

GAHC010109042023



2024:GAU-AS:13012

THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/4606/2023

ANKIT KUMAR
S/O- SRI GOPAL SHARAN
LAO KHOWA ROAD
HAIBORGAON
P.O. AND P.S. NAGAON
ASSAM
PIN- 782002.

VERSUS

THE MANGING DIRECTOR
FCI AND 2 ORS
FOOD CORPORATION OF INDIA
16-20 BARAKHAMBA LANE
NEW DELHI-110001.

2:THE EXECUTIVE DIRECTOR

FCI N. E. ZONE ULUBARI
GLP BUILDING
G.S. ROAD
GUWAHATI-781007.

3:THE GENERAL MANAGER (R)

REGIONAL OFFICE
ASSAM REGION PALTANBAZAR
GUWAHATI-781008.

Advocate for : MR. G K GUPTA
Advocate for : SC
F C I appearing for THE MANGING DIRECTOR
FCI AND 2 ORS

:::BEFORE:::
HON'BLE MR. JUSTICE N. UNNI KRISHNAN NAIR

Date of hearing : 05.09.2024

Date of Judgment : 18.12.2024

Judgment & Order(Oral)

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Heard Mr. G. K. Gupta, learned counsel, appearing on behalf of the petitioner. Also heard Mr. B. K. Singh, learned standing counsel, Food Corporation of India(FCI), appearing on behalf of all the respondents.

2. The petitioner, herein, by way of instituting the present writ petition, has presented a challenge to an order, dated 28.02.2020, issued by the disciplinary authority imposing upon the petitioner a penalty of recovery of Rs. 1,80,000/- from his salary in 12 equal installments. The petitioner has also assailed an order, dated 11.07.2023, passed by the appellate authority upholding the order, dated 28.02.2020.

3. The brief facts requisite for adjudication of the issues arising in the present proceeding, is noticed as under:

The petitioner, herein, was posted as the Shed in-charge of Shed No. 4 of Food Storage Depot, Bindukuri, under the Food Corporation of India(FCI), Divisional Office, Tezpur, w.e.f. May, 2016. The petitioner was also w.e.f. 11.04.2017, required to take charge of Shed No. 5.

A disciplinary proceeding came to be instituted against the petitioner,

herein, and 3(three) others, under Regulation 58 of the FCI (Staff) Regulation, 1971, basing on an allegation of huge unjustified storage loss occasioning in the Sheds under his charge.

The petitioner on receipt of the memorandum of charge, dated 22.07.2019, proceeded to submit his written statement in the matter on 05.08.2019. In the said written statement, the petitioner while denying the allegation so levelled against him, had set-out contentions justifying the loss so occasioning in Sheds No. 4 & 5 during the period, he was the in-charge thereof.

It was also projected by the petitioner, herein, that the said loss was on account of diverse climatic conditions and also water logging in the Sheds and blockage thereof. It was further projected that the loss so occasioning on account of water logging was never accounted for, while estimating the loss so occasioning of the foodgrains stored in the Sheds, in question, under his charge.

The disciplinary authority on receipt of the said written statement from the petitioner and on consideration of the same, was pleased vide communication, dated 06.12.2019, to drop the proceeding so instituted against the petitioner under Regulation 58 of the Food Corporation of India(Staff) Regulation, 1971. Vide the said communication, dated 06.12.2019; it was further directed that the proceeding would not be instituted against the petitioner under the provisions of Regulation 60 of the Food Corporation of India(Staff) Regulation, 1971.

It is to be noted here that the proceeding contemplated under Regulation 58 of the Food Corporation of India(Staff) Regulation, 1971, is for imposition of a major penalty and that so contemplated under Regulation 60 of the Regulation of 1971, is for imposition of a minor penalty.

In terms of the said communication, dated 06.12.2019, a fresh Memorandum, dated 06.12.2019, came to be issued to the petitioner, herein, instituting the proceeding against him under Regulation 60 of the Food Corporation of India (Staff) Regulation, 1971.

The allegations so levelled against the petitioner was to the effect that while working as in-charge of Sheds No. 4 & 5 of the Food Storage Depot, Bindukuri, under the Food Corporation of India(FCI), Divisional Office, Tezpur, during the period w.e.f. May, 2016, till 12.02.2017[Shed No. 4], and w.e.f. 11.04.2017 till 31.10.2017[Shed No. 5]; a financial loss occasioning to the Food Corporation of India(FCI) authorities to the tune of Rs. 23,73,135.74 in-as-much as the petitioner, herein, had failed to maintain absolute integrity and devotion towards his duty to serve the Corporation honestly and faithfully. It is further alleged that the loss so occasioning was unjustified.

