

A.F.R.

Reserved On : 26.07.2019

Delivered On : 19.12.2019

Case :- WRIT - A No. - 55606 of 2008

Petitioner :- Mahesh Narayan And Others

Respondent :- State Of U.P. And Others

Counsel for Petitioner :- Siddharth Khare, Ashok Khare

Counsel for Respondent :- C.S.C.

Hon'ble Neeraj Tiwari, J.

Heard Sri Siddharth Khare, learned counsel for the petitioners and Sri Brajesh Pratap Singh, learned standing counsel for respondents.

Brief facts of the case are that Irrigation Department of State of U.P. has sent a requisition dated 20.10.1999 to Uttar Pradesh Public Service Commission (hereinafter referred to as the 'Commission') notifying 954 posts of Junior Engineer (Civil) to hold selection and in the notification dated 20.10.1999, it was clearly mentioned that posts are pensionable. After receiving requisition, Commission issued an advertisement No. A-3/E-1/2000 dated 22.12.2000 inviting application for Junior Engineer (Civil) Irrigation Department (Screening) Examination, 2000. Last date of submission form was 27.01.2001 and petitioners being fully eligible, have submitted the application. In the advertisement, it was provided that there would be preliminary screening test for selection of candidates to appear in the mains examination. However, subsequently aforesaid preliminary screening test was done away and all applicants permitted to appear straightway in the mains written examination which was held on 22.12.2001 and all the petitioners appeared in the said examination. Prior to the holding of written examination, ***Writ Petition No. 7062 (S/S) of 2001 (Pramod Kumar Gupta and others Vs. Public Service Commission, U.P. Allahabad and others)*** was filed by some candidates possessing Civil Engineering Degree and claiming permission to participate in the said examination. In the said petition, stay order was granted by learned Single Judge vide order dated 18.12.2001 restraining the holding of examination,

which was scheduled for 22/23.12.2001. Against the interim order dated 18.12.2001, Commission preferred ***Special Appeal No. 485 (S/B) of 2001 (U.P. Public Service Commission Vs. State of U.P. and others)***, in which vide order dated 19.12.2001, interim order was modified and a direction was issued to permit the petitioners also to appear in the said examination whereas their results shall not be declared. There was no restrain order with regard to declaration of result of remaining candidates and there was only observation that declaration of result shall be only provisional subject to final decision of writ petition. Thereafter, written examination was held on 22/23.12.2001 but result of the said examination could not be declared immediately. ***Writ Petition No. 7062 (S/S) of 2001 was connected with Writ Petition No. 7012 (S/S) of 2001 (Anoop Ratan Awasthi Vs. Public Service Commission, Allahabad and others)*** and the said petitions were dismissed by learned Single Judge of this Court vide order dated 05.07.2005. After dismissal of writ petitions, result of written examination was declared on 05.10.2005 and petitioners were shown as having qualified and called for participating in interview. Interview was held between 21.11.2005 to 12.01.2006 and final select list of selected candidates was published in daily newspaper 'Dainik Jagran' on 12.03.2006 having the roll numbers of all the petitioners and they have been finally selected for appointment. Ultimately, vide office order dated 14.06.2006, appointment was granted to total 113 persons including petitioner Nos. 2 & 3 and another office order dated 20.07.2006 was issued granting appointment to total 125 persons including the name of petitioner No. 1. Pursuant to the appointment letters, all the petitioners submitted their joining on 25.07.2006, 30.06.2006 and 24.06.2006 respectively.

Learned counsel for the petitioners submitted that presently all petitioners are working at different places in the State of U.P.

It is further submitted that grievance of the petitioners is with regard to their exclusion from the benefit of pension payable under the provisions

of Uttar Pradesh Retirement Benefits Rules, 1961 (hereinafter referred to as the 'Rules, 1961') and benefit of provident fund under the General Provident Fund (Uttar Pradesh) Rules, 1985. State Government issued Notification dated 28.03.2005 replacing the 'Old Pension Scheme' with 'New Pension Scheme' with effect from 01.04.2005. For implementation of notification dated 28.03.2005, State Government has amended Uttar Pradesh Retirement Benefits Rules, 1961 (hereinafter referred to as the 'Rules, 1961') by Uttar Pradesh Retirement Benefits (Amendment) Rules, 2005 (hereinafter referred to as the 'Rules, 2005'). Vide Notification dated 07.04.2005, in Rule 2 of Rules, 1961, Clause-3 has been inserted providing that Rules, 1961 shall not apply to employees entering in service on or after 01.04.2005.

Learned counsel for petitioners is assailing the Notifications dated 28.03.2005, 07.04.2005 as well as amended Rules, 2005 on the ground that same shall not be applicable in the case of petitioners. In the Notification dated 20.10.1999, it was clearly mentioned that posts are pensionable and advertisement was issued on 22.10.2000. There was certain litigations, due to which selection process could not be finalized and even after clearance given by the Division Bench of this Court vide order dated 19.12.2001. Commission, after holding the examination on 22/23.12.2001 has not declared result though there is no restraint imposed by the Division Bench of this Court rather it has been permitted to declare the result which shall be abide by the order of Court and shall be provisional. It is next submitted that after interim order dated 19.12.2001 passed by Division Bench of this Court, delay from December 2001 to December, 2005 in declaring the result is solely attributable to the respondents for which petitioners are not responsible. Subsequent to the advertisement in the matter of petitioners, post of Junior Engineer (Civil) was again notified by Irrigation Department and advertised by Commission through (Special Recruitment) Advertisement No. A-3/E-1/2002. Thereafter all selected candidates had been granted appointment

prior to 01.04.2005 and such persons belonging to the subsequent selection are getting benefit of 'Old Pension Scheme'. It is further submitted that there is no rational justification for persons appointed on the basis of subsequent recruitment being permitted to avail benefits of earlier pension scheme whereas petitioners are denied for such benefits for their no fault. This action of respondents are violative of Article 14 of Consitution of India.

