

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) 239 of 2025

Dr. (Mrs.) Menka Bharti,
Chief Medical Officer (SG),
W/O: Dr. Raj Kumar Gupta,
Presently posted at 55th Battalion,
Border Security Force, Hanumangarh Road,
Azimgarh, Abohar-152116

Permanent Address:

Dr. Menka Bharti, Chief Medical Officer (Selected Grade),
W/O: Dr. Raj Kumar Gupta, M/S Moti Chand Santosh Kumar,
Moti Mahal, Laha Patti Ballia, (U.P.) – 277001.

..... **Petitioner(s)**

Versus

1. **The Border Security Force,**
Represented by its Director General, Block No. 10, CGO
Complex, Lodhi Road, New Delhi-110003.
2. **The Commandant, 48th Battalion,**
Border Security Force, Sriganganagar, P.O:
Sriganganagar, Near Railway Station,
Rajasthan-335001.
3. **The Commandant, 80th Battalion,**
Border Security Force, Nishat, Srinagar,
Jammu & Kashmir, PIN: 191121.
4. **The Commandant 55th Battalion,**
Border Security Force, Hanumangarh Road,
Azimgarh, Abohar-152116.
5. **The Commandant, 68th Battalion,**
Border Security Force, Aiyanagar, Mundra Road,
Bhuj, Kutch District, Gujarat, PIN: 370001

.....**Respondent(s)**

For Petitioner(s)	:	Mr. Arijit Bhaumik, Advocate Ms. Ishpa Chakma, Advocate Mr. Uday Das, Advocate
For Respondent(s)	:	Mr. Bidyut Majumder, Dy. SGI
Date of hearing	:	19.01.2026
Date of delivery of judgment & Order	:	05.02.2026
Whether fit for reporting	:	YES.

HON'BLE JUSTICE DR. T. AMARNATH GOUD

Judgment and Order

[1] Heard Mr. A. Bhaumik, learned counsel appearing for the petitioner. Also heard Mr. B. Majumder, learned Dy. SGI appearing for the respondents-Union of India.

[2] The present writ petition has been filed under Article 226 of the Constitution of India seeking the following reliefs:

“i. Issue notice upon the respondents.

ii. Call for the records.

iii. Issue rule calling upon the Respondents to show cause as to why the Respondents shall not be mandated to grant the Petitioner regular pay scale for the post of Chief Medical Officer (Selection Grade) w.e.f 04.08.2019 as per the Dynamic Assured Career Progression (DACP) Scheme pursuant to promotion of the petitioner to the said rank of Chief Medical Officer (Selection Grade) w.e.f 04.08.2019 vide order dated 1st March. 2024.

AND

Issue Rule calling upon the respondents to show cause as to why the Respondents shall not be mandated to pay the Petitioner the arrears of financial benefits pursuant to extension of regular pay scale to the Petitioner admissible to Chief Medical Officer (Selection Grade) under Border Security Force w.e.f 04.08.2019.

AND

Issue Rule calling upon the Respondents to show cause as to why the order dated 1st March, 2024 shall not be interfered with to the extent that the Petitioner has been denied the regular pay scale for the rank of Chief Medical Officer (Selection Grade) w.e.f 04.08.2019.

AND

Issue Rule calling upon the Respondents to show cause as to why the order dated 02.12.2024 passed by the Respondents whereby Respondents have regretted the prayer of the petitioner for extension of regular pay scale admissible to the rank of Chief Medical Officer (Selection Grade) w.e.f 04.08.2019 shall not be set aside and quashed.....”

[3] The case of the petitioner in brief is that she was enrolled under the Border security Force as Medical Officer on 4th August, 2006. Thereafter, she was promoted to the Rank of Senior Medical Officer on 4th August, 2010. The petitioner got further promotion as Chief Medical Officer (Ordinary Grade) on 4th August, 2015 and as Chief Medical Office (Ordinary Grade) she was posted at 48th Battalion, Border Security Force at Teliamura, Khowai District, Tripura till October, 2019. Thereafter, the Petitioner was posted as Chief Medical Officer (Ordinary Grade) under the 88th Battalion, BSF at Teliamura, Khowai District, Tripura till November, 2020.