The petitioner, herein, on receipt of the said memorandum of charge, dated 06.12.2019, vide his written statement, dated 18.12.2019; reiterated the contentions so made by him in the earlier written statement, dated 05.08.2019, so preferred against the initial memorandum of charge, dated 22.07.2019.

On receipt of the said written statement so filed by the petitioner,

herein; the disciplinary authority proceeded to consider the same and on such consideration, vide order, dated 28.02.2020, after noticing the contentions so raised by the petitioner; proceeded to conclude that the storage loss detected in respect of Sheds No. 4 & 5 during the Zero PV, was not justifiable by the reasons cited by the petitioner, in his response. It was also concluded that the storage loss was very high as compared to the corresponding storage period i.e. storage loss does not commensurate with the storage period and diriage.

Having drawn the said conclusions; the disciplinary authority proceeded to impose a penalty of recovery of Rs. 1,80,000/- and the same was directed to be recovered from his salary in 12 equal installments.

The petitioner, herein, being aggrieved by the penalty so imposed upon by the disciplinary authority vide order, dated 28.02.2020; proceeded to prefer an appeal before the appellate authority vide his appeal memo, dated 20.04.2020.

It is to be noted that the appeal as instituted by the petitioner not having been disposed of, the petitioner, herein, had approached this Court by way of instituting a writ petition being WP(C)2661/2023, and this Court, vide order, dated 17.05.2023, basing on the submissions of the learned counsel for the respondents that the appeal as submitted by the petitioner in the matter was not received by the appellate authority; the appeal memorandum as enclosed with the said writ petition, was undertaken to be considered if 60 days time was granted to by this Court to the respondents. This Court by considering the said submission made on behalf of the respondents; disposed of the said writ petition by providing that the petitioner shall appear before the appellate authority within the time-frame mentioned therein and within 60

days from the date of appearance of the petitioner; the appellate authority shall dispose of the said appeal by a reasoned order. Accordingly, the appellate authority, had, vide order, dated 11.07.2023, disposed of the appeal so preferred by the petitioner, herein.

4. Being aggrieved by the order, dated 28.02.2020, as well as the order, dated 11.07.2023; the petitioner, herein, has instituted the present proceeding with a further prayer that the consideration so made in respect of the petitioner by the selection committee for his promotion to the next higher grade/cadre kept in 'sealed cover', be directed to be opened and the petitioner be promoted with all consequential benefits.

5. Mr. Gupta, learned counsel for the petitioner, by reiterating the facts as noticed hereinabove; has submitted that the disciplinary authority in the order, dated 28.02.2020, had not brought on record any material to connect the petitioner, herein, to the allegations so levelled against him vide memorandum of charge, dated 06.12.2019.

6. Mr. Gupta, learned counsel, has further submitted that the disciplinary authority had not recorded any finding with regard to the allegations so levelled against the petitioner in the memorandum of charge, dated 06.12.2019. The learned counsel has also submitted that the appellate authority had not considered the contentions so raised by the petitioner, herein, in the appeal memo, dated 20.04.2020, and had passed the order, dated 11.07.2023, merely, by reiterating the conclusions reached by the disciplinary authority in its order, dated 28.02.2020.

7. Mr. Gupta, learned counsel, has placed reliance on a Circular, dated 12.02.2008, issued by the General Manager (Stocks), Food Corporation of

India(FCI), Headquarter, New Delhi, and has contended that in terms of the said Circular, dated 12.02.2008; no recovery in respect of storage and/or transit losses was directed to be effected without the theft/pilferage and mala fide of the delinquent with regard to the loss so occasioning being proved.

8. Mr. Gupta, learned counsel, has also submitted that in view of the prescriptions as contained in the said Circular, dated 12.02.2008, the penalty as imposed upon the petitioner vide order, dated 28.02.2020; the same being so issued without there being any allegation of the petitioner being guilty of prevention of theft/pilferage of the materials stored, could not have been so issued and accordingly, the learned counsel has contended that the said order, dated 28.02.2020, would call for an interference.

