

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH: HYDERABAD**

**Original Application Nos.21/1231/2012 & 21/316/2016**

**Reserved on: 21.10.2019**

**Pronounced on: 31.10.2019**

**OA No. 1231/2012**

Between:

M. Kandy, S/o. Sri Topyiah,  
Aged about 40 years, Occ: Examiner-Highly Skilled Grade – II,  
Ordnance Factory, Medak – 502 205,  
R/o. 22310, Ordnance Factory Estate,  
Yeddu-mailaram, Medak District. ... Applicant

And

1. Union of India, Rep. by its Secretary,  
Ministry of Defence,  
Department of Defence Production and Supplies,  
136, South Block, New Delhi – 110 001.
2. The Director General and Chairman,  
Ordnance Factories Board,  
Govt. of India, Ministry of Defence,  
10-A, S.K. Bose Road, Kolkatta – 700 001.
3. The General Manager,  
Ordnance Factory,  
Ministry of Defence, Yeddu-mailaram Post,  
Medak District – 502205.
4. Mr. R. Swarnasingh,  
Aged: Major,  
Occ: Examiner/ MCM, T. No. 2013-6, QA I/HTF,  
Ministry of Defence, Yeddu-mailaram Post,  
Medak District – 502 205, Telangana State.
5. Mr. R. Shankar,  
Aged: Major,  
Occ: Examiner/ HS, QA II/LMS,  
Ministry of Defence, Yeddu-mailaram Post,  
Medak District – 502 205, Telangana State,  
R/o. Ordnance Factory Estate, Yeddu-mailaram Post,  
Medak District – 502 205, Telangana State.

... Respondents

Counsel for the Applicant ... Mr. K. Ram Murthy

Counsel for the Respondents ... Mrs. K. Rajitha, Sr. CGSC

**OA No. 316/2016**

Between:

1. Abdul Hakeem, S/o. Abdul Raoof,  
Aged about 58 years, Occ: Examiner MCM, QA-2,  
O/o.Ordnance Factory, Yeddu-mailaram,  
Medak District – 502205.
2. K. Yadagiri, S/o. K. Rajaiah,  
Aged about 57 years, Occ: Examiner MCM, QA-1,  
O/o.Ordnance Factory, Yeddu-mailaram,  
Medak District – 502205.

... Applicants

And

1. Union of India, Rep. by its Chairman,  
Ordnance Factory Board,  
Ministry of Defence, Ayudh Bhavan,  
10-A, Shaheed Khudiram Bose Road,  
Kolkatta – 700 001.
2. The Additional Director General,  
Ordnance Factory Board,  
Armored Vehicles Head Quarters,  
Ministry of Defence, Avadi,  
Chennai, Tamilnadu – 600 054.
3. The General Manager,  
Ordnance Factory,  
Yeddu-mailaram Post,  
Medak District – 502205.

... Respondents

Counsel for the Applicants ... Dr. A. Raghu Kumar

Counsel for the Respondents ... Mrs. K. Rajitha, Sr. CGSC

***CORAM:***

***Hon'ble Ms. Manjula Das, Judicial Member***  
***Hon'ble Mr. B.V. Sudhakar, Administrative Member***

***COMMON ORDER***  
***{As per B.V. Sudhakar, Administrative Member}***

2. These OAs are filed in regard to settlement of seniority for promotion. As the issue involved in both the OAs is similar, both the OAs were listed and heard together and a common order is passed.

3. **OA No. 1231/2012**

(i) Brief facts of the case to be adumbrated are that the applicant was selected as Examiner Semi Skilled ('SS') on 25.4.1994 and promoted to the Skilled Grade on 31.7.1996 duly assigning seniority wherein he was shown senior to the private respondents 4 & 5. Thereafter, 3<sup>rd</sup> respondent altered the seniority which had an adverse effect in considering the applicant for promotion, on par with his juniors, to the posts of Highly Skilled Grade and Master Crafts Man in 1999. Applicant claims that he has been representing to restore his seniority from 1999 but of no avail. Respondents have rejected his representations vide impugned order dt. 18.09.2012. Hence the OA.

(ii) The contentions of the applicant are that the applicant's seniority was originally fixed based on merit which is evidenced by the memos dated 5.8.1996 and 29.10.1998 issued by the official respondents. DOPT OMs dated 22.12.1959 and 3.7.1986 prescribe seniority based on merit when regularly appointed to a post. Applicant and his juniors completed the probationary period on 28.6.1996 and subsequently passed the Trade test. Before the probationary period is over and passing the Trade Test, no promotion can be granted, is one another contention of the applicant.