[4] It is contended that the petitioner has served in various units as per the order of the superior authority at different location under the respondents. It is submitted that, vide communication dated 5th September, 2003 the Ministry of Home Affairs, Govt. of Tripura has taken the decision for implementation of new Dynamic Assured Career Progression (DACP) Scheme for Doctors in Central Police Forces. The said communication was also marked to the Director General, Border Security Force along with the Director General of other Central Forces. Since such implementation Dynamic Assured Career

Progression (DACP) has been enforced in Border Security Force. Thereafter, vide office memorandum dated 29th October, 2008 the Revised Dynamic Assured Career Progression Scheme has been enforced by the Ministry of Health and Family Welfare, Govt. of Tripura which has also been adopted and implemented in the BSF. It is further contended that as per the said Dynamic Assured Career Progression scheme, a Medical Officer on completion of 4 years is entitled to be promoted as Senior Medical Officer in PB-3 with Grade pay of Rs. 6,600/- and a Senior Medical Officer on completion of 5 years in grade pay of Rs. 6600 in PB-3 is entitled to be promoted as Chief Medical Officer with Grade pay of Rs. 7600/ in PB-3 [Chief Medical Officer (Ordinary Grade)]. It is also submitted that as per the said scheme, Chief Medical Officer (Ordinary Grade) on completion of 4 years of service in grade pay of Rs. 7600/- in PB-3 is entitled to be promoted as Chief Medical Officer with grade pay of Rs.8700 in PB-4 [Chief Medical officer (Selection Grade)].

[5] It is submitted by the petitioner that she completed 4 years of service as Chief Medical Officer in Grade pay of Rs. 7600/- in PB-3 on 04.08.2019 and on that date, she was entitled to be promoted as Chief Medical officer (Selection grade) with grade pay of Rs.8700/-in PB-4. But, due to adverse entries in the APARs and PPARs of the petitioner, she was denied such financial upgradation and promotion under the Dynamic Assured Career Progression Scheme. According to the petitioner since, on 04.08.2019, the petitioner was posted at 48th BN, BSF at Teliamura, Khowai District, Tripura

and as such, the deprivation took place while the she was posted in the State of Tripura and under the jurisdiction of this Court.

[6] It is further contended that the petitioner had challenged the adverse entries in the APARs and PPARs of the petitioner by filing writ Petition being WP (C) No. 951/2019 before this Court and vide Judgment and order dated 30.05.2023 the adverse entries in the APARs and PPARs of the petitioner was expunged and an observation was made by this Court to the effect that the allegations as brought against the petitioner shall not be taken into consideration as those were not on the basis of the assessment of performance of the petitioner. It was also observed by this Court in the said order dated 30.05.2023 that since the adverse remarks have been expunged, the petitioner's performance shall be reviewed only on the basis of the remarks of the Reporting Officer and a direction was also made by this Court that the Director General, BSF shall complete the assessment within a period of two months from the date when a copy of the said order be furnished by the petitioner.

[7] It is also submitted that the respondents took more than a year to comply with the direction of this Court and ultimately review DPC was held by the Respondents on 05.12.2023 with reference to the DPC held on 26.05 2020. In the review DPC, recommendation was made for promotion of the Petitioner to the rank of Chief Medical Officer (Selection Grade) we.f 04.08.2019. Accordingly, vide order dated 1st March, 2024 the petitioner has been promoted

to the rank of Chief Medical Officer (Selection Grade) under Border Security Force w.e.f 04.08.2019 under the Dynamic Assured Career Progression (DACP) Scheme. But the pay of the Petitioner as Chief Medical Officer (selection grade) has been made notional w.e.f 04.08.2019 and accordingly the pay of the petitioner has been notionally fixed till the date of order dated 1st March, 2024 without any arrears of regular pay scale. Situated thus, the Petitioner has been deprived of the regular pay scale for the post of Chief Medical Officer (Selection Grade) w.e.f 04.08.2019 till the date of order dated 1st March, 2024 i.e. the actual date of her promotion.