9. Mr. Gupta, learned counsel, has also submitted that the allegations of the petitioner being responsible for the loss so occasioning in the matter, is so based on presumption drawn by the disciplinary authority and has contended that there is no material brought on record to connect the petitioner to the purported loss so quantified by the respondent authorities in the matter.

10. Per contra, Mr. Singh, learned standing counsel, Food Corporation of India(FCI), has submitted that the petitioner, admittedly, being in-charge of Sheds No. 4 & 5 of the Food Storage Depot, Bindukuri, under the Food Corporation of India(FCI), Divisional Office, Tezpur; the loss so occasioning of materials stored in the Sheds being relatable to the period, the petitioner, herein, had held the charge of the said Sheds; it is contended that the disciplinary authority after drawing up a disciplinary proceeding against the petitioner under the provisions of Regulation 60 of the Food Corporation of India(Staff) Regulation, 1971, had proceeded to impose upon the petitioner;

the penalty of recovery of an amount to the tune of Rs. 1,80,000/-.

11. Mr. Singh, learned standing counsel, Food Corporation of India(FCI), has further contended that the estimated loss with regard to the unjustified shortages found in Sheds No. 4 & 5 was assessed at Rs. 23,73,135.74. However, the disciplinary authority by taking a lenient view in the matter, had imposed upon the petitioner, a penalty of recovery of an amount of Rs. 1,80,000/- only. It was further contended that the loss so attributed to the petitioner, herein, was so done after the assessment of the storage loss occasioning on account of the driage for reduction in moisture and for the period of such shortage; was so assessed. It is contended that the loss so attributed to the petitioner, was so done after a due assessment of the same, was so made by the duly constituted committees of the Food Corporation of India(FCI).

12. Mr. Singh, learned standing counsel, Food Corporation of India(FCI), has further submitted that the loss so occasioning in the matter with regard to the various Sheds of the Food Storage Depot, Bindukuri, under the Food Corporation of India(FCI), Divisional Office, Tezpur, proceedings came to be instituted against 11(eleven) employees including the petitioner, herein. It is projected by Mr. Singh, that in respect of other delinquents also, similar recoveries were so directed and accordingly, it is submitted that the petitioner, herein, was not the only employee picked-up for any differential treatment and the respondent Corporation had proceeded against all the employees involved, in the matter.

13. I have considered the submissions advanced by the learned counsels appearing for the parties and also duly perused the materials made available

on record.

14. The facts, as noticed hereinabove, is not in dispute.

15. It is also not disputed that initially, a major penalty proceeding came to be instituted against the petitioner, herein, vide the memorandum of charge, dated 22.07.2019, issued under the provisions of Regulation 58 of the Food Corporation of India(Staff) Regulation, 1971. However, the said proceeding was not proceeded with and subsequently, a minor penalty proceeding came to be instituted against the petitioner under the provisions of Regulation 60 of the Food Corporation of India(Staff) Regulation, 1971, by way of issuance of memorandum of charge, dated 06.12.2019.

16. The allegations so levelled against the petitioner in the said memorandum of charge, dated 06.12.2019, being relevant, is extracted hereinbelow:

“STATEMENT OF IMPUTATION OF MISCONDUCT OR MISBEHAVIOUR IN SUPPORT OF ARTICLES OF CHARGES FRAMED AGAINST SHRI ANKIT KUMAR, AG-II(G) THE THEN SHED IN-CHARGE OF SHED NO.4&5, FSD, BINDUKURI UNDER FCI, DISTRICT OFFICE, TEZPUR.

Shri Ankit Kumar, AG-II(G) while working as Shed In-charge at Shed no.4 & 5 of FSD, Bindukuri under FCI, DO, Tezpur during the period from May'2016 to 12.10.2017 and 11.04.2017 till completion of Zero PV i.e. 31.10.2017 in respective sheds had acted in a manner unbecoming of an employee of the Corporation in as much as he failed to maintain absolute integrity & devotion to duty to serve the Corporation honestly & faithfully and to safeguard the interest of the Corporation by committing gross irregularities that led to huge unjustified storage loss to the tune of 723.44862 Qtls. of Rice Gr-A in respect of Shed no.4&5 at FSD Bindukuri and hence financial loss of Rs.23,73,135.74 to the Corporation.

