, the inter-se seniority of direct recruits and promotees in the grade of SSO-II is determined as per the ratio prescribed in the Service Rules i.e. 3:1. As per the requirement of the service, direct recruitment in the grade of Senior Scientific Officer Grade-II (SSO-II) is made in different disciplines i.e. Electrical, Electronics, Computer Engineering, Mechanical, Metallurgy & Chemical etc. The posts of SSO-II in the service are not explicitly divided into

different disciplines and number of posts to be filled is decided by the competent authority during each recruitment year. The recruitment to the post is made through UPSC on the basis of interview. Accordingly, 2nd respondent vide letter dated 29.9.2009 placed a requisition with the UPSC for direct recruitment of 23 vacancies of SSO-II which included 3 vacancies of Electrical discipline, 6 of Electronics, 3 of Computer Engineering, 8 of Mechanical, 2 of Metallurgy & 1 vacancy of Chemical discipline. Against 6 vacancies of Electronics discipline, UPSC issued nominations of 6 candidates vide their reference dtd.6.10.2010 and 6.12.2010. Subsequently, the UPSC issued nominations of the candidates against other disciplines i.e. 1 of Metallurgy on 13.8.2010, 1 of Chemical on 5.10.2010, 3 of Electrical on 23.11.2010, 8 of Mechanical on 4.1.2011, 25.2.2011 & 18.3.2011 and 3 candidates of Computer discipline on 27.1.2011. After completing the pre-appointment formalities, the candidates nominated by the UPSC were given offer of appointment. The inter-se seniority of candidates of different disciplines who became available was issued by 2nd respondent on 25.10.2012. The names of Smt.Umesh Kuwar (7th respondent) and Smt. Ranjitha C (8th respondent) who were nominated by UPSC from the reserve panels of direct recruits were not included in the above seniority list. While forwarding nominations of these candidates, UPSC had not made any recommendation regarding the position in their respective panels. After consulting DoP&T, names of these candidates selected from the reserve panels were included at the bottom of the consolidated batch of direct recruits of different disciplines selected against the 23 vacancies and their seniority positions were shown accordingly in the draft seniority roll dtd.26.11.2015 which was challenged by the 7th respondent Smt.Umesh Kuwar in OA.No.971/2016 and the Tribunal has passed the order dtd.19.9.2017 with a direction to the respondents to prepare the seniority list

afresh in accordance with DoPT OM dtd.3.7.1986 and the 7th respondent shall be placed in terms of marks secured by her vis-a-vis other selected candidates of that particular year. In compliance of the said order, draft seniority roll of SSO-II was prepared and circulated on 23.1.2018 to all concerned with an opportunity to represent. The applicant availed the opportunity and submitted his representation. After addressing to all representations, final seniority roll was issued and circulated vide letter dtd.24.4.2018 after due consultation with DoP&T, the inter-se seniority of direct recruits have been fixed based on the marks secured by them as intimated by UPSC.

4. The respondents submit that the methodology of consolidating different panels discipline-wise into a single batch in the chronological order of receipt of panels from the UPSC, which provides opportunity to the candidates of the panel of discipline nominated earlier by the UPSC, to join first, has been examined by this Tribunal in OA.971/2016 and was not found tenable. The applicant has failed to bring out any fresh input in the matter and therefore the present OA is barred by res judicata and may not be maintainable.

5. The respondents No.5 to 8 have filed their reply statement wherein they submit that the applicant is claiming seniority above private respondents based on date of joining, however, failed to produce a single OM or rule in support of his claim. As per DoP&T OM dtd.3.7.1986(Annexure-R1), the relative seniority of all direct recruits is determined by the order of merit in which they are selected for such appointment. There is no mentioning of date of joining or date of recommendation as the criterion for determining the seniority but seniority of R5 to R8 is determined by the order of merit. Hon'ble Apex Court in *Parmar's* case has completely delinked