In support of his contention, learned counsel for the petitioners has placed reliance upon the judgments of High Court of Utrrakhand dated 17.06.2013 in the case of *Ashutosh Joshi & others Vs. State of Utrrakhand and others in Writ Petition (S/S) No. 1170 of 2010*, judgment dated 20.11.2012 passed in *Writ Petition Nos. 16 and 944 of 2011 (S/S) (Balwant Singh and Ors. Vs. State of Uttarakhand and Ors.)* and judgment dated 26.06.2014 passed in *Special Appeal No. 330 of 2013 (State of Uttarakhand and others vs. Balwant Singh and others)* with *Special Appeal No. 523 of 2013 (State of Uttarakhand and others vs. Chandra Shekhar Singh and others)* filed against the judgment dated 20.11.2012 and judgment dated 27.03.2017 of Delhi High Court in the matter of *Inspector Rajendra Singh vs. Union of India* reported in *2017 SCC Online Del 7879* . He has also placed reliance upon the judgment of Delhi High Court dated 13.09.2018 in *Writ Petition(C) No. 838 & CM Appl. No. 3656/2016 (Government of National Capital Territory of Delhi & others Vs. Ajay Kumar & others)* along with *Writ Petition(C) No. 839/2016 & CM Appl. No. 3659/2016 (Government of National Capital Territory of Delhi & others vs. Vijay Singh and others)* which was affirmed by the Apex Court passed in *Special Leave to Appeal (C).....Diary No. 15658/2019 (Government of National Capital Territory of Delhi & ors. Etc. Vs. Ajay Kumar & others etc.)* vide order dated 10.07.2019.

Sri Brajesh Pratap Singh, learned standing counsel for respondents has not disputed the facts of the case as submitted by learned counsel for

the petitioners, but so far as legal submission is concerned, he has submitted that once vide Notification dated 28.03.2005, Rules, 1961 is amended, petitioners are not entitled for benefit of 'Old Pension Scheme' and in support of his contention, he has placed reliance upon the judgment of this Court in the matter of *Satyesh Kumar Mishra and others vs. State of U.P. and others*, reported in *2016(6) ADJ 808 (LB)*.

In the rejoinder argument, learned counsel for the petitioners submitted that the said judgment of *Satyesh Kumar Mishra (Supra)* relied upon by learned standing counsel is under challenge in *Special Appeal Defective No. 480 of 2016 (Satyesh Kumar Mishra & 4 others (Inre 3150 S/S 2010) vs. State of U.P. Thru. Prin.Secy., Education (Madhyamik) and 2 others)*, which is pending. He next submitted that very similar controversy based on similar facts was involved in the matter of *Firangi Prasad Vs. State of U.P. and others reported in (2011) 2 UPLBEC 987* and in that case, after order of District Inspector of Schools dated 18.01.1993, appointment letters could not be issued by the Management of the Institution and in the mean time, U.P. Secondary Education Services Selection Board Act, 1982 was amended fixing the date of joining for regularization. As petitioner was not issued appointment letter by the Management within the time, therefore, he could not submit his joining before the cut off date and ultimately denied from the benefit of regularization. **Division Bench** of this Court has adjudicated the matter and clearly held that such candidates are also entitled for regularisation irrespective of cut off date fixed for regularisation from the date of appointment. The case of *Firangi Prasad (Supra)* was not considered by the Court while deciding the case of *Satyesh Kumar Mishra (Supra)*, therefore, judgment of *Satyesh Kumar Mishra (Supra)* is **per incuriam**.

Learned counsel for the petitioners submitted that petitioners are not at fault, therefore, in the light of judgment of *Firangi Prasad (Supra)*, petitioners cannot be put into disadvantage of any type due to amendment

in the Rules and further this fact should also be considered that candidates appointed pursuant to the subsequent advertisement, have been given benefit of 'Old Pension Scheme' as they had been issued appointment letters prior to cut off date and submitted their joining. In the present case, there was no legal impediment in completion of selection process prior to cut off date but even though same has not been completed due to total inaction on the part of respondents resulting in denial of 'Old Pension Scheme' due to late joining, which could not be accepted in the light of judgment of *Firangi Prasad (Supra)* and petitioners are fully entitled for 'Old Pension Scheme'.

I have considered the rival submissions advanced by learned counsel for the parties and perused the record as well as judgments relied upon.

So far as facts of the case are concerned, there is no dispute between the parties, therefore, I am coming to the legal submission of learned counsel for parties as well as judgments relied upon by them.

Learned counsel for the petitioners placed reliance upon the judgment of *Ashutosh Joshi (Supra)*. In that matter against same advertisement, appointments were made and female candidates were given appointment prior to the date from which 'New Pension Scheme' was implemented whereas the male candidates have been given appointment after the cut off date. The Court has considered the matter and ultimately allowed the writ petition. Relevant paragraph No. 6 of the judgment is quoted below.

“6. After hearing the rival submission of the petitioners and the State, this Court is of clear view that denial of pensionable benefits to the petitioners is wholly unjustified, arbitrary and violative of Article 14 of the Constitution of India. It is so first and foremost for grounds that it has created a wholly unreasonable classification between women and men candidates. Whereas in the same selection process women candidates who were given appointment prior to 1.10.2005 have been given pensionary benefits, the men candidate i.e. the petitioners have not given pensionary benefits. This clearly

cannot be accepted. Moreover, as far as application of Rules is concerned, since the selection process of the petitioners had already begun, the Rules will not be effective in this selection process as any enforcement would give rise to anomalous situation which is clearly in violation of Article 14 of the Constitution of India. Secondly, in the advertisement the Government had clearly stated that all the posts are pensionable posts. The Government therefore cannot go back on its promise. There would be an estoppel against it. Finally the admitted classification between men and women candidates, in the same selection process, is not a reasonable classification. It has no nexus with the objects sought to be achieved. Hence it is Violative of Article 14 of the Constitution of India.”

Next judgment relied upon by learned counsel for the petitioners in the case of ***Balwant Singh and Ors. Vs. State of Uttarakhand and Ors. {Writ Petition Nos. 16 and 944 of 2011 (S/S)}***. In this matter too, against the very same advertisement, there are two sets of selected candidates, one submitted their joining before cut of date, whereas petitioners have submitted their joining after cut of date i.e. 01.10.2005 and second sets of candidates were denied the benefit of 'Old Pension Scheme'. The Court has allowed the writ petition directing the respondents to accord the benefit of 'Old Pension Scheme' to the petitioners, also who have submitted their joining after the cut of date. Against the said order, Special Appeal No. 330 of 2013 along with Special Appeal No. 523 of 2013 was also filed by State of Uttarakhand which was dismissed by the Division Bench of Uttarakhand High Court vide common order dated 26.06.2014. Relevant part of the judgment is quoted below:-

“ Undisputedly, when petitioners applied for the post, old pension scheme was in existence, therefore, petitioners had every reasonable expectation that they would be governed by the service conditions prevailing on the date posts were advertised and recruitment process was commenced. In our considered view, service conditions, prevailing on the date recruitment process commenced, cannot be permitted to be altered in disadvantage of the recruitees. Moreover, in our considered opinion, Government Order dated 25.10.2005 is prospective in nature and cannot be made applicable retrospectively for the persons who had applied for the post prior to 25.10.2005. Therefore, we do not find any reason to take contrary view to the view taken by the learned Single Judge.