Shed No.	Storage loss as per Zero PV (In Qtl.)	Justified storage loss (in Qtl.)	Quantity of Storage loss for which responsibility is to be fixed (In Qtl.)	Financial loss (as per economic cost of 2017-18)
4	253.97180	251.08830	2.88350	Rs. 9,458.77
5	1156.90383	436.33871	720.56512	Rs.23,63,676.97

<i>Total</i>	723.44862	Rs. 23,73,135.74

17. The petitioner, herein, had in response to the memorandum of charge, dated 06.12.2019, submitted his written statement on 18.12.2019, by reiterating the contentions so raised by him in his earlier written statement, dated 05.08.2019, so preferred against the memorandum of charge, dated 22.07.2019. A perusal of the written statement, dated 18.12.2019, so preferred by the petitioner in the matter, would go to reveal that it was his primary contention that the allegations so levelled against him, did not include an allegation of he being responsible for theft/pilferage so occasioning in the Sheds under his charge. The petitioner, had, in his written statement, projected the manner in which he was required to take-over the charge of the Sheds, in question, without there being a proper handing and taking over of the charges of the Sheds and that the loss so projected was highlighted to be on account of transit loss and/or storage loss, for which, he was not in any manner, responsible.

18. The petitioner, herein, in the present proceeding, has also projected that the storage condition of the Sheds under his charge, were not conducive for storage of foodgrains and the same had also resulted in the loss occasioning to the stored foodgrains.

19. The disciplinary authority on receipt of the written statement of the petitioner, herein, proceeded to take note of all the contentions so raised by the petitioner in the matter. After noticing the contentions so raised by the petitioner, herein, in the matter; the disciplinary authority proceeded to draw the following conclusions:

“After going through the Article of Charges, Statement of Reply made by Shri Ankit Kumar, AG-II(G) and records, the undersigned comes to the conclusion that the charged official of stock of Shed No. 4 & was the Shed In-charge/custodian 5. FSD Bindukuri and it is evident that storage loss detected to such an extent in Shed no. 4 & 5 during Zero PV is not justifiable by the reasons cited by the CO in his reply. Also the storage loss was very high as compared to the corresponding storage period i.e. storage loss does not commensurate with the storage period and driage.”

20. By drawing the above conclusions; the disciplinary authority proceeded to impose upon the petitioner, herein, the penalty of recovery of an amount of Rs. 1,80,000/- and the same was directed to be recovered from his salary in 12 equal installments. As noticed hereinabove, the appeal as preferred by the petitioner in the matter against the order, dated 28.02.2020, of the disciplinary authority; came to be rejected by the appellate authority, vide order, dated 11.07.2023.

21. It is contended in the present proceeding that the recovery of the amount so involved, has already been effected from the monthly salaries of the petitioner.

22. The penalty having been so imposed upon the petitioner by the disciplinary authority vide order, dated 28.02.2020, it would be required to examine the conclusions so drawn by the disciplinary authority for imposition of the said penalty upon the petitioner. The conclusions so drawn had already been extracted hereinabove and a perusal of the same, would go to show that the disciplinary authority had only drawn a conclusion to the effect that the storage loss detected to such an extent in Sheds No. 4 & 5 during Zero PV, was not justifiable for the reasons cited by the petitioner in his response. It was further concluded that the storage loss was very high as compared to the corresponding storage period i.e. storage loss does not commensurate with the storage period and driage. While drawing the said conclusion which on the

face of it, is clear to be general in nature, no conclusion came to be so drawn towards establishing the contribution of the petitioner, herein, for the said loss so occasioning. Given the attending factors involved, merely on account of the fact that the sheds, in question, was under the charge of the petitioner, the disciplinary authority in the absence of materials on record indicating a clear role of the petitioner for the loss so occasioning, could not have proceeded to hold the petitioner, guilty of the allegations levelled against him.

23. The disciplinary authority in his said order, dated 28.02.2020, has not brought on record any material to demonstrate that the loss so occasioning in the Sheds under the charge of the petitioner, had so occasioned for actions which the petitioner, either, had done and/or had failed to do. Accordingly, the conclusions drawn being presumptive in nature; the same, in the considered view of this Court, could not have formed the basis of the satisfaction drawn by the disciplinary authority for imposition of a penalty upon the petitioner, herein.

24. The contentions so raised by the petitioner in his written statement and noticed by the disciplinary authority vide order, dated 28.02.2020, was, however, not appreciated while drawing satisfaction with regard to the guilt of the petitioner in the matter.