seniority with date of joining. The applicant had obtained 40 marks which is the lowest marks among all the direct recruits for recruitment year 2008-09 and 5th respondent had obtained 75 marks and the applicant is still claiming seniority above him. Due to the UPSC recommended 1 year in job training specifically for him(Annexure-R5), it would be unfair if he is still placed above other candidates who have obtained much higher marks compared to him. The contention of the applicant that the law laid down by Hon'ble Apex Court is applicable to cases prospectively is misleading and factually incorrect as per the judgment of CAT, Bombay Bench in OA.742/2013 & 692/2013 & similar judgment delivered by CAT, Ernakulam Bench in OA.No.611/2009. Applicant stated that the date of recommendation by UPSC should be the criterion for determining seniority. In his own discipline, i.e. Mechanical, candidates were recommended by UPSC on three different dates i.e. 6 candidates were recommended on 4.1.2011(Annexure-R3), applicant's name was recommended on 25.2.2011(Annexure-R4) and one candidate Sri Bheemla Bhukya was recommended on 5.3.2011(Annexure-R5). But Sri Bheemla Bhukya was placed higher to the applicant as he secured higher marks and the applicant has never challenged him as his senior even in the instant OA. Similarly he never claimed seniority above Smt.Meenakshi M who joined later compared to applicant but still placed higher on account of higher marks obtained by her. So the seniority assigned is as per the order of merit and not as per some fortuitous circumstances like date of recommendation or date of joining. Hence, the OA is devoid of merit and is liable to be dismissed.

6. Applicant has filed rejoinder to the reply filed by R5 to R8 submitting that as per clarification in OMs dtd.11.11.2010 and 3.3.2008 'when appointments against unfilled vacancies are made in subsequent year or years either by recruitment or

promotion the persons so appointed shall not get seniority of any earlier year (viz. year of vacancy/panel or year in which recruitment process initiated)'. Therefore, both Smt.Umesh Kuwar and Smt C.Ranjitha were recruited in 2012 against unfilled vacancies arose due to non-joining of the main panel candidates. They cannot get the seniority in their main panel and cannot be senior to applicant. The candidates belonging to Mechanical Engineering discipline were selected for appointment on 4.1.2011 before those belonging to Computer Engineering on 27.1.2011. Therefore, the candidates of Mechanical Engineering batch were required to be placed as senior to the candidates of Computer Engineering batch in seniority roll of SSO-II dtd.25.10.2012. All the three candidates(R5, R6 & R9) belonging to Computer Engineering batch cannot be senior en masse. The rationale laid down in the case of *NS Parmar Vs. UOI* applies prospectively. In the present case, the candidates are selected based on their performance in interviews only. The selection process for SSO-II of the department is based on experience of minimum 2 years in the relevant field along with a degree of Bachelor of Engineering or Equivalent. While shortlisting of candidates for particular discipline for calling interview, the criteria is the experience possessed by the candidates. Whereas in civil services examination, there is no consideration of experience for any discipline. Hence, selection procedure for SSO-II in the department differs from procedure adopted for civil services. The marks obtained in different panels of different disciplines are different. It is not fair to prepare a consolidated list of merit in different disciplines without there being an assessment of merit on common criteria. The contention that the applicant has not challenged the seniority of Sri Bheemla Bhukya and Smt Meenakshi M is misleading. It is clear from the recommendation by UPSC in notification dtd.4.1.2011 that there is mention of remaining two candidates and inter-

se seniority of all the candidates and recommendation letter issued by UPSC on 18.3.2011, consolidated merit list of all 8 candidates prepared by UPSC. The applicant had no grievance of the same as it was determined as per UPSC recommendation based on DoP&T OM dtd.11.11.2010. Hence, the seniority roll of SSO-II dtd.25.10.2012 and subsequent seniority roll dtd.30.10.2015 require to be treated as final as the same is in accordance with law.

7. The respondents No.5 to 8 have filed their additional reply statement wherein they submit that there has to be a uniform application of criterion among all direct recruits while determining the inter-se seniority. It cannot be the case that for one set of candidates marks is the criterion, while for other set of candidates date of joining is the criterion and for yet another set of candidates date of recommendation is the criterion since that would be a clear case of discrimination. It is a fact that SSO-II is one single cadre in the DGAQA and a common seniority roll is maintained. In recruitment rules for Group A officers of DGAQA, there is no mention of SSO-II (Electronics) or Mechanical or any other branch, Recruitment Rules & approved strength are specified for SSO-II. Hence, all Group A officers belonging to different branches belong to a single cadre i.e. SSO-II. The contention of the applicant that the candidates appointed from reserve list needs to be treated differently while determining the seniority is discriminatory and is not supported by any rules. And this aspect was also examined by this Tribunal in OA.No.971/2016 wherein it is held that the placement of the 7th respondent at the bottom of the consolidated seniority list is not in consistence with the DoP&T OM dtd.3.7.1986. And it is clear from the judgment of Hon'ble Delhi High Court that candidates in reserve list are already selected and available, hence their appointment cannot be termed as subsequent selection by any means. Reference of OM dtd.3.3.2008 by the applicant is another

