

GAHC010240902015



In the Gauhati High Court

(HIGH COURT OF ASSAM, NAGALAND, MIZORAM & ARUNACHAL PRADESH)
PRINCIPAL SEAT AT GUWAHATI

WP(C) NO. 3430 OF 2015

Mr. Bipul Bora,
S/O-Late Deben Bora,
R/O- Birubari, Joyanagar, Joyapath,
P.O.-Gopinathnagar, Guwahati,
Dist.-Kamrup, Assam.

.....Petitioner

-Versus-

1. The Principal Secretary to the Government of Assam, Finance Department, Dispur, Guwahati-6.
2. The Deputy Commissioner, Kamrup Metropolitan (Treasury Establishment), Kamrup, Guwahati-1.
3. The Treasury Officer, Kamrup Metro district Treasury, Guwahati-1.
4. The Deputy Commissioner, District-Tinsukia,
5. The Deputy Commissioner, District-Dima Hasao, Assam.
6. The Director of Accounts and Treasuries, Assam, Dispur, Guwahati-6.
7. The Treasury Officer, Dispur Treasury, Dispur, Guwahati-6.
8. Mrs. Kabita Mahanta, Senior Accounts Assistant, Dispur Treasury, Dispur, Guwahati-6.
9. Mrs. Haingeuteule Pame, Senior Accounts

Assistnat, Kamrup Metro Treasury, Guwahati.

.....**Respondents**

Advocate for the Petitioner (s) : Ms. B. Bhuyan, Sr. Advocate, assisted by Ms. B. Bora.

Advocate for the Respondent(s) : Ms. S. Sharma Hazarika, Advocate and Mr. R. Borpujari,
Advocate.

- B E F O R E -

HON'BLE MR. JUSTICE SOUMITRA SAIKIA

Date of Hearing : 28.02.2024.

Date of Judgment : 22.05.2024.

:: JUDGMENT AND ORDER (CAV)::

Heard Ms. B. Bhuyan, learned Senior Counsel assisted by Ms. B. Bora, learned counsel for the petitioner. Also heard Ms. S. Sharma Hazarika, learned counsel for the respondents No.8 and 9 and Mr. R. Borpujari, learned Standing Counsel, Finance.

2. The petitioner is aggrieved by the order dated 21.10.2014 issued by the respondent authorities, whereby the private respondents Nos. 8 and 9 were given promotion. The further prayer of the writ petitioner is for issuance of a mandamus, directing the respondents to immediately give promotion to the petitioner to the post of Senior Accounts Assistant and thereby restore his position above the private respondent Nos. 8 and 9 and also to grant all financial benefits with the effect from 21.10.2014.

3. The petitioner at the relevant point in time was appointed as a Junior Assistant and was posted in the Kamrup (Metro) District Treasury. The Office of the Deputy Commissioner, Kamrup (Metro) prepared a provisional Gradation List in respect of Grade III staff of the Treasury Office under Kamrup Establishment. In the draft Gradation List, the petitioner's name appeared at serial number 8, whereas the names of the private respondents appeared at serial number 21 and 22 in the rank of Junior Assistant. The private respondent Nos. 8 and 9 were initially not appointed under the Kamrup District Treasury Establishment. Subsequently, however, they were transferred to the Kamrup District Treasury Establishment. According to the writ petitioner, the draft Gradation List was never finalized and in the said draft Gradation List, names of the private respondents were placed below the writ petitioner. The department proceeded to fill up the next higher post, namely, the post of Senior Accounts Assistant. The petitioner, the private respondents, as well as other junior accounts assistants were within the zone of consideration. However, by the impugned order dated 21.10.2014, the private respondents were given promotion and the petitioner's case was not considered as this Election Committee held that he did not satisfy the criteria for being promoted.

4. The learned Senior Counsel for the writ petitioner submits that as per the criteria fixed under Rule 11 (C) of the Assam Treasury (Establishment) Service Rules 1993, Junior Accounts Officer must complete at least five (5) years for service as Junior Account Assistant on 1st January of the year of promotion and has successfully undergone training and passed departmental examination, will be eligible for being considered for promotion. The learned Senior counsel for the petitioner submits that the petitioner had satisfied the criteria prescribed under Rule 11 (C) of the Assam Treasury (Establishment) Service Rules 1993.