25. The provisions of Regulation 60(1)(d) of the Food Corporation of India(Staff) Regulation, 1971, being relevant, in the present proceeding; is extracted hereinbelow:

“Food Corporation of India(Staff) Regulation, 1971**60.Procedure for imposing minor penalties:**

(1) Subject to the provisions of Sub-Regulation 59, no order imposing on an employee any of the penalties specified in clauses (i) to (iv) of Regulation 54 shall be made except after:

(a).....

(b).....

(c).....

(d) recording a finding on each imputation of misconduct or misbehaviour.”

26. A perusal of the said provisions of the Regulation 60(1)(d) of the Food Corporation of India(Staff) Regulation, 1971, would go to reveal that even in the case of a minor penalty proceeding; the disciplinary authority is required to record a finding on each imputation of misconduct or misbehaviour. On examination of the order, dated 28.02.2020, in the light of the statement of imputation of misconduct or misbehaviour so levelled against the petitioner vide the memorandum of charge, dated 06.12.2019; it is seen that the disciplinary authority had failed to record any finding with regard to such imputation of misconduct and/or misbehaviour so levelled against him vide the memorandum of charge, dated 06.12.2019. In the said memorandum of charge, dated 06.12.2019; the misconduct that was alleged against the petitioner was to the effect that he had acted in a manner unbecoming of an employee of the Corporation in as much as he failed to maintain absolute integrity & devotion to duty to serve the Corporation honestly & faithfully and to safeguard the interest of the Corporation by committing gross irregularities that led to huge unjustified storage loss, however, a perusal of the order, dated 28.02.2020, would reveal that no finding came to be recorded by the disciplinary authority with regard to the same. As observed hereinabove, the conclusions reached by the disciplinary authority in the said order, dated 28.02.2020, are presumptive and general in nature, without there being anything brought on record connecting the petitioner to the loss so

occasioning in the Sheds under his charge.

27. At this stage, the Circular, dated 12.02.2008, so relied upon by Mr. Gupta, learned counsel for the petitioner, in the matter and issued by the General Manager(Stocks), Food Corporation of India(FCI), New Delhi, is required to be considered.

28. The said Circular, dated 12.02.2008, provides in clear terms that the quality and quantity of losses of foodgrains during storage are obvious and unavoidable due to natural factors beyond the control of its employees. It was further stipulated in the said Circular, dated 12.02.2008, that no recovery in respect of storage and transit loss, should be effected without theft/pilferage and mala fide being proved. Accordingly, the said Circular, dated 12.02.2008, would assume significance in adjudication of the present proceeding.

29. The Circular, dated 12.02.2008, issued by the respondent authorities, reads, as under:

**“FOOD CORPORATION OF INDIA
HEADQUARTERS:NEWDELHI
16-10 BARAKHAMBALANE.NEWDELHI-110001**

No.STK/35(3)/07/54

Date: 12th February, 2008

**Executive Director(Zone)
Food Corporation of India,ZO
Noida/Chennai/Mumbai
Kolkata/Guwahati**

**All General Manager(Region)
Food Corporation of India
Regional office.**

**Subject: Adherence of procedural formalities in storage & Transit Loss Cases-
Fixation of responsibility- Regarding.**

Reference: Hqr's Circular No.STK/23/1(7)/(NORMS/02)dated 7.06.2002

Sir,

Your attention is invited to Hqrs instructions issued vide Circular referred above wherein it was inter-alia emphasized that the existing procedure for fixing accountability for storage and transit mentioned in Hqrs' Circulars dated 6.11.1998 & 24.12.1999 would continue to be followed.

Of late, the Staff Bodies have been expressing resentment over the manner in which the responsibility is fixed on the employees by issuing chargesheets and making recoveries from them for abnormal/unjustified S & T losses arbitrarily and without following the procedural formalities as required under the FCI (Staff) Regulations, 1971, The Unions have also been emphasizing that no employee be made responsible for such foodgrains losses unless his/her involvement in theft and misappropriation is proved beyond doubt on the plea that the quality and quantity losses of foodgrains during storage are obvious and unavoidable due to natural factors beyond the control of employees. Also there is no point to make employees responsible for transit losses and to ask them to visit at the destination to verify the shortages while they have already got the consignment verified from the representatives of insurance company and obtained the certificate to this effect.