Consequently, both the appeals fail and are hereby dismissed.”

Learned counsel for the petitioners has also relied upon judgment of Delhi High Court in the matter of *Inspector Rajendra Singh (Supra)* in which Delhi High Court held that selection was started for Para Military Forces, petitioners along with other candidates participated in the said process and ultimately petitioners were rejected being declared medically unfit. After being declared medically unfit, the petitioners got themselves medically examined in other reputed medical institutions, where they were declared medically fit. The petitioners thereafter applied for medical re-examination by a Review Medical Board. In the mean time, while the appeals of the petitioners for medical re-examination in want of constitution of a Review Medical Board were pending, the Staff Selection Commission declared the results of all other candidates except the petitioners, and depending upon the option exercised by them and their merit position, the empanelled candidates were allocated different paramilitary forces, that is BSF, CISF, CRPF and ITBP. It is stated that candidates selected to the CRPF, CISF, and ITBP were issued letters of appointment on diverse dates and they all joined the respective forces on or before 31.12.2003 whereas the candidates selected for appointment as Sub Inspectors in the BSF were issued offers of appointment in October 2003 and asked to join the BSF in January 2004. On 22.12.2003, before the sub inspectors selected for appointment in the BSF were required to join, a new Contributory Pension Scheme was introduced with effect from January 2004. The Sub Inspectors selected to the BSF, who were directed to join in January, 2004, were deprived of the benefit of the Old Pension Scheme as existing under the Central Civil Services (Pension) Rules 1972. Delhi High Court, after considering the facts of the case and law, allowed the writ petition directing the respondent to treat the petitioners as members of 'Old Pension Scheme' under the Central Civil Services (Pension) Rules 1972. Relevant Paragraph Nos. 13, 14, 18, 20, 21, 22, 23, 24, 25, 30, 31 and 40 are quoted below:-

“13. Having regard to the facts and circumstances of this case, where advertisements for recruitment to the posts of Sub Inspectors in CAPFs were issued in November, 2002, written examinations were held on 12.01.2003, Physical Efficiency Test had been held in or before April, 2003, and the petitioners appeared before the Medical Board between April, 2003, to June, 2003, and declared fit upon medical re-examination by Review Medical Board in December, 2003, it would be grossly unjust and arbitrary to deny the petitioners the benefit of the Old Pension Scheme, applicable at the time when the posts were advertised, only because of the fortuitous circumstance of their joining service after the enforcement of the New Pension Scheme, for reasons not attributable to them.

14. As observed above, the authorities concerned took six months' time to decide the appeal against the decision of the Medical Board, declaring the petitioners medically unfit. The petitioners were found fit by other Medical institutions of repute and ultimately found fit by a Review Medical Board constituted by the respondent authorities themselves on 28.12.2003. The respondent authorities unnecessarily delayed constitution of a Review Medical Board. Had the respondent authorities and in particular Staff Selection Commission acted with diligence, the petitioners could have been appointed within 31.12.2003.

18. In our view, basic terms and conditions of service, such as the right to receive pension upon superannuation, as applicable at the time of notification of the posts, cannot later be altered to the prejudice of the incumbents to the post, after commencement of the selection process.

20. In WP(C) No.3834/2013 (Parmanand Yadav and Others Vs. Union of India and others) the Division Bench held:-

"8. In the case of BSF, of which petitioners are enrolled members of the Force, letters offering appointment were delayed by three months, a fact admitted by the respondents, and as to be found in the DG BSF admitting said fact in the counter affidavit filed.

9. Thus, for parity of reasons, same relief as was granted to Naveen Kumar Jha and Avinash Singh must flow to the writ petitioners, and thus we adopt the reasoning in the two decisions, and hence we have reproduced the same hereinabove.

10. The petition is allowed issuing a mandamus to the respondents to treat the petitioners as a member of the pension scheme which was in vogue till December 31, 2003 and not to treat them as members of the new

pension contributory fund scheme."

21. In Naveen Kumar Jha Vs. Union of India and Others decided on 02.11.2012, a Division Bench of this Court had held:-

3. The Staff Selection Commission invited applications to fill up posts of Sub-Inspector in Central Para Military Forces and titled the selection process as „SSC Combined Graduate Level 2000“. The petitioner applied and took the examination. He cleared the written examination as also the Physical Efficiency Test.

4. Required to appear before a Medical Board for fitness to be ascertained, the petitioner was declared medically unfit as per medical examination conducted on February 04, 2002. Since the procedures of the law entitled the petitioner to seek a re-medical examination by being brought before a Review Medical Board and for which he had to file an appeal within 30 days of unfitness being intimated, on February 25, 2002 the petitioner submitted the necessary appeal. Unfortunately, for him he heard nothing from the respondents on the subject i.e. the date and the place where petitioner was required to be present to be re-examined by the Review Medical Board and in the meanwhile the candidature of others was processed. It was only on January 18, 2003 that the petitioner was intimated to be present before the Review Medical Board and the petitioner duly presented himself before the Board and upon examination was declared fit. By March 2003 others who were successful had joined the respective Para Military Force to which they were allocated to. The petitioner was called for interview on July 2003 and thereafter having cleared the interview was issued letter offering appointment as a Sub-Inspector in CRPF in April 2004. The petitioner thereafter successfully completed the induction training and was attached to the 72nd Bn.CRPF.

5. The problem which the petitioner has highlighted is of not only being placed junior to the entire batch which joined CRPF pursuant to the SSC Combined Graduate Level 2000 Examination but even junior to those who took the SSC Combined Graduate Level 2001 and SSC Combined Graduate Level Examinations held thereafter; the petitioner being placed at the top of the list of the 2004 year batch.

6. This has affected the petitioner adversely because Sub-Inspectors of his batch have earned promotions to the rank of Inspector and are being considered for further promotion to the post of Assistant Commandant.