The petitioner completed five (5) years of service as on 1st of January of the year of promotion. He successfully underwent training and has also cleared the departmental examination. Under such circumstances, the denial of promotion by the respondent authorities by the impugned order dated 21.10.2014 is contrary to the provisions of the Rules and the same should therefore be suitably interfered and set aside and quashed.

5. The selection is to be made on the basis of seniority-cum-merit in respect of Senior Accounts Assistant. If that be so, the petitioner being senior to the private respondents as per the provisional Gradation List published and the petitioner having satisfied the criteria prescribed for promotion, petitioner ought to have been considered for promotion to the next high post of Senior Accounts Assistant. It is submitted that the criteria fixed by the selection committee that the petitioner did not clear the departmental examination on 1st January, 2014 and thereby rejected the candidature of the writ petitioner is contrary to the provisions of the Rules.

6. Referring to Rule 11 (C) of the Assam Treasury (Establishment) Service Rules 1993, learned Senior counsel submits that the criteria required to be fulfilled for being promoted to the post of Senior Accounts Assistant, is completion of five (5) years of service as on first day of January of the year of promotion and undergo the training and clear the departmental examination. The training and the departmental examination need not be cleared as on the first day of January of the year of promotion as had been interpreted by the selection committee. The selection committee, having rejected the candidature of the writ petitioner on the ground that he did not clear the departmental examination as on first day of January, 2014, went well beyond the prescription

of the Rules, which they were not permitted to do. Therefore, the impugned selection committee minutes dated 21.10.2014 should be suitably interfered with, set aside and quashed and review selection committee be directed to be held to reconsider and review the question of promotion of the writ petitioner in the year 2014. Learned Senior counsel for the petitioner fairly submits that during the pendency of the writ petition, the petitioner has also been promoted to the next higher post of Senior Accounts Assistant. As such, the prayer made in the writ petition today is for interference of the impugned minutes dated 21.10.2014 of the selection committee and to review and reconsider the case of the petitioner viz-a-viz the private respondents and thereafter re-fixed the seniority of the writ petitioner above the private respondents. Any financial benefit that may be accrued to the writ petitioner pursuant to the reconsideration of the selection committee minutes in the year 2014, may also be directed to be released to the writ petitioner. The learned Senior Counsel for the petitioner has relied on the following judgments in support of her contentions:-

- “1. (2008) 5 SCC 176 (Karnataka State Financial Corporation Vs N. Narasimahaiah and Ors.).*
- 2. (2002) 3 SCC 722 (Harbhajan Singh Vs Press Council Of India and Ors.).*
- 3. (1997) 10 SCC 419 (State of Rajasthan Vs R.Dayal and Ors.).*
- 4. (2007) 4 SCC 54 (Ashok Kumar Sonkar Vs Union of India and Ors.)”.*

7. The respondent departments as well as the private respondents have filed the counter affidavits and disputed the claims of the writ petitioner. The learned department counsel submits that Rule 11 (C) of the Assam Treasury

(Establishment) Service Rules 1993 prescribes the eligibility criteria. The cut off date of 1st of January of the year of promotion is required to be maintained not only in respect of the number of years of services rendered, but also in respect of undergoing training and clearing departmental examination. There is no dispute that the petitioner did not clear his departmental examination as on 1st January, 2014. The petitioner cleared his departmental examination on 16.09.2014, which is just before the meeting of the selection committee. The selection committee meeting was held on 10.10.2014. Under such circumstances, this selection committee rightly rejected the case of the writ petitioner that he did not fulfil the criteria prescribed under Rule 11 (C) of the Assam Treasury (Establishment) Service Rules 1993 and that he did not clear the departmental examination on first day of January of the year of promotion, namely, in the year 2014. The petitioner has also subsequently now been promoted and while rendering his promotion, the same criteria was adopted to which the petitioner did not object to. Under such circumstances, the writ petition has devoid of merit and has largely become infructuous and therefore, the same should be dismissed accordingly.