(iii) Respondents in their reply statement confirm that the applicant was selected along with the private respondents as Examiner 'SS' in March, 1994 and shown senior to the private respondents, based on merit in selection. Thereafter, applicant along with the private respondents were promoted to the Skilled Grade with the same seniority vide Factory Order dated 5.8.1996. However, based on the directions of this Tribunal in OA 472/1996, wherein it was ordered to follow the dictat in OA No. 668/1991 rendered on a similar issue, seniority in Skilled Grade was revised based on the date of completion of probation period in Semi Skilled grade, resulting in the applicant becoming junior to the private respondents. Seniority lists were accordingly prepared and circulated. Another related development is that the Tribunal has directed the respondents in OA 763/1993 to follow the Skilled Grade seniority of the respective trades for promotion to the Highly Skilled grade and these orders were also upheld by the Hon'ble High Court of A.P in WP No.14929 of 1997. Besides, in 2003 when the Artisan cadre was restructured w.e.f. 1.1.1996, seniority lists in all trades and grades was circulated and grievances, if any, were called for. Applicant did not represent at that juncture of time, but after a lapse of 16 years has represented on 26.6.2012, 13.8.2012 and 5.9.2012 which were disposed on 9.7.2012 and 18.9.2012 respectively.

(iv) Applicant filed a rejoinder claiming that since he is not a party to the OA 472/1996 and hence the verdict therein is not applicable to him. Further, for some employees like Sri R.Swarna Singh and R. Shankar, their promotions were advanced without completion of the probationary

period and passing the trade test as on the date of the relevant order. Statutory Rules and DOPT instructions have to be followed. Tribunal directions are in violation of statutory rules (SRO No.18 E)

(v) Respondents have filed Reply Statement to the Rejoinder, wherein they have rebutted the averments of the applicant by stating that the seniority and advancement of promotion was done strictly as per the directions of the Tribunal in OA Nos. 668/1991 and 472/1996 respectively. Besides, the orders of the Tribunal in the cited OAs are applicable to all affected persons. Applicant has also taken the arrears of pay consequent to the advancement of the promotion to Skilled Grade and after a lapse of 10 years claiming that the advancement of promotion is against rules does not stand the scrutiny of law. However, respondents have issued a circular on 4.8.2015 that promotion from Skilled Grade to Highly Skilled Grade will be effected based on the merit based seniority fixed in Semi Skilled Grade and that this order will have prospective effect from 4.8.2015 only.

#### 4. **OA No. 316/2016**

(i) Brief facts of the case to be adumbrated are that the applicants joined the respondent organization as Semi Skilled Examiner ('SSK') on 21.07.1988 and 27.07.1988 respectively and passed the trade test for the post of Skilled Examiner (SK) on 04.03.1991. Their seniority was correctly shown up to 31.1.1998 as per the DOPT orders. Respondents issued orders dt. 24.12.2002 and 12.07.2003 for fixing the seniority from the date of promotion to Skilled Grade and not from the date of entry in Semi Skilled Grade. Subsequently, the respondents issued orders dt.

04.08.2015 in supercession of the earlier orders dt. 24.12.2002 and 13.01.2003 stating that, henceforth, seniority would be as per merit of the select panel without any linkage to the date of upgradation to the skilled grade. However, benefits of the same were not extended to the applicants. They submitted representations on 15.09.2015 and the same were rejected on 24.10.2015 holding that the letter dt. 4.08.2015 would be applied for future cases. Challenging the letters dt. 04.08.2015 and 24.10.2015 in so far its prospective application, this OA is filed.

(ii) Contentions of the applicants are that promotions were considered up to 1994 as per the instructions dated 04.03.1991, 02.04.1991 and 11.10.1994 of the respondents. Even in the seniority list corrected up to 31.01.1998, their seniority was shown in accordance with the orders of the DOPT. Respondents issued orders dt. 24.12.2002 and instructions dt. 12.07.2003 for fixing the seniority from the date of promotion to Skilled Grade and not from the date of induction/ entry/ promotion in Semi Skilled Grade. Contention of the applicants is that the said instructions are contrary to the DOPT OM dt. 04.11.1992, which mandates seniority to be fixed based on merit in the initial selection panel. The orders of the respondents resulted in juniors getting promotion to the Highly Skilled and Master Craftsman earlier to the applicants. Realising their mistake, the respondents Ordnance Factory Board issued Orders dt. 04.08.2015 in supersession of the OFB Circulars dt. 24.12.2002 and 13.01.2003, to the effect that seniority would be as per the select panel, without any linkage to the date of upgradation to the

skilled grade. Applicants' representations were rejected on 24.10.2015 holding that the letter dt. 04.08.2015 of the Board will be applied only to future cases. Applicants contend that the response given to them under RTI Act on 07.01.2016 is contrary to the communication dt. 24.10.2015.