7. Though the petitioner has earned promotion to the post of

Inspector but even in said rank has lost out in seniority and right to be considered along with his batchmates for promotion to the post of Assistant Commandant.

8. Another injury suffered by the petitioner is the change in the policy of the Central Government to do away with old Pension Scheme which automatically made eligible all those who joined Central Government prior to December 31, 2003. The petitioner has been held entitled to the new Pension Scheme.

9. With respect to the Pension Scheme it assumes importance to note that petitioner's batchmates were issued letters offering appointment in March 2003 and had petitioner likewise been issued a letter offering appointment, he too would have been a member of the old Pension Scheme. As a result of petitioner being offered employment in April 2004, he has perforce been made a member of the new Pension Scheme.

10. On the subject of delay in conducting Review Medical Boards, in the decision dated May 26, 2011 deciding WP(C) No.5400/2010 Avinash Singh Vs. UOI, a Division Bench of this Court held, in para 17 to 20 as under:-

"17. It is settled law that if appointment is by selection, seniority of the entire batch has to be reckoned with respect to the merit position obtained in the selection and not on the fortuitous circumstance on the date on which a person is made to join.

18. We highlight in the instant case the fortuitous circumstance of the petitioners being made to join as Assistant Commandant on 08.08.2005 is not the result of anything created by the petitioners but is a result of a supine indifference and negligence on the part of the ITBP officials.

19. Thus, petitioners would be entitled to their seniority as Assistant Commandant with respect to their batch-mates in the context of the merit position in the select panel. We make it clear, the seniority as Assistant Commandant of the entire batch would be a reflection of the merit position in the select list and not the date of joining.

20. It is trite that where a thing is deemed to come into existence everything which logically flows therefrom has to be followed and the imagination cannot boggle down. In other words, the effect of the petitioners' seniority being reckoned with reference to the select panel would mean that the petitioners would come at par with their brethren who joined on 02.11.2004. Since their brethren were granted 1

year qualifying service relaxation, petitioners would be entitled to the same benefit and additionally for the reason the next below rule requires that if a person junior in the seniority position acquires the necessary qualifying service, the person above has also to be considered for promotion."

11. On facts it needs to be noted that the seven petitioners of WP(C) No.5400/2010 had lost out on their seniority with reference to their merit position in the Select List due to delay in conducting their Review Medical Evaluation and in the interregnum their batchmates had joined ITBP.

12. On parity of reasoning and application of law the petitioner is held entitled to his seniority being refixed as a Sub-Inspector in CRPF with reference to his merit position at the SSC Combined Graduate Level 2000 Examination i.e. those who joined CRPF pursuant to the said examination in March 2003. The petitioner has already earned promotion to the post of Inspector and accordingly we direct that he would be entitled to seniority refixed in said rank with reference to his revised seniority position in the rank of Sub-Inspector, and this would mean that the petitioner would be considered for promotion to the post of Assistant Commandant as per the revised seniority list.

13. The respondents are therefore directed to revise the seniority position of the petitioner in the two ranks within a period of four weeks from today and thereafter consider the petitioner along with other eligible persons for promotion to the post of Assistant Commandant.

14. As regards wages, on the principle of not having shouldered responsibility for the higher post, we do not direct backwages to be paid.

15. On the subject of the petitioner being entitled to the old Pension Scheme, in similar circumstances, deciding WP(C) No.10028/2009 Amrendra Kumar vs. UOI & Ors., where the petitioner therein was also similarly deprived the opportunity to join with his batch on account of delay in conducting medical re-examination, the Court had directed that said writ petitioner would be entitled to the benefit of the old Pension Scheme which remained in force till December 31, 2003.

16. The petitioner would be entitled to similar benefit and accordingly the next mandamus issued is by way of a direction to the respondents to treat the petitioner as a member of the pension scheme which remained in vogue till December 31, 2003."

22. It is true that in this case the appointment letters were issued in

2005. However, the petitioners had applied pursuant to the same advertisement as Parmanand and 24 others, who were granted the relief, and gone through the same selection process which commenced a few years before the New Pension Scheme was notified. The medical examination was also held within 31.12.2003, before the new scheme came into effect. Unfortunately, the appointment took time.

23. The issue of whether Sub Inspectors similarly circumstanced, as the petitioners, who had been cleared in medical examinations in 2003, but issued with appointment letters and joined the BSF in 2004 or 2005, could be denied pensionary benefits under the old pension scheme, which ended on 21.12.2003, was decided by a Division Bench of this Court in WP(C) No.5830/2015 (Shoorvir Singh Negi Vs. Union of India and others) heard with five other writ petitions.

24. By a judgment and order dated 17.09.2015, the Division Bench held:-

"As far as the claim for pensionary benefits based upon the old pension scheme which ended on 31.12.2003 is concerned, we are of the opinion that a somewhat different result would have to follow. Undoubtedly, all the petitioners were declared medically fit by 2003. However, they would not be issued with appointment letters and joined subsequently in 2004 or 2005. It is here that the observations in Avinash Singh (supra) quoted with approval in Naveen Kumar Jha (supra) become relevant. Although the petitioners were declared fit earlier - at least much before the cessation of the old pension rules, there was an administrative delay in the issuance of the appointment letter asking them to join training. In these circumstances, in the interests of justice, we hold that they should be entitled to the benefits of the old pension scheme."

25. In Shoorvir Singh Negi (Supra), the petitioners had claimed seniority as also pensionary benefits under the Old Pension Scheme as per the CCS (Pension) Rules 1972. While the prayer to seniority over persons who joined earlier, was disallowed, but the claim of those petitioners for pensionary benefits under the Old Pension Scheme, as per CCS(Pension) Rules 1972, was allowed.

30. The respondents have contended that the final results of the petitioners had been declared by the Staff Selection Commission in November, 2004 long after the New Pension Scheme was given effect. If there was delay in declaration of the results and issuance of letters of appointment, the incumbents are not to suffer. May be, as contended by the respondents, the petitioners had been declared

unfit. However, in the Review Medical Examination by Review Medical Board, they were found fit. It is not the case of the respondents that they were unfit earlier by reason of any ailment or disorder, of which they were cured later. Even otherwise, there was no reason for delaying the Review Medical Examination and the Interview. In any case, as observed above, the issues are covered in favour of the petitioners, by the judgment of the Supreme Court in *Shoorvir Singh Negi (supra)*.

31. In our considered opinion, there can also be no discrimination between batchmates, only because some were, at the time of appointment, informed that the New Pension Scheme would apply, while others were not.