8. Learned counsel appearing for the respondent Nos. 8 and 9 has also vehemently objected to the submissions made by the learned counsel for the petitioner. Learned counsel for the respondent Nos. 8 and 9 also submits that the petitioner having failed to clear the departmental examinations as on 1st January of the year of promotion, which is 2014, there was no infirmity in the selection committee minutes rejecting his candidature. It is submitted that, as per Rule 11 (C) of the Assam Treasury (Establishment) Service Rules 1993, the criteria prescribed is completing five (5) years of service on 1st of January 2014,

as well as undergoing training and clearing the departmental examinations. The training to be undergone and the departmental examinations to be cleared by a candidate is also required to be done as on 1st of January in the year of promotion. Any other interpretation sought to be given to the criteria fixed under Rule 11 (C) of the Assam Treasury (Establishment) Service Rules 1993 will run counter to the provisions of the Rules and will amount to miscarriage of justice. The respondent Nos. 8 and 9 have been duly considered along with the petitioner and other similarly situated candidates and they having found to have qualified and satisfied the criteria prescribed under Rule 11 (C) of the Assam Treasury (Establishment) Service Rules 1993, they were given promotion and the petitioner's case was rejected. It is also reiterated by the learned counsel for respondent nos. 8 and 9 that subsequently the petitioner was also promoted to the post of Senior Accounts Assistant and this same criteria was adopted to which the petitioner did not object to and therefore, having availed the similar benefit, he now cannot turn around and questioned the same. The learned counsel for respondent Nos. 8 and 9, therefore submits that there is no merit in the writ petition and the same should therefore be dismissed as being without any merit. The learned counsel for the respondent has relied on the following judgments in support of her contentions:-

- “1. (2000) 2 SCC 62 (Mohd. Abubakkar Siddique Vs Mustafa Shahidul Islam and Ors.).*
- 2. (2018) 15 SCC 796 (UPSC Vs M.Sathiya Priya and Ors.).*
- 3. (1996) 11 SCC 242 (Ramesh Kumar Choudha and Ors. Vs State of M.P. and Ors.).*
- 4. WP(C)/2969/2019 (Balwant Singh Vs State of Assam and 18 Ors.)”.*

9. Learned counsels for the parties have been heard. Pleadings on record have been carefully perused. The judgments cited at the bar are also carefully taken note of. On the basis of the elaborate arguments made by the rival counsel the question before the Court is whether the cut off date, which is 1st of January of the year of the promotion as prescribed under Rule 11 (2) (a) will also be considered to be the cut off date by which period the candidates are required to complete their training and have cleared their departmental examinations or whether the cut off date prescribed is only in respect of the period of service undergone by the candidates.

10. In order to resolve this controversy, a reference to the relevant rules is necessary. The relevant rules for the purposes of addressing the controversy are extracted below:-

“11. Promotion:- (1) Vacancies in the cadre of Superintendent, Accountant, Senior Accounts Assistant, Junior Accounts Assistant, Lower Division Assistant and Duftry Cum-Record-Keeper shall be filled up by promotion in the manner prescribed herein below:-

(2) Subject to the suitability as may be decided by the Board and the Appointing Authority as set forth in Rule 12 and also subject to possession of qualifications and experiences as prescribed hereinafter, a member shall be eligible for promotion from one cadre to another of the service in the manner provided below:

(a) An Accountant who has completed as least 7 (seven) years of service as Accountant on the first day of January of the year of promotion shall be eligible for promotion to the cadre of Superintendent.

(b) A Senior Accounts Assistant who has completed at least 5 (five) years of service, as Senior Accounts Assistant on the first day of January of the year of promotion shall be eligible for promotion to the cadre of Accountant.

(c) A Junior Accounts Assistant who has completed at least 5 (five) years of service as Junior Accounts Assistant on the first of January of the year of promotion and has successfully undergone the training and passed the departmental examination as may be prescribed under Rule 18 shall be eligible for promotion to the cadre of Senior Accounts Assistant.

(d) A directly recruited Lower Division Assistant on the first of January of the year of promotion and a promoted Lower Division Assistant who has completed atleast 5(five) years of service in the grade IV cadre and at least 2 (two) years of services as Lower Division Assistant on the first January of the year of promotion shall be eligible for promotion to the cadre Junior Accounts Assistant.

(e) A Grade IV employee who has passed at least higher Secondary School Leaving Certificate Examination from a recognised Board or any other examination declared by the Government as aquivalent thereto and has completed at least 5 (five) years of service in the Grade IV of the service on the first of January of the year of promotion and has gathered a fair knowledge of type writing with speed of at least 40 words per minute in English and 30 words per minute in other language shall be eligible for promotion to the cadre of Lower Division Assistant.