(iii) Respondents in their reply statement confirm that the applicants were selected as Examiner 'SS' in 1988 and promoted to Skilled Grade on 04.03.1991 and assigned seniority from the date of holding the respective grade and also by protecting their merit seniority. While so, 33 Examiners including the applicants herein filed OA 668/1991 before this Tribunal, inter alia, seeking for advancement of their promotions from Semi Skilled to Skilled Grade from the date of completion of 2 years of service in Semi Skilled Grade, as was done in respect of the persons who were appointed to the posts listed at Annexure A to the SRO. The said OA was ordered on 30.01.1995 granting the said relief and in compliance with the order of this Tribunal, the date of promotions to Skilled Grade were antedated to a date on which the applicants and other individuals completed 2 years of service in the entry grade. Subsequently, OA No. 472/1996 was filed with regard to the reassigning seniority from the date of completion of 2 years period of service from the entry grade. This Tribunal, vide order dt. 01.09.1998, directed that a provisional seniority list of the applicants and others should be published on the basis of the directives in OA 668/1991. Respondents contend that as per the directions of this Tribunal in the above OAs, dates of promotion from Semi Skilled to Skilled Grade in respect of the applicants

herein and others have been advanced and the same was notified vide order dt. 07.06.1995 and the individuals including the applicants have also been paid arrears of pay. The applicants never challenged the seniority lists prepared based on the Skilled grade seniority and also antedating of their promotions. Further, in OA 763/1993, this Tribunal directed to follow the Skilled grade seniority of the respective trades for promotion to High Skilled Grade and the same was upheld by the Hon'ble High Court in WP No. 14929/1997. Therefore, the criteria for further promotion to Highly Skilled Grade II is the date of promotion to Skilled grade and this seniority is not the merit seniority in the Examiner grade. The respondents further issued clarification on 07.01.2016 that the instructions dt. 04.08.2015 are to be implemented only in cases of recruitment taking place in Semi-Skilled grade on or after the date of issue of the said Circular, without recasting of seniority with retrospective effect prior to 04.08.2015. Respondents further contend that Hon'ble Supreme Court has held that an error committed earlier can be rectified later and that should not be continued and accordingly, the 1<sup>st</sup> respondent, on noticing the error that the instructions issued vide Circular dated 24.12.2002 and 13.01.2003 are not in line with the principles of seniority as laid down by the DOPT, has withdrawn the same. They further contend that re-assigning of seniority after a period of three decades would unsettle the settled seniority.

(iv) Applicants filed a rejoinder reiterating the contentions made in the OA.

5. Though the learned counsel for the applicant in OA 1231/2012 was not present when the matter was taken up for hearing, he has filed written arguments and the same were taken on record. Heard Dr.A.Raghu Kumar, learned counsel for the applicants in OA No. 316/2016 and Mr. B. Laxman, learned Counsel representing Mrs. K. Rajitha, learned Senior Central Government Standing Counsel for the official respondents in both the OAs and perused the pleadings on record, including the written arguments filed by respective parties.

6. The entire issue involved in both the OAs revolves around the decisions of the Tribunal in regard to seniority and promotion to Skilled and Highly Skilled grade. For convenience, the facts relating to the OA 1231/2012 are referred to.