40. The writ petition is allowed. The respondent shall treat the petitioners as members of the Old Pension Scheme under the Central Civil Services (Pension) Rules 1972.

Learned counsel for the petitioners next placed reliance upon judgment of Delhi High Court passed in the case of *National Capital Territory (Supra)* which is based upon the judgment of Division Bench of Delhi High Court in the matter of *Naveen Kumar Jha vs. Union of India and others, 2012 SCC Online Delhi 5606 (W.P.(C) No. 3827 of 2012)* decided on 02.11.2012 and *Ajit Kumar Choudhary vs. Union of India & others, W.P. (C) 4496/2014* decided on 21.07.2017. In this matter again issue was the same that arising out of same advertisement, some of the candidates were given appointment prior to cut of date for 'New Pension Scheme' whereas another set of persons were given joining after the cut of date. Such candidates approached Central Administrative Tribunal (CAT) by filing Original Application which was allowed against which the Government of National Capital Territory of Delhi & others filed Writ Petition(C) No. 838 & CM Appl. No. 3656/2016 along with Writ Petition(C) No. 839/2016 & CM Appl. No. 3659/2016 before Delhi High Court and Delhi High Court after considering the facts of the case as well as law, dismissed the writ petitions by common order dated 13.09.2018. Relevant paragraphs of the judgment is quoted below:-

“ The grievance of the Government of National Capital Territory of Delhi (GNCTD) in these two petitions is that Central Administrative Tribunal (CAT) granted relief to the respondents,

who claimed benefit of pre-revised pension scheme applicable to class of service they belonged to. It is a common ground of both the parties that the previously existing scheme- i.e. before 01.01.2004, entitled public servants to a monthly pension and other attendant terminal pension prescribed under the CCS (Pension) Rules, 1972 for payment of gratuity which was subsequently amended. The rationale for grant of relief by the impugned order was that the applicants (who were respondent in this case) had issued an advertisement through Delhi Subordinate Services Selection Board (DSSSB) in the year 2002 for various classes of posts. Common merit list was drawn pursuant to the recruitment process – sometime in 2003. Concededly, some of the applicants though senior and higher in the merit list were not issued appointment letter as they did not belong to the reserved communities in GNCTD. Subsequently, controversy arose whether status claimed by the Scheduled Caste/Scheduled Tribe (SC/ST) could be given to them since they did not belong to GNCTD and in some instances castes were not notified in GNCTD. Eventually, they were issued appointment letters but after 01.01.2004. The controversy as to whether they were entitled to be treated as SC/ST was resolved by Full Bench of this Court in *Deepak Kumar & Ors. vs. District and Sessions Judge, Delhi & Ors.*, (2012) 132 DRJ (FB) and recently by a Constitution Bench in *Bir Singh vs. Delhi Jal Board*, 2018 SCC Online SC 1241.

The denial of parity with their juniors/batchmates vis-a-vis applicability of old pension scheme became the subject matter of proceedings before CAT where they were successful. Learned counsel for the GNCTD urges that CAT's decision- which has relied upon previous judgment of this Court ought to be set aside since so called juniors/batchmates were in fact appointees prior to the applicants. It is contended that since the appointment of the applicants took place after the appointed date i.e. 01.01.2004; they could not claim any benefit to prescribed individual pension rule. Learned counsel relied upon a decision of Division Bench in *Ashok Mudgal vs. Govt. Of NCT of Delhi & Ors.*, 2010 SCC Online Del 2357-W.P. (C) 12246/2009 (decided on 14.07.2010).

This Court is of the opinion that the present writ petitions are without merit. The very same issue which is sought to be agitated by the GNCTD was subject matter of two Division Bench judgment in *Naveen Kumar Jha v. Union of India and others*, 2012 SCC Online Delhi 5606 (W.P.(C) No. 3827 of 2012) decided on 02.11.2012 and *Ajit Kumar Choudhary vs. Union of India & others*, W.P. (C) 4496/2014 decided on 21.07.2017. In *Naveen Kumar Jha (supra)*, the Court firstly granted the benefit of seniority on the basis of common merit-list published by the recruitment agency even though the individual was appointee of later date after 01.01.2004.

The Court also held that the old pension scheme would apply, on the ground that the petitioner “was deprived the opportunity to join to his batch on account of delay in conducting the medical re-examination”. Likewise, in *Ajit Kumar Choudhary (supra)*, this Court held that the “department's position was illogical and irrational given that the petitioners have been granted seniority and granted parity from their date of actual joining. Their specific grievance was denial of the old pension scheme which was specifically referred to in the final order of this Court. The refusal to grant the old pension scheme is untenable in law.

.....”

It is next submitted that judgment of Delhi High Court was also challenged before the Apex Court by filing *Special Leave to Appeal (C).....Diary No. 15658/2019*, which was dismissed by the Apex Court vide order dated 10.07.2019.

Per contra, learned standing counsel placed reliance upon the judgment of this Court in the matter of *Satyesh Kumar Mishra and others vs. State of U.P. and others*, reported in *2016(6) ADJ 808 (LB)* and submitted that in present case too, the selection was made prior to issuance of 'New Pension Scheme' whereas the appointment was issued at later stage and this Court after considering the facts, vide order dated 01.06.2016, dismissed the writ petition. Brief facts of the case as observed by the Court is given in Paragraph Nos. 4 to 10 which are quoted below:-

“4. According to the petitioners, after empaneling, the District Inspector of Schools, Baghpat, vide letter dated 13.12.2004, directed the Manager/Committee of Management, Sri Vidya Mandir Inter College, Chhaprauli, Baghpat, to issue appointment letter to petitioner No.1-Satyesh Kumar Mishra but the letter of appointment was not issued to petitioner No.1 and subsequently, on 18.12.2004, Manager/Committee of Management, Sri Vidya Mandir Inter College, Chhaprauli, Baghpat, refused to issue appointment letter to petitioner No.1. However, on 21.2.2005, the District Inspector of School, Raebareli issued direction to Sri Ganesh Vidyalaya Inter College, Aehar, Raibareli, which is a Government aided College, to issue appointment letter to petitioner No.1. In compliance of the letter dated 21.2.2005, the Manager/Committee of Management, Sri Ganesh Vidyalaya Inter College, Aehar, Raibareli, issued letter of appointment to the petitioner No. 1 on 16.4.2005. Consequently, the petitioner No.1 joined as Assistant Teacher in Sri Ganesh Vidyalaya

Inter College, Aehar, Raibareli on 16.4.2005.