(f) A Peon or a Chowkidar who has completed at least 7 (seven) years of service in the treasury establishment and has the capacity to read and write in the language of the office, elementary knowledge of Arithmetic to perform the duty of keeping and distributing the stationary articles, forms etc. And also the ability to arrange the records and files of the office shall be eligible for promotion to the post of Duftry-Cum-Record Keeper.

12. General procedure of promotion:-

(1) Before the end of each year the Appointing Authority shall make as assessment of the likely number of vacancies to be filled up by promotion in the next year in

each cadre.

(2) The Appointing Authority shall then furnish to the Board the following documents and information with regard to as may incumbents in order of seniority equal to four times the number of vacancies as are eligible for promotion.

(i) information about the number of vacancies.

(ii) list of incumbents in order of seniority, eligible for promotion (separate list for each cadres shall be furnished) stating of the cadre to which the case of promotion is to be considered;

(iii) Character rolls and personal files of the incumbents listed,

(iv) details about reservation in case of promotion to the service under Rule-11;

(v) any other documents and information as may be considered necessary by the Appointing Authority or required by the Board;

(3) The Appointing Authority shall simultaneously request the Board to recommend within one month a list of incumbents suitable for promotion in order of preference, in respect of each of the cadre in which recruitments are to be made by promotion.

(4) The selection shall be made on the basis of Seniority-Cum-Merit in respect of the cadres of Superintendent, Accountant and Senior Accounts Assistant. Selection for promotion to the cadre of Junior Accounts Assistant, Lower Division Assistant under Rule 11 shall be made strictly on merit.

(5) The Board, after examination of the documents and information furnished by the Appointing Authority shall recommend to the Appointing Authority list of incumbents about double the probable number of vacancies in order of preference, found suitable for promotion. Provided that for the purpose of promotion the zone of consideration by the Board shall be confined to four times of the number of vacancies.

(6) The Appointing Authority, on receipt of the lists recommended by the Board, shall consider the list prepared by the Board for promotion to the cadres of Superintendent, Accountant, Senior Accounts Assistant, Junior Accounts Assistant, and Lower Division Assistant alongwith character rolls and personal files of the incumbents and approve the list unless it considers any change necessary. If the Appointing Authority considers it necessary to make any change in the list received from the board he shall inform the Board of the changes proposed and after taking into account the comments, if any, of the Board may approve the list finally with such modification, if any, as may, in his opinion be just and proper.

(7) The inclusion of a candidates name in a select list shall confer no right to promotion unless the Appointing Authority is satisfied, after such enquiry as may be considered necessary that the candidate is suitable for promotion.

(8) The lists finally approved by the Appointing Authority shall be published by the Appointing Authority in the Assam Gazattee within 15 days from the date of final approval.

(9) The select list remain valid for 12 calendar months from the date of approval by the Appointing Authority.

(10) The promotions shall be in accordance with the list finally approved.

18. Training:- A member of the service in the cadre of Junior Accounts Assistants shall be required to undergo such training and pass such departmental examination as the Government may prescribed from time to time. The syllabus for training and the departmental examination as on date of commencement of these rules shall be as furnished at Schedule-III.

22. Gradation List:- There shall be prepared and published every year a gradation list containing the names of all members of the service cadrewise in order of seniority and such other particulars as date of birth, date of appointment etc. "

11. These rules subsequently came to be amended by Notification dated 25th

August 2014. A careful perusal of the Rules revealed that the promotion to the higher posts is to be carried out by making necessary assessments in the likely number of vacancies in each cadre in the next year. The selection is to be made on the basis of seniority-cum-merit as per Rule 12 (4) in respect of the cadre of Senior Accounts Assistant *inter-alia*. The Rule 11 (C) of the Assam Treasury (Establishment) Service Rules 1993 provides that the Junior Accounts Assistant shall complete at least five (5) years of service as Junior Accounts Assistant on the first day of the year of the promotion, has successfully undergone training and has passed the departmental examination as may be prescribed under Rule 18, to be eligible for promotion to the post of cadre of Senior Account Assistant. Rule 18 prescribes for training which a member of the cadre of Junior Accounts Assistant is required to undergo and pass such departmental examination as the government may prescribe from time to time. The syllabus for training and departmental examination as on the date of commencement of these rules is provided for under Schedule III. The Schedule III appended to the rules provides a detailed scheme for training of Junior Accounts Assistants working in treasuries and sub treasuries. The said schedule also contains the syllabus for the theoretical examination to be undertaken. Under the said schedule it is provided that the training will be for theoretical and practical and the trainees shall attend training classes for a period of three (3) months and remaining one (1) month shall be spent in practical training in treasuries. After completion of the training, there shall be a final examination on the subjects according to the syllabus given in the annexure. The minimum pass marks and the pass mark in the aggregate is also prescribed. It is also provided that a trainee who does not pass the aforesaid examination within three chances will be ineligible for promotion.