The applicant in OA 1231/2012 was selected along with the private respondents as Examiner 'SS' in March, 1994 and shown senior to the private respondents, based on merit in selection, as indicated hereunder:

Merit Sl. No.	Names	Date of Joining	Per No./ T. No.
1	M. Kandy	25.04.1994	2014-3
2	R. Swana Singh	18.04.1994	2013-6
3	Shankar	18.04.1994	2011-3

However, when some Examiners filed OA 472/1996 seeking seniority from the date of completion of the probationary period, respondents were directed to publish the seniority based on the directions in OA 668 of 1991. As per directions in OA 668/1991, respondents have

advanced the promotion of the applicants therein, to the posts of Skilled Grade, from retrospective dates on which they completed 2 years of probation period and fixed the seniority accordingly. As a result, the promotion of the applicant and the private respondents to the skilled grade was advanced and seniority fixed as under:

Sl. No.	Name (s)	Original Date of Promotion SK	Revised date of promotion skilled grade (i.e. date of completion of 2 years in Semi Skilled Grade)	Per No./ T. No.
1	M. Kandy	31.07.1996	25.04.1994	2014-3
2	R. Swana Singh	31.07.1996	18.04.1994	2013-6
3	Shankar	31.07.1996	18.04.1994	2011-3

Thus, the applicant became junior to the private respondents in view of the implementation of the orders of this Tribunal in OA Nos. 668/1991 and 472/1996 and respectively. Seniority list was accordingly redrawn and circulated. Applicant did not raise any grievance at the relevant point of time. He has in fact accepted the arrears of pay consequent to the advancement of promotion to the Skilled Grade. Besides, this Tribunal in OA 763/1993 directed the respondents to follow the seniority fixed in skilled grade for considering promotion to the Highly skilled grade and the same was upheld by the Hon'ble High Court in WP No.14929 of 1997. Therefore, the issue of seniority in the Skilled Grade has attained finality.

More ever, it is noticed that the revised seniority as per the Tribunal orders was notified on 15.12.1998 and the applicant has filed the OA on 5.10.2012 i.e. after nearly 14 years.

In OA No.316/2016, the applicants are aggrieved by the impugned order dated 04.08.2015 in so far as it is made applicable for future cases alone and not to them.

7(i) Seniority once settled cannot be unsettled after a long interval of time, as observed by the Hon'ble Supreme Court as under:

*Shiba Shankar Mohapatra v. State of Orissa, (2010) 12 SCC 471, at page 483:*

*30. Thus, in view of the above, the settled legal proposition that emerges is that once the seniority had been fixed and it remains in existence for a reasonable period, any challenge to the same should not be entertained.*

**(a) Settled seniority should not be unsettled.**

It has been held in the case of **Malcom Lawrence Cecil D'Souza v. Union of India, (1976) 1 SCC 599** as under:-

*9. Although security of service cannot be used as a shield against administrative action for lapses of a public servant, by and large one of the essential requirements of contentment and efficiency in public services is a feeling of security. It is difficult no doubt to guarantee such security in all its varied aspects, it should at least be possible to ensure that matters like one's position in the seniority list after having been settled for once should not be liable to be reopened after lapse of many years at the instance of a party who has during the intervening period chosen to keep quiet. Raking up old matters like seniority after a long time is likely to result in administrative complications and difficulties. It would, therefore, appear to be in the interest of smoothness and efficiency of service that such matters should be given a quietus after lapse of some time. (emphasis supplied).*

**(b) In the Constitutional judgment in *Direct Recruit Class II Engineering Officers' Assn. v. State of Maharashtra, (1990) 2 SCC 715*, the Apex Court has held, "The decision dealing with important**

*questions concerning a particular service given after careful consideration should be respected rather than scrutinized for finding out any possible error. It is not in the interest of Service to unsettle a settled position."*

(ii) Indeed Hon'ble Apex court has directed in Civil Appeal No. 4339/1995 in the matter of ***Promotee Telecom Engineers Forum Vs. Secretary, Department of Telecom,*** that once seniority is fixed based on a court order, it should not be interfered, as under:

*"19. We, therefore, direct that such of the applicants whose seniority had been determined by the competent authority, and who had been given benefit of seniority and promotion pursuant to the orders passed by courts or tribunals following the principles laid down by the Allahabad High Court and approved by this Court, which orders have since attained finality, cannot be reverted with retrospective effect. The determination of their seniority and the consequent promotion having attained finality, the principles laid down in later judgments will not adversely affect their cases."*

Interestingly, applicant has even accepted the arrears of pay consequent to advancement of his promotion but crying foul about the seniority after 14 years is unreasonable, to say the least. Therefore, applicant raking up the issue of seniority after a long interval of time is not in accordance with law.