5. Inso far as petitioner No.2 is concerned, it has been stated by the Counsel that the District Inspector of Schools, Mathura, vide letter dated 10.11.2004, issued letter to the Manager/Committee of Management, Sri Brij Aadarsh Inter College, Mathura, to issue letter of appointment to petitioner No.2-Ravindra Bahadur Srivastava but the same was not issued to petitioner No.2 and, subsequently, vide letter dated 22.1.2005, the issuance of appointment letter was refused by the Manager/Committee of Management, Sri Brij Aadarsh Inter College, Mathura. Thereafter, the District Inspector of Schools, vide letter dated 20.4.2005, directed the Manager, Mahatma Gandhi Inter College, Raebareli to issue letter of appointment to petitioner No.2. In compliance of the letter dated 20.4.2005, the Manager, Mahatma Gandhi Inter College, Raebareli issued letter of appointment to petitioner No.2 on 13.5.2005. Similarly, with regards to petitioner No.3, a direction was issued by the District Inspector of Schools, Muzaffarnagar to the Manager/Committee of Management, D.A.V. Inter College, on, Muzaffarnagar for issuance of appointment letter to petitioner No.3-Chhote Lal but the same was refused by the Manager/Committee of Management, D.A.V. Inter College, on, Muzaffarnagar vide letter dated 15.1.2005. Subsequently, petitioner No.3 was given appointment letter by the Manager, Gayatri Inter College, Rustampur Raebareli and in pursuance thereof, the petitioner No.3 joined in the institution on 4.5.2005.

6. It has been stated by the Counsel that initially the District Inspector of Schools, Pratapgarh had issued letter dated 30.9.2004 to the Manager of the institution situate at Pratapgarh, requiring him to issue letter of appointment to petitioner No.4-Zaheer Ahmad but the same was refused on 29.11.2004. Subsequently, in pursuance of the letter dated 9.6.2005 issued by the District Inspector of Schools, Raibareli, the Manager, Chandrapal Inter College, Shera Gangaganj, Raebareli issued letter of appointment to the petitioner No.4 and in pursuance thereof, the petitioner No.4 joined the institution on 16.4.2005.

7. As regard to petitioner No.5-Ram Singh, it has been stated that initially, the District Inspector of Schools, Ghaziabad directed the Manager, Nehru Smarak Inter College, Surana, Ghaziabad to issue a letter of appointment to the petitioner No.5 but the same was refused by the Manager, Nehru Smarak Inter College, Surana, Ghaziabad on 13.11.2004. Later on, in pursuance of the appointment letter, petitioner No.5 had joined Chandrapal Inter College, Shora Gangaganj, Raibareli on 14.8.2006.

8. As regards to petitioners Nos. 6, 7 and 8, it has been stated that the District Inspectors of Schools had initially issued letter to the

concerned Manager of the Institution for issuance of appointment letters in the month of January, 2005 but the concerned Manager of the institution had refused to issue letter of appointment to petitioners Nos. 6, 7 and 8. Later on, in pursuance of the appointment letters, petitioners Nos. 6, 7 and 8 joined on 16.4.2005 and 25.4.2005, respectively.

9. According to the petitioners, since after completion of probation period satisfactorily, no necessary deduction towards General Provident Fund etc. are being made from their salary inter alia on the grounds that petitioners do not come within the purview of Old Pension Scheme and are covered by the new Pension Scheme i.e. Uttar Pradesh Retirement Benefits (Amendment) Rules, 2005 and General Provident Fund (Uttar Pradesh) Amendment Rules, 2005. Therefore, petitioners are constrained to approach this Court by filing the present writ petition, seeking the relief for making necessary deduction of General Provident Fund etc. from the salary of the petitioners.

10. Submission of the learned Counsel for the petitioners is that pursuant to the Notification dated 27.9.2002, petitioners had applied and after due process, the U.P. Intermediate Selection Board declared petitioners as successful and recommended their names for appointments in different Colleges in the State of Uttar Pradesh in the year 2003 but due to the fault and laxity on the part of the opposite parties, petitioners were given joining from April, 2005.”

Thereafter, Court after considering the facts, dismissed the writ petition. Relevant paragraph Nos. 26 to 32 of the judgment are quoted below:-

“26. The Apex Court, in the case of Sudhir Kumar Kansal Vs. Allahabad Bank : 2011 (2) ESC 243 held, in the matter of grant of pension, either under the old rule or the new rule, proceeded to mention that in society governed by rule of law sympathies cannot override the Rules and Regulations, and in the said case view has been taken accordingly that appellant was not eligible to claim any benefit under Old Pension Scheme.

27. Inevitable conclusion thus is, that once New Pension Scheme has been introduced and it has been provided that such incumbents entering into service on or after 1st April, 2005 would be governed under the New Scheme, then, said category of incumbents, as matter of right, cannot claim legally to be governed under the old scheme, and their claim of pension will fall within the ambit of Rules as has been introduced w.e.f. 01.04.2005.

28. Learned Counsel for the petitioner has placed reliance upon the judgments of the High Court of Uttarakhand rendered in Writ

Petition 1170 (S/S) of 2010 : Ashutosh Joshi and others Vs. State of Uttarakhand and others, decided on 17.6.2013 and Special Appeal No.330 of 2013 : State of Uttarakhand and others Vs. Balwant Singh and others, decided on 26.6.2014. These judgments will not at all come to the rescue and reprieve of the petitioners, for the reasons that once categorical cut off date has been mentioned and new entrants w.e.f. 1st of April, 2005 will have to accept new pension scheme, then, as far as petitioners are concerned, no relief can be accorded to them.

29. It may be added that during the course of arguments reliance has also been placed upon K. Manjusree (supra), in which case the High Court of Andhra Pradesh for selection of District and Sessions Judges (Grade II) introduced minimum marks for the interview after Notification. The earlier recruitment never insisted upon the minimum marks to be obtained in the interview. The Supreme Court dealing with the situation took the view that the introduction of requirement of minimum marks for interview, after the entire selection process (consisting of written examination and interview) was completed, would amount to changing the rules of the game after the game was played which is clearly impermissible. The facts in K. Manjusree (supra) are not exactly identical to the facts of the present case as in the said case before the Supreme Court, no rules were framed by the employer laying down the minimum marks for the interview and the criterion of prescribing minimum marks for the interview was introduced after completion of the written examination as well as the interview. Whereas, in the instant case, though petitioners have been selected for the appointment on the post of Assistant Teacher (L.T.) Grade in the year 2004 but they got appointments and joined on the post in question after the cut off date prescribed in the New Pension Scheme floated by the State Government i.e. after 1.4.2005. Thus, the judgment of K. Manjusree (supra) is not applicable in the present facts and circumstances of the case.