12. A perusal of these Rules reveal that the training of Junior Accounts Officer are to be conducted by the department in batches, the syllabus is also provided for. But nowhere in the rules is there any indication as to the month or the period in which the training or the final examination is to be conducted. The affidavit filed by the department also does not throw any light on this aspect. From a reading of the entire rules, it appears that the rule making authority did not contemplate or envisage a particular date or a month for holding the final examination and/or a cut off date by which the candidates will have to clear the departmental examination.

13. A plain reading of Rule 11 (C) of the Assam Treasury (Establishment) Service Rules 1993 makes it clear that the cut off date of the first date of January of the year of promotion is only in respect of the completion of the five (5) years of service as Junior Accounts Assistant. The Rule in itself does not prescribe any cut off date for clearing the departmental examination or undergoing training. The scheme which is appended to the Rules prescribes a mode of selection for trainees to be made according to the length of service of the cadre in the ascending order of seniority, so that all Junior Accounts Assistants having more than three (3) years of service were trained within the shortest possible time. Under such circumstances, it does not appear to the Court that the cut off date prescribed under Rule 11 (C) of the Assam Treasury (Establishment) Service Rules 1993 is also required to be maintained in respect of undergoing training and clearing the departmental examination. As discussed above, there is no specific provision under the Rules as to the period or any date by which the training and the departmental examinations are to be conducted by the department. Where the Rules are silent, the selection committee, constituted under the Rules, cannot empower itself to interpret the

Rules in the manner it has done. The power for relaxation or interpretation, as per Rule 26 and 27, respectively, is left to the decision of the Government. No such decision has been placed before the Court prior or after to the decision taken by the selection committee.

14. In this context a reference to the judgment of the Apex Court rendered in *J.P. Bansal Vs State of Rajasthan and anr.* reported in (2003) 5 SCC 134 would be very appropriate to refer to in this context. The Apex Court in that matter had laid down the elementary principle, who interprets a word in the statute. It was held that the elementary principle to interpret a word in the statute is to gather the mens or sententia legis of the legislature. The relevant paragraphs of the Judgment is extracted below:-

“12. Interpretation postulates the search for the true meaning of the words used in the statute as a medium of expression to communicate a particular thought. The task is not easy as the "language" is often misunderstood even in ordinary conversation or correspondence. The tragedy is that although in the matter of correspondence or conversation the person who has spoken the words or used the language can be approached for clarification, the legislature cannot be approached as the legislature, after enacting a law or Act, becomes functus officio so far as that particular Act is concerned and it cannot itself interpret it. No doubt, the legislature retains the power to amend or repeal the law so made and can also declare its meaning, but that can be done only by making another law or statute after undertaking the whole process of law-making.

13. Statute being an edict of the legislature, it is necessary that it is expressed in clear and unambiguous language. In spite of courts saying so, the draftsmen have paid little attention and they still boast of the old British jingle "I am the parliamentary draftsman. I compose the country's laws. And of half the litigation, I am undoubtedly the cause".

14. *Where, however, the words were clear, there is no obscurity, there is no ambiguity and the intention of the legislature is clearly conveyed, there is no scope for the court to innovate or take upon itself the task of amending or altering the statutory provisions. In that situation the Judges should not proclaim that they are playing the role of a law-maker merely for an exhibition of judicial valour. They have to remember that there is a line, though thin, which separates adjudication from legislation. That line should not be crossed or erased. This can be vouchsafed by "an alert recognition of the necessity not to cross it and instinctive, as well as trained reluctance to do so".*

15. *It is true that this Court in interpreting the Constitution enjoys a freedom which is not available in interpreting a statute and, therefore, it will be useful at this stage to reproduce what Lord Diplock said in Duport Steels Ltd. v. Sirs [(1980) 1 All ER 529 : (1980) 1 WLR 142] : (All ER at p. 542c-d)*

"It endangers continued public confidence in the political impartiality of the judiciary, which is essential to the continuance of the rule of law, if Judges, under the guise of interpretation, provide their own preferred amendments to statutes which experience of their operation has shown to have had consequences that members of the court before whom the matter comes consider to be injurious to the public interest."