Further, it was also submitted that the orders of this Tribunal are not applicable since he is not a party to the OAs of the Tribunal cited supra. This is incorrect since any order of the Court has to be made applicable to all those affected even if they have not approached the court, as observed by the Hon'ble Supreme Court and the V Pay Commission as under:

***Amrit Lal Berry vs Collector of Central Excise, (1975) 4 SCC 714:***

*“We may, however, observe that when a citizen aggrieved by the action of a Government Department has approached the Court and obtained a declaration of law in his favour, others, in like circumstances, should be able to rely on the sense of responsibility of the Department concerned and to expect that they will be given the benefit of this declaration without the need to take their grievances to Court.”*

***Inder Pal Yadav Vs. Union of India, 1985 (2) SCC 648:***

*“...those who could not come to the court need not be at a comparative disadvantage to those who rushed in here. If they are otherwise similarly situated, they are entitled to similar treatment if not by anyone else at the hands of this Court.”*

*In a latter case of **Uttaranchal Forest Rangers' Assn (Direct Recruit)***

*Vs. State of UP (2006) 10 SCC 346, the Apex Court has referred to the decision in the case of **State of Karnataka Vs. C. Lalitha, 2006 (2) SCC 747**, as under:*

*“29. Service jurisprudence evolved by this Court from time to time postulates that all persons similarly situated should be treated similarly. Only because one person has approached the court that would not mean that persons similarly situated should be treated differently.”*

*V CPC report, para 126.5 – Extending judicial decision in matters of a general nature to all similarly placed employees:*

*“We have observed that frequently, in cases of service litigation involving many similarly placed employees, the benefit of judgment is only extended to those employees who had agitated the matter before the Tribunal/Court. This generates a lot of needless litigation. It also runs contrary to the judgment given by the Full Bench of Central Administrative Tribunal, Bangalore in the case of **C.S. Elias Ahmed & Ors Vs. UOI & Ors, (OA 451 and 541 of 1991)**, wherein it was held that the entire class of employees who are similarly situated are required to be given the benefit of the decision whether or not they were parties to the original writ. Incidentally, this principle has been upheld by the Supreme Court in this case as well as in numerous other judgments like **G.C. Ghosh V. UOI [(1992) 19 ATC 94 (SC)]**, dt. 20.07.1998; **K.I. Shepherd V. UOI [(JT 1987 (3) SC 600)]**; **Abid Hussain V. UOI***

*[(JT 1987 (1) SC 147], etc. Accordingly, we recommend that decisions taken in one specific case either by the judiciary or the Government should be applied to all other identical cases without forcing other employees to approach the court of law for an identical remedy or relief. We clarify that this decision will apply only in cases where a principle or common issue of general nature applicable to a group or category of Government employees is concerned and not to matters relating to a specific grievance or anomaly of an individual employee.”*

Respondents are duty bound under law, as referred to above, to implement the orders of the Tribunal, which they did for all affected employees who approached the Tribunal and for those who did not. Applicant took advantage of the Tribunal decision by accepting the arrears of pay consequent to advancement of date his promotion. Having accepted the same, claiming that the Tribunal decision does not selectively apply to him, is difficult to appreciate.

(iii) One another submission made by the applicant is that the promotions of Shri R. Swarnasingh and Shri R. Shankar were advanced without the probation period being completed, but he did not produce any document rebutting the claim of the respondents that they have strictly adhered to the instructions of the Tribunal in this regard. Hence even this objection is unsustainable.

(iv) The applicant has also averred that the order of the Tribunal was against the statutory rule. We disagree with the submissions since it is law which prevails over a rule, as observed by the Hon'ble Supreme Court in *Union of India & Ors vs Somasundaram Viswanath & Others* AIR 1988 SC 2255 : 1989 (1) SCC 175 : 1989 SCC (L&S) 150, as under:

*“It is well settled that the norms regarding recruitment and promotion of officers belonging to the Civil Services can be laid down either by a*

*law made by the appropriate Legislature or by rules made under the proviso to Article 309 of the Constitution of India or by means of executive instructions issued; under Article 73 of the Constitution of India in the case of Civil Services under the Union of India and under Article 162 of the Constitution of India in the case of Civil Services under the State Governments. If there is a conflict between the executive instructions and the rules made under the proviso to Article 309 of the Constitution of India, the rules made under proviso to Article 309 of the Constitution of India prevail, and if there is conflict between the rules made under the proviso to Article 309 of the Constitution of India and the law made by the appropriate Legislature the law made by the appropriate Legislature prevails.”*

Therefore, drawing a parallel from the above observation the order of the Tribunal will prevail. It is not out of place to re-emphasise that any court order good or bad has to be implemented unless it is challenged and set aside in a higher judicial forum. We take support of the Hon'ble Supreme Court findings in The Commissioner, Karnataka Housing Board vs C. Muddaiah in Appeal (Civil) No.4108 of 2007, as under, in making the cited observation.