attempt to mislead the Court since after *NR Parmar's* judgment, the said OM has been withdrawn 'ab initio' as per DoP&T OM dtd.4.3.2014. Similarly reference of DoP&T OM dtd.11.11.2010 is also not relevant since this particular OM only talks about the starting point of a new roster while determining the inter-se seniority of direct recruits and promotees and hence has no bearing on inter-se seniority of two direct recruits. The statement of the applicant that the decision in *NR Parmar's* case is applicable prospectively is wrong since in the judgment in OA.No.742/2013 & 692/2013, it is stated that 'every judgment rendered by the Hon'ble Supreme Court is law of the land and it is always retrospective in operation, unless of course, it is specifically directed by the Hon'ble Supreme Court itself in the same judgment that the decision will have prospective application only. There is nothing in the judgment of the *Parmar's* case that the said judgment should have prospective application'. The respondents No.5 to 8 have cited the judgments of Hon'ble High Court of Punjab & Haryana in *CWP.No.1462/1995* and Hon'ble Apex Court judgment in *Suresh Chandra Jha vs. State of Bihar & Ors.*(2007(2) RSJ 393) & Hon'ble Delhi High Court in *WP(C) No.10649/2017* in support of their contentions.

8. We have heard the Learned Counsel for both the parties and have gone through the records and written arguments note filed by both sides in detail. The issue raised by the applicant in this case mainly relates to preparing the seniority list based on the marks obtained in the selection process, in this case in the interview conducted for the candidates. This issue has been very comprehensively dealt with by this Tribunal in OA.No.971/2016 vide order dtd.19.9.2017, where vide para-18 & 19, the Tribunal held as follows:

18. The second issue concerns the placement of the applicant vis-à-vis other candidates of that batch in the consolidated list. We note that the

Senior Scientific Officer Gr-II is treated as consolidated cadre. All the 23 vacancies released for direct recruitment for the year 2008-09 by the Dept. of the Defence Production is a consolidated. As submitted by the respondents in their reply, the breakup of vacancies in to six disciplines was done in terms of the requirement of the service. However, after the selection all are consolidated in to a single batch. All the 23 vacancies were reported to the UPSC through a single communication on 29.9.2009 though there were six requisitions for six disciplines. The issuance of notices by the UPSC for the six different disciplines is only a matter of procedure and as processed by the office. Similarly the receipt of selection panels is also based on processing of the files by the office and communicated to the department. The communication of six disciplines cannot be considered as earlier or later selection under any circumstances as all vacancies are consolidated and the selection panels were also consolidated into a single batch. We are unable to accept the contention of the respondents that based on the communication of panels made by the UPSC on different dates, the selection of a discipline is considered as earlier selection than the others whose panel was received later. Though the department claims to have constituted the panels into single batch on the basis of the chronological order of issue of the panels by the UPSC, we note that the panel of Metallurgy received on 13.8.2010 and panel for Chemical received on 5.10.2010 were placed below the Electronics discipline whose panels were received on 6.10.2010 and 6.12.2010. The Department representative during the hearing mentioned that they have wrongly placed the Electronics stream above the Metallurgy but no one objected to the inter-se seniority when the draft seniority list prepared. A wrong cannot be justified by saying that others did not object to it.

19. As the matter stands all selected candidates belong to the same vacancy year and the same batch and form part of the same gradation list. The UPSC in an RTI communication to the applicant informed that since they have prepared a separate merit list for each discipline, there is no question of their preparing a consolidated merit list and deciding inter-se seniority of all the candidates selected against all the six advertisements. The DOPT in their note had indicated that administrative Ministry may obtain a consolidated order of merit of candidates recommended for different disciplines for appointment as Senior Scientific Officer Gr-II from UPSC for a particular year. Though the UPSC did not prepare a consolidated merit list, they did indicate the marks secured by each candidate in the selection process. Therefore, on that basis, the department could have prepared a consolidated merit list of all the candidates based on marks secured by them. In the reply statement, the respondents had tried to justify the placement of the applicant at the bottom of the list saying that 4 persons belonging to the disciplines of Metallurgy, Mechanical, Computer Engineering scored higher marks than the applicant but still placed below to the applicant. If such a stand is taken then marks secured by a candidate should be deciding factor for preparing seniority list based on merit and no other criteria. Since the marks of each candidate are available that should be the basis for preparing the consolidated seniority list. It would be grossly unfair for a

candidate who secured 75 marks to be placed below in the seniority list of a person secured 40 marks only because the selection panel from UPSC for that discipline was received on a later date. The processing of case by the UPSC office whether for bring out the advertisement or sending the panel cannot be a determining factor for deciding seniority of a candidate when the date of joining is not taken into consideration for deciding the inter-se seniority. Hence it would be logical if the consolidated seniority list prepared on the basis of marks secured by all the candidates of the particular batch.