16. *Where, therefore, the "language" is clear, the intention of the legislature is to be gathered from the language used. What is to be borne in mind is as to what has been said in the statute as also what has not been said. A construction which requires, for its support, addition or substitution of words or which results in rejection of words, has to be avoided, unless it is covered by the rule of exception, including that of necessity, which is not the case here. "*

15. Judgment referred to by the learned counsel for the petitioner in *Ashok Kumar Sonkar Vs Union of India and Ors.* reported in (2007) 4 SCC 54 with regard to fixation of cutoff date. In this matter, the Apex Court held that where

no cut off date is fixed, then the eligibility will have to be determined on the last date of filing the applications. Instead of *State of Rajasthan Vs R. Dayal and Ors.* reported in (1997) 10 SCC 419 it was held that the posts which were vacant prior to the amendment of Rules would be governed by the original rules and not by the amended Rules. The above referred judgments in the facts of the case will have no application.

16. The Apex Court in *Harbhajan Singh –vs- Press Council of India and Ors* reported in (2002) 3 SCC 722 in the context of interpretation of statutes had held that the legislature does not waste its words. Ordinary, grammatical and full meaning is to be assigned to the words used while interpreting a provision to honour the rule — the legislature chooses appropriate words to express what it intends, and therefore, must be attributed with such intention as is conveyed by the words employed so long as this does not result in absurdity or anomaly or unless material— intrinsic or external — is available to permit a departure from the rule.

17. Referring to the judgments of the Apex Court in *Harbhajan Singh* and *J.P. Bansal (supra)*, it has to be held that the plain and simple meaning that can be attributed to the Rule 11 (C) of the Assam Treasury (Establishment) Service Rules, 1993 is that the cut off date for the first day of January of the year of promotion as had been prescribed under the Rules is only in respect of the completion of the number of years of service prescribed under the said Rule. The training required to be undergone and the departmental examinations required to be cleared by the candidates have not been prescribed cut off date under the Rules. As have been discussed above, nowhere, in the Rules there is a specific period or a date prescribed by which the training required to be

undertaken by the candidates or the departmental examinations required to be successfully completed by the candidates have been prescribed. The intent of the Rules is very clear that the training required to be undergone by the candidates will be held in batches and thereupon the departmental examinations are to be conducted by the departmental authorities and for which the syllabus has been prescribed under the Rules itself. Since the training to be undergone and the departmental examinations to be cleared by the candidates are in respect of departmental candidates, it is implicit that these are to be undertaken by the department, periodically taking into consideration the various exigencies of service. It is perhaps for this reason that a plain reading of the Rule will revealed that the cut off date prescribed, namely, first day of January of the year of promotion, is only in respect of the candidates to measure their completed years of service. It is already discussed above that the power of interpretation under the Rules is vested only on the Government. Therefore, the interpretations given to the cut off date by the selection committee is beyond its scope, as the selection committee is not vested with the power to interpret the meaning prescribed to any of the Rules. In view of the discussions, the judgments referred to by the respondents will have no relevance.

18. In the facts and circumstances of the case, it can be seen that the rule making authority did not intend to put any cut off date for undergoing the training and clearing the departmental examination. That being so, the selection committee was not empowered to interpret the rule in a manner other than what is prescribed under Rule 11 (C) of the Assam Treasury (Establishment) Service Rules 1993 .

19. The Court having arrived at this conclusion, it has to be held that the

decision of the selection committee minutes by its meeting held on 10.10.2014, whereby the private respondents were promoted and the case of the writ petitioner was rejected on the ground that he did not satisfy the criteria prescribed, is held to be bad and contrary to the provisions of the Rules. Since it is submitted at the bar that subsequently the petitioner has also been promoted to the post of senior accounts assistant and therefore, this court refrains from interfering with the minutes. However, the respondents are directed to hold a review committee meeting to re-decide this issue in terms of the directions of this Court and thereafter restore the position of seniority of the writ petitioner over the private respondents Nos. 8 and 9. Any financial benefits that may accrue to the writ petitioner pursuant to his restoration of his seniority should also be released without any further delay.

20. Writ petition, is accordingly, allowed in terms of the above. No order is to cost.

JUDGE

Comparing Assistant