*“31. We are of the considered opinion that once a direction is issued by a competent Court, it has to be obeyed and implemented without any reservation. If an order passed by a Court of Law is not complied with or is ignored, there will be an end of Rule of Law. If a party against whom such order is made has grievance, the only remedy available to him is to challenge the order by taking appropriate proceedings known to law. But it cannot be made ineffective by not complying with the directions on a specious plea that no such directions could have been issued by the Court. In our judgment, upholding of such argument would result in chaos and confusion and would seriously affect and impair administration of justice. The argument of the Board, therefore, has no force and must be rejected.”*

(v) Lastly, the Ld. Counsel for the applicant has stated that the memo issued by the respondents on 04.08.2015, has restored the principle of observing seniority in Examiner SS based on merit and hence the applicant has to be extended this benefit. However, the memo reads that the instructions therein will apply from the date of issue i.e. 04.08.2015.

Hence, submitting that the applicant has to be brought under the ambit of this rule is not in the realm of reason. Besides, an instruction issued will have a prospective effect and not retrospective as observed by the Hon'ble Supreme Court in ***Union of India v. V.D. Dubey, (2010) 2 SCC 225***, as under-

***"13. The scope of the proviso to Rule 2423-A of Railway Establishment Manual, Vol. II came up for consideration before this Court in Secretary, Railway Board & Another v. D. Francis Paul & Others, (1996) 10 SCC 134 and this Court held that amendment cannot have retrospective effect in respect of a person already in service but would be prospective; it would be applicable only to those candidates appointed after the date of the amendment introducing the proviso. Therefore the provision which states that the concession be admissible only if the recruitment rule provides so, would operate only prospectively."***

Therefore, the said memo would not be applicable to the applicant. More so, after a lapse of 14 years.

(vi) Applicants in OA No. 316/2016 earlier filed OA 668/1991 along with others before this Tribunal, seeking for advancement of their promotions from Semi Skilled to Skilled Grade from the date of completion of 2 years of service in Semi Skilled Grade and in compliance with the order of this Tribunal, the date of promotions to Skilled Grade were antedated.

(vii) Applicant in OA 1231 of 2012 relied upon a recent judgement of the Principal Bench of this Tribunal in OA No. 4302 of 2015 & batch, filed along with his written arguments. The issue in the said batch of OAs, filed by the officers of Indian Ordnance Factories Service (IOFS), was the seniority list pertaining to the post of Junior Administrative Grade (Selection Grade) and Hon'ble Principal Bench directed to

undertake promotions and prepare seniority list at various levels in the IOFS strictly in accordance with the Indian Ordnance Factories Service (Group-A) Recruitment Rules, 1972. We have considered the said judgment and we are of the view that the said judgment is not applicable to the facts of the present OAs. More so, the issue in respect of seniority in Skilled grade has attained finality as affirmed by the Hon'ble High Court of Judicature of Andhra Pradesh at Hyderabad in W.P. No. 14929/1997, as under:

*"We have specifically asked the learned counsel for the 3<sup>rd</sup> respondent as to whether there is any statutory rule governing fixation of seniority of the employees who are to be promoted to the skilled grade from the semi-skilled grade, where a senior could not report to the promoted post for some or the other reason before his junior reported for duty in the promoted grade, the learned counsel told us that there is no such statutory rule. If that is so, no exception can be taken to the directions issued by the learned Tribunal in its original order in OA No. 763 of 1997 directing the petitioner authorities herein to fix the seniority of the applicants therein in the skilled grade taking into account the dates on which they were promoted from semi-skilled grade.*

Besides, service conditions and recruitment rules do vary and therefore, Hon'ble Principal Bench decision is inapplicable to the present cases.

(viii) Thus, on all counts, we do not find any reason to intervene on behalf of the applicants. Therefore, the OAs being devoid of merit, merit dismissal and are accordingly dismissed. There shall be no order as to costs.

**(B.V. SUDHAKAR)  
ADMINISTRATIVE MEMBER**

**(MANJULA DAS)  
JUDICIAL MEMBER**

Dated, the 31<sup>st</sup> day of October, 2019

*evr*