9. There is no need for us to go into this question once again since all the points raised by the applicant have been comprehensively and thoroughly analysed and directions given in this regard. As noted by the respondents, both the DOPT and the internal legal advisors of the department have accepted that the decision of this Tribunal is unambiguous and logical and therefore based on the clear directions given, Annexure-A7 & 8 have been issued by the respondents. As rightly pointed out by the respondents in this application, the applicant would claim a different criterion with respect to his own position within the Mechanical Engineering discipline whereas he would like to look at different criteria with respect to other disciplines. The decision of this Tribunal as well as the further proceedings of the respondents are strictly in accordance with the relevant DoP&T OM No.22011/7/86-Estt.(D) dtd.3.7.1986 and OM No.20011/1/2012-Estt.(D) dtd.4.3.2014. The OM of the year 2008 cited by the applicant has been replied to by the respondents vide OM dtd.4.3.2014 which has cancelled this OM ab initio. With respect to the other DoP&T OM No.20011/1/2008-Estt.(D) dtd.11.11.2010 quoted by the applicant, this OM merely throws more light on the relative seniority being determined as per merit and specifically states that persons appointed as a result of an earlier selection being senior to those appointed as a result of subsequent selection. This will not be of an assistance to the applicant since as already examined in detail by this Tribunal in its order dtd.19.9.2017 in OA.No.971/2016, the selection in this particular case is

for a particular year and therefore arranging of the seniority based on the marks obtained is perfectly valid and cannot be questioned.

10. The OA lacks merit and therefore dismissed. No costs.

(C.V.SANKAR)
MEMBER (A)

(DR.K.B.SURESH)
MEMBER (J)

/ps/

Annexures referred by the applicant in OA.No.170/00727/2018

- Annexure-A1: Copy of the order dtd.19.9.2011
- Annexure-A2: Copy of the notification dtd.25.10.2012
- Annexure-A3: Copy of the seniority roll dtd.26.11.2015
- Annexure-A4: Copy of the order dtd.19.9.2017 in OA.No.971/2016
- Annexure-A5: Copy of the draft seniority list dtd.23.01.2018
- Annexure-A6: Copy of the applicant's representation dtd.12.2.2018
- Annexure-A7: Copy of the final seniority roll dtd.24.4.2018
- Annexure-A8: Copy of the order dtd.8.5.2018

Annexures with reply statement filed by respondents No.1 to 3:

-NIL-

Annexures with reply statement filed by respondents No.5 to 8:

- Annexure-R1: DoP&T OM No.22011/7/86-Estt.(D) dt.3.7.1986-refer para-2.1
- Annexure-R2: DoP&T OM.No.20011/1/2008-Estt (D) dt.11.11.2010-refer para-4.9
- Annexure-R3: L.No.F.1/248(64)/2009-R-V) dt.4.1.2011 issued by UPSC
- Annexure-R4: L.No.F.1/248(64)/2009-R-V) dt.25.2.2011 issued by UPSC
- Annexure-R5: L.No.F.1/248(64)/2009-R-V) dt.18.3.2011 issued by UPSC-refer page-15
- Annexure-R6: F.No.2927/SSO-II/DGAQA/Admn-I dt.26.11.2015-Seniority of Senior Scientific Officer Grade-II in DGAQA Organisation

Annexures with rejoinder to the reply of R5 to R8:

-NIL-

Annexures with additional reply by respondents No.5 to 8:

- Annexure-R7: DoP&T OM No.20011/1/2012-Estt.(D) dtd.4.3.2014
- Annexure-R8: UPSC recommendation letter for Electronics Branch No.F.1/250(64)/2009-R/VI dtd.6.10.2010

Annexures with written arguments note filed by the applicant:

- Annexure-A9: Copy of the letter dtd.15.1.2016 issued by UPSC

Annexures with written arguments note filed by R5 to R8:

- Annexure-R9: Delhi High Court order dt.18.1.2018 in WP(C) No.10649/2017 & CM No.43615/2017(Stay)-Asshutosh Gautam V.Jitender Khanna and Anr.- Para-26-page 23