The whole matter was disclosed by Food Corporation of India(FCI) Management with the BKNK Sangh and FCIES Union in a joint meeting at FCI Hqrs on 28.12.2007, wherein after detailed deliberations, it has been decided that henceforth it would be ensured by all concerned authorities that no recovery in respect of storage and transit losses should be effected without the theft/pilferage and malafide being proved.

All the competent authorities are also advised that they should pass speaking orders establishing malafide etc. On the part of each employee while imposing penalties/making recoveries from the field staff consequent upon investigation of abnormal S & T loss cases. These instructions may be strictly followed.

The instructions issued vide Hqrs' Circular letter of even No. dated 31.01.2008/1.2.2008 are hereby withdrawn.

This issues with the approval of CMD.

Yours faithfully

Sd/-

(VPC Menon)

General Manager (Stocks)

For ED(Stocks)"

30. The said Circular, dated 12.02.2008, clearly reflects the intent of the respondent authorities to hold the employees responsible in respect of the

storage and transit loss only if their involvement in theft and misappropriation is proved. In the present proceeding, it is an admitted position that there is no allegation of theft or misappropriation against the petitioner and further, there is no allegation against him that on account of his failure; theft/pilferage had occasioned in the Sheds under his charge.

31. This Court, at this stage, would also like to observe that the materials brought on record, does not reveal that the respondents Corporation had set up scientific methods in the Sheds wherein the petitioner, herein, was posted for prevention of loss on account of natural causes. Accordingly, the contribution of such facts for the loss of stored foodgrains so occasioning were not factored in by the disciplinary authority while drawing satisfaction for imposition of penalty upon the petitioner, herein.

32. In view of the above conclusions and also appreciating the stipulations so made in the Circular, dated 12.02.2008, and in the absence of any allegation of theft/pilferage so levelled against the petitioner, herein; this Court is of the considered view that the penalty so imposed upon him vide order, dated 28.02.2020, cannot be sustained and accordingly, the order, dated 28.02.2020, stands set aside along with the order, dated 11.07.2023, passed by the appellate authority.

33. Having interfered with the order, dated 28.02.2020, it is directed that the recovery so made from the monthly salaries of the petitioner, herein, of the penalty amount of Rs. 1,80,000/- so imposed upon him; be refunded to him within a period of 30(thirty) days from the date of receipt of a certified copy of this order.

34. The petitioner, in the present proceeding, has also raised a grievance with

regard to the denial to him, of his due promotion and further, his supersession for such promotion by his juniors.

35. In the event, the petitioner, herein, was so considered for promotion to the next higher grade/cadre during the pendency of the disciplinary proceeding so instituted against him and/or during the period, the penalty of recovery imposed upon him, was in currency and the findings of the Departmental Promotion Committee(DPC)/Selection Committee, insofar as, it concerns the petitioner, was kept in a 'sealed cover'; the respondent authorities would now open the 'sealed cover' and thereafter, basing on the recommendations so made therein, and in the event; the same is in favour of the petitioner, herein, he be promoted to the next higher grade/cadre with effect from the date, his juniors were so promoted with all consequential benefits of pay, seniority, etc.. In the event, the recommendation of the petitioner is not in favour of the promotion of the petitioner, the said aspect be informed to the petitioner, by way of a speaking order.

36. In the event, the Departmental Promotion Committee (DPC)/selection committee had not made any recommendation in favour of the petitioner, herein; the respondent authorities would now convene a review meeting of the Departmental Promotion Committee(DPC)/selection committee and consider the case of the petitioner for such promotion with effect from the date his juniors were so promoted and in the event, the petitioner, herein, is recommended for such promotion; the respondent authorities shall promote the petitioner to the next higher grade/cadre with effect from the date his juniors were so promoted by applying the principle of "Next Below Rule" with all consequential benefits of pay, seniority, etc.. It is provided that in the event, the petitioner is not so recommended by the Departmental Promotion

Committee(DPC)/Selection Committee, the said aspect of the matter be informed to the petitioner by way of a speaking order.

37. The directions so passed hereinabove with regard to the promotion of the petitioner to the next higher cadre/grade, be carried-out and orders thereon, issued within a period of 3(three) months from the date of receipt of a certified copy of this order.

38. With the above directions and observations, this writ petition stands disposed of.

JUDGE

Comparing Assistant