30. In Rakhi Ray and others Vs. High Court of Delhi and others : 2010 (2) SCC 637, the Apex Court in para 24 has observed that a person whose name appears in the select list does not acquire any indefeasible right of appointment. Empanelment at the best is a condition of eligibility for the purpose of appointment and by itself does not amount to selection or create a vested right to be appointed. The vacancies have to be filled up as per the statutory rules and in conformity with the constitutional mandate. In Vijoy Kumar Pandey Vs. Arvind Kumar Rai and others : 2013 (11) SCC 611, the Apex Court has observed that preparation of selection list or panel does not by itself entitle the candidate whose name figures in such a list/panel to seek appointment or claim mandamus which can for good and valid reasons be scrapped by competent authority

along with entire process that culminated in preparation of such a panel.

31. In view of the aforesaid legal propositions, the assertions of the petitioners that petitioners are entitled to get the benefit of Old Pension Scheme as they were got selected in the year 2003 in pursuance of the Notification dated 27.9.2002, has no substance as the date on which they entered into service is to be taken into account and not the year when they were declared successful..

32. For the reasons aforesaid, petitioners have failed to establish infringement of any fundamental right or statutory right so as to warrant interference under Article 226 of the Constitution of India and the writ petition is liable to be dismissed.”

In his rejoinder argument, learned counsel for the petitioners placed reliance upon Division Bench judgment of this Court in the case of ***Firangi Prasad (Supra)*** and submitted that absolutely similar controversy came before Division Bench of this Court in which the District Inspector of Schools was empowered to get selection for appointment of teachers on *ad hoc* basis and appellant was appointed but due to inaction of Management, appointment letter was issued at a very belated stage and in between, Act was amended and petitioner was denied for regularisation as he has joined after cut of date fixed after amendment. The Division Bench of this Court after considering the case, has held that there is no fault on the part of petitioner in submitting his joining after cut off date as he has not been issued appointment letter by the Management, therefore, he is also entitled for regularization, therefore. Facts as observed by the Court is as follows:-

3. The admitted facts are that the appellant was appointed in a selection held by the District Inspector of Schools on 05.01.1993. Under the relevant provisions, it was the District Inspector of Schools, who was empowered to get the selection held for appointment of the teacher on *ad hoc* basis. There is also no dispute that the appellant was appointed against a substantive vacancy on *ad hoc* basis in terms of the relevant provisions and his selection and appointment was duly notified to respondent no.5-Management, vide order dated 18.1.1993.

4. The Management was called upon to allow the appellant to join as teacher on *ad hoc* basis within ten days and the appellant was also to accordingly join the Institution. It is to be noted that the said

appointment was on ad hoc basis to continue till a candidate regularly selected joined the post.

5. The appellant appears to have approached the Management along with order dated 18.01.1993, but the Management refused to perform the said ministerial act of issuing the letter of appointment and did not allow the appellant to join in the Institution, about which complaints were made by the appellant through representations dated 16.02.1993, 18.02.1993, 23.02.1993 and several other repeated representations up to 13.08.1993. The Management ultimately on 25.08.1993 issued a letter of appointment allowing the appellant to join on 26.08.1993, whereafter he has been continuously functioning in the Institution.

6. The order of appointment has also been brought on record, which demonstrates that the same was being issued pursuant to the selection order dated 18.01.1993 and the oral discussion in the meeting held with the District Inspector of Schools.

7. The Act, 1982 was amended w.e.f. 20.04.1998 by introducing certain amendments including the provisions of Section 33-C, which is quoted herein below:-

"33-C. Regularisation of certain more appointments.-- (1) Any teacher who--

(a) (i) was appointed by promotion or by direct recruitment on or after May 14, 1991 but not later than August 6, 1993 on ad hoc basis against substantive vacancy in accordance with section 18, in the Lecturer grade or the Trained Graduate grade;

(ii) was appointed by promotion on or after July 31, 1988 but not later than August 6, 1993 on ad hoc basis against a substantive vacancy in the post of a Principal or Head Master in accordance with Section 18;

(b) possesses the qualification prescribed under, or is exempted from such qualification in accordance with, the provisions of the Intermediate Education Act, 1921;

(c) has been continuously serving the Institution from the date of such appointment up to the date of the commencement of the Uttar Pradesh Secondary Education Services Commission (Amendment) Act, 1998;

(d) has been found suitable for appointment in a substantive capacity by a Selection Committee constituted under sub-section (2);

shall be given substantive appointment by the Management.

(2) (a) For each region, there shall be a Selection Committee comprising,-

- (i) Regional Joint Director of Education of that region, who shall be the Chairman;
- (ii) Regional Deputy Director of Education (Secondary) who shall be member;
- (iii) Regional Assistant Director of Education (Basic) who shall be a member.

In addition to above members, the District Inspector of Schools of the concerned district shall be co-opted as member while considering the cases for regularisation of that district.

(b) The Procedure of selection for substantive appointment under sub-section (1) shall be such as may be prescribed.

(3) (a) The names of the teachers shall be recommended for substantive appointment in order of seniority as determined from the date of their appointment.

(b) If two or more such teachers are appointed on the same date, the teacher who is elder in age shall be recommended first.

(4) Every teacher appointed in a substantive capacity under sub-section (1) shall be deemed to be on probation from the date of such substantive appointment.

(5) A teacher who is not found suitable under sub-section (1) and a teacher who is not eligible to get a substantive appointment under that sub-section shall cease to hold the appointment on such date as the State Government may by order specify.

(6) Nothing in this Section shall be construed to entitle any teacher to substantive appointment, if on the date of commencement of the Ordinance referred to in clause (c) of sub-section (1) such vacancy had already been filled or selection for such vacancy has already been made in accordance with this Act."

8. By virtue of the said amendment, all ad hoc appointees either by way of promotion or direct recruitment against a substantive vacancy, not appointed later than 06.08.1993, were entitled to be regularised and placed on probation. The aforesaid provision as noted above was introduced w.e.f. 20.04.1998 and it further provides that in order to obtain the benefit of regularisation, the concerned teacher should have been appointed prior to 06.08.1993 and should have been continuing upto the date of introduction of the said provision in the year 1998.

9. Claiming benefit under the aforesaid provision, the appellant made representations for regularisation before the competent authority and having failed to get any benefit, filed the writ petition, which has given rise to the present appeal.

10. The respondent-State appears to have filed a counter affidavit in

the writ petition disputing the claim of the appellant on the ground that the appellant came to be appointed only on 25.08.1993, which is 19 days after the cut-off date mentioned in Section 33-C of the Act, 1982 and, therefore, the appellant was not entitled to the benefit of the said provision.

Thereafter, Court has considered the submissions and answered as follows:-

“14. Having considered the aforesaid submissions, it is, therefore, clear that the learned Single Judge proceeded to decline the mandamus as prayed for on a clear erroneous assumption of fact. The order in favour of the appellant dated 18.01.1993 was neither stayed nor rescinded. This is also corroborated by a perusal of the counter affidavit that was filed before the learned Single Judge where also the State did not dispute the aforesaid position. Accordingly, the finding recorded by the learned Single Judge on the strength of such facts cannot be sustained.

15. The second contention needs to be examined in the light of the facts that have emerged from the record, namely that the appellant for no fault on his part was kept out of the Institution by the inaction of the Management in spite of the District Inspector of Schools having despatched the selection order on 18.01.1993. From the facts on record, it is evident that the Manager of the Institution had to perform the ministerial act of issuing a letter of appointment to the appellant in terms of the selection order dated 18.01.1993. The Management admittedly complied with it after much persuasion on 25.08.1993, for which the appellant is nowhere at fault. On the contrary, the appellant had been continuously approaching the Management time and again expressing his willingness to join the Institution.

16. In these circumstances, teachers like the appellant fall within an altogether different class of candidates, who have been wrongfully prevented by the inaction of the Management in joining the Institution. The Management has to perform only a ministerial act and by its inaction, it cannot defeat the legitimate claim of a teacher like appellant.

17. The direction contained in the order dated 18.01.1993 was categorical to allow the appellant to join within ten days, which admittedly was scuttled by the Manager for reasons best known to him.

18. The Manager is obliged to issue a letter of appointment under the direction of the District Inspector of Schools, who is the competent authority under the Rules. Any unwarranted defiance and in the absence of any infirmity in the selection of the appellant, such inaction of the Management cannot be of any disadvantage to the

appellant or to any such teacher belonging to this class.

19. The respondents cannot by their inaction, therefore, deprive a candidate of his or her legitimate right to claim continuance in service. It is, therefore, clear that there was a deliberate delay on the part of the Management in issuing the letter of appointment in the present case and accordingly, the right of the appellant to claim continuance under the selection order dated 18.01.1993 cannot be denied. The appellant will, therefore, be entitled to the benefits flowing out of the order dated 18.01.1993 and in such a situation, the letter of appointment will relate back prior to the cut-off date i.e. 06.08.1993.

20. This, in our opinion, would be the correct interpretation of law in relation to the candidates who have been wrongfully prevented from receiving their letters of appointment for no fault of theirs.

21. Having concluded so, we, therefore, hold that the appellant was entitled for the benefit of regularisation in the circumstances narrated above and accordingly, the conclusion drawn by the learned Single Judge to refuse the mandamus cannot be sustained.

22. In view of that, the judgement and order of the learned Single Judge dated 02.04.2010 is set aside. The writ petition as well as the appeal are allowed. Respondent no.2-Regional Joint Director of Education, Basti, shall proceed to consider the claim of regularisation of the appellant in the light of the observations made hereinabove and issue appropriate orders, not later than six weeks from the date of presentation of a certified copy of this order before him, if the appellant is otherwise eligible and qualified.”

From the perusal of judgments of Satyesh Kumar Mishra (*Supra*) and Firangi Prasad (*Supra*), there is no doubt on the point that similar dispute was before this Court in the matter of ***Satyesh Kumar Mishra (Supra)***, which was dismissed by this Court against which ***Special Appeal Defective No. 480 of 2016*** is pending. It is also not disputed that legal issue involved in the matter of ***Satyesh Kumar Mishra (Supra)*** was also before Division Bench of this Court in the matter of ***Firangi Prasad (Supra)*** where the Court has clearly held that on the fault of appointing authority in issuing appointment letter, petitioners cannot be put any type of disadvantage. It appears that at the time of deciding the matter of ***Satyesh Kumar Mishra (Supra)***, judgement of ***Firangi Prasad (Supra)*** was not placed before this Court, therefore, without considering the same, decision was given in the matter of ***Satyesh Kumar Mishra (Supra)***.

Under such facts and circumstances, judgement of **Satyesh Kumar Mishra (Supra)** is **per incuriam** and cannot be treated as precedent in the present case and will not come in the rescue of respondents.

The controversy and question of law involved in the present case is squarely covered with the judgement of **Firangi Prasad (Supra)** as well as other judgments relied upon by learned counsel for the petitioners and Courts have taken consistent view that respondents cannot by their inaction deprive a candidate to his legitimate right.

So far as facts of the case are concerned, there is no dispute on the point that pursuant to advertisement No. A-3/E-1/2000, advertisement was issued in news paper on 22.12.2000 and as per order of this Court dated 29.12.2001 passed in **Special Appeal No. 485 (S/B) of 2001 (supra)**, there was no legal impediment in completion of recruitment process, but due to inaction on the part of respondents, it was completed only after dismissal of writ petition on 05.07.2005. Final selected list of selected candidate was published in daily newspaper 'Dainik Jagran' dated 12.03.2006 and thereafter appointment letters were issued. It is also not disputed that in between again in subsequent advertisement No. A-3/E-1/2002, recruitment was completed and candidates had been granted appointment prior to 01.04.2005 and getting the benefit of 'Old Pension Scheme'.

Therefore, considering the facts and circumstances of the case and legal position discussed herein above, writ petition is **partly allowed** and petitioners are excluded from the effect and operation of Notification dated 28.03.2005 and 07.04.2005 as it is in violation of Article 14 of Constitution of India as well as law laid down by the Courts.

Respondents are directed to include the petitioners under 'Old Pension Scheme' as provided in Rules, 1961 before amendment and be given all other consequential benefits.

Order Date :- 19.12.2019

Sartaj