[8] The petitioner submitted representation for extension of regular pay scale w.e.f. 04.08.2019 and arrears thereof to her from the said date but vide communication dated 02.12.2024, the representation of the petitioner has been rejected in terms of paragraph 18.4.3 of DOP&T OM dated 10.04.1989 and paragraph 20.04 1 of the DOP&T OM dated 22.07.2024. Being aggrieved thereby, the petitioner has approached this Court seeking the afore-noted reliefs.

[9] Mr. A. Bhaumik, learned counsel appearing for the petitioner submits that due to illegal adverse entries in the APARs and PPARs of the petitioner, she was denied promotion to the rank of Chief Medical Officer (SG) under the BSF w.e.f the date of entitlement of the petitioner that was 04.08.2019 as per the Dynamic Assured Career Progression (DACP) scheme. Therefore, it is due to the mistake of the respondents or illegality committed by

them that the petitioner was deprived of her promotion from the actual date of entitlement. He further submits that because of mistake, illegality or arbitrary action at the behest of the respondents the petitioner cannot be deprived of her financial benefit in the form of regular pay scale from the due date of entitlement for promotion to the post of Chief Medical Officer (Selection Grade) along with the arrears thereof.

[10] It is also submitted by the learned counsel for the petitioner that even after the judgment and order dated 30.05.2022 passed by this Court in W.P (C) No. 951/2019 expunging the adverse remarks in PPARs and APARs for a certain period, the respondents took more than a year to implement the said judgment.

[11] He further contends that even after promotion as Chief Medical Officer (Selection Grade) under the Dynamic Assured Career Progression Scheme, the employee concerned continues to perform the same duty and responsibility which was being discharged as Chief Medical Officer (Ordinary Grade) and therefore, the respondents cannot take the plea of 'no work no pay' to deny the regular pay scale of the petitioner w.e.f. 04.08.2019 and arrears thereof. He, therefore, urges this Court to quash the communication dated 02.12.2024 in which the respondents have regretted the prayer of the petitioner for extension of the regular pay scale w.e.f. 04.08.2019.

[12] To support his contention, learned counsel for the petitioner has placed reliance on the following contents of the judgments of the Hon'ble Apex Court:

i. Vasant Rao Roman v. Union of India through the Central Railway, Bombay and others reported in 1993 Supp(2) SCC 324:

“.....3. We have heard learned counsel for the parties and have also perused the order of the Tribunal. The Tribunal has denied the entitlement of emoluments and other benefits to the appellant on the basis of a memorandum of the Government of India. Ministry of Home Affairs in GL. MHA. OM No E. 7/28/63-Ests (A) issued on December 22, 1964. A perusal of the aforesaid memorandum as detailed in para 14 of the order of the Tribunal shows that it applied to the case of an officer who remained suspended and could not be promoted due to his suspension or in case of officers who could not get promotion due to departmental proceeding. The Tribunal placing reliance on the aforesaid memorandum has taken the view that on the analogy of the instructions mentioned in the aforesaid memorandum and on the principle of 'no-work no-pay' on a particular post, the appellant was not entitled to any arrears of pay.

4. In our view the Tribunal was wrong in applying the aforesaid memorandum in the case of the appellant before us. Admittedly, neither the appellant had been put under suspension nor any disciplinary proceedings were pending against him. On the contrary, he had been made to suffer on account of administrative reasons for which the appellant was not responsible. There was shortage of literate Shunters at Gwalior during 1960. The appellant being literate was deputed for table work and therefore for administrative reasons he could not complete requisite number of firing kilometers. Thus, with no fault on his part his juniors had been promoted as Shunters and Drivers and his claim was ignored on account of having not completed the requisite number of firing kilometers. The Tribunal itself has allowed the claim of the appellant regarding seniority over his juniors, considering force in the contention of the appellant. Thus, in the facts and circumstances of this case, we find no justification whatsoever for not allowing the arrears of emoluments to the appellant of the post of Shunter 'B' from June 12, 1961 and that of the post of Driver 'C' from December 17, 1965.....”

ii. Jyotshna Singh v. State of Jharkhand & others vide order dated 22nd September, 2025 in case No. Special Leave Petition (Civil) No. 15932 of 2024:

“..... 6. Before us learned counsel for the appellant specifically pointed out the seniority list as produced at Annexure P1 indicates the appellant at serial no.733. The claim of the appellant is that the appellant ought to have been promoted to the post of Joint Secretary on the date on which her immediate junior at serial no.734, Mrs. Uma Mahato was

promoted. As per Annexure P7 order passed purportedly in compliance of Division Bench order in the LPA, the appellant has been promoted to the post of Joint Secretary only on 30.11.2022 and the financial benefits and other facilities in the promoted post granted only from the date of assumption of charge. As indicated in Annexure P1-seniority list, the appellant's retirement date is 31.12.2023 and the order has come on 27.02.2024. The learned counsel for the State of Jharkhand read to us Annexure P7 order in an attempt to uphold the promotion granted with effect from 2022 while admitting that the appellant's immediate junior Mrs. Uma Mahato was promoted on 13.03.2020.

7. The contention of the State is that the appellant was promoted to the post of Additional Collector only on 19.05.2015 and the rules required a minimum of 5 years' service for promotion to the next post of Joint Secretary. The Departmental Promotion Committee (DPC) was held on 13.03.2020 when the appellant was under the rigor of punishment imposed in departmental proceedings. Relaxation in the stipulated period of service, according to the departmental resolution, which is read in the order, can be made applicable only to an officer who is not responsible for the delay in promotion or the main reason for not getting promotion is the delay in departmental proceedings, none of which is applicable in the case of appellant who had been imposed with punishment as on the date of DPC; which clearly makes her ineligible for relaxation of the minimum required period of service for considering her for promotion.

8. Admittedly, Mrs. Uma Mahato, junior of the appellant was considered on 13.03.2020, obviously after granting relaxation. Even according to the State, the denial of consideration of the appellant was only on account of the punishment imposed. The punishment imposed together with the entire departmental proceedings have been set aside for reason of the proceedings itself being a sham proceeding and also for the reason of long delay in initiation of the proceeding with respect to an allegation of about 10 years in the past.

9. The punishment has been set aside and the departmental proceeding found to be in violation of established principles. Consequential benefits including retrospective promotion was directed. The appellant should be considered for promotion from the date on which her immediate junior, Mrs. Uma Mahato was considered in the DPC. Since there is no other allegation against the appellant in strict compliance directions issued by the Division Bench in LPA No.467 of 2022, the State ought to have promoted the appellant to the post of Joint Secretary, on the date on which her immediate junior, Mrs. Uma Mahato was promoted; giving her relaxation in the minimum experience for consideration for promotion as has been done in the case of Mrs. Uma Mahato.

10. The appellant is also entitled to consequential benefits as directed in LPA No.467 of 2022 which includes the entire pay and allowances and also, in the event of the appellant having retired, fixation of pension as per the last pay drawn on the retrospective promotion granted. Appropriate orders shall be passed by the respondents, and the appellant shall be paid

the entire arrears of pay and allowances as a Joint Secretary right from the date on which her immediate junior, Mrs. Uma Mahato was promoted and her pension shall be refixed and arrears paid accordingly, if she has retired.

11. The above exercise shall be completed within a period of four months and the entire amounts due shall be paid to the appellant within the stipulated time, along with the written computation of the financial facilities granted on such retrospective promotion. There shall be no interest claimed by the appellant if the amounts are paid within the stipulated time and if the State fails to carry out the directions in this judgment, the appellant shall be entitled to 7% interest on the arrears computed, from today and if the failure to comply with the directions in this judgment is by any officer/s of the State, the State shall be free to recover the additional liability of interest from such officers/employees occasioning the delay after issuing notice and taking appropriate proceedings against the said officers/employees.....”

[13] Per contra, Mr. B. Majumder, learned Dy. SGI appearing for the respondents-Union of India opposes the submission made on behalf of the petitioner. He contends that as per the guidelines on Departmental Promotion Committees issued vide Office Memorandum dated 22nd July, 2024 of Department of Personnel and Training ESTT.(Estt.D) in the Government of India in para 20.4.1, if an officer placed junior to the officer concerned have been promoted, he should be promoted immediately and if there is no vacancy the junior most person officiating in the higher grade should be reverted to accommodate him. On promotion, his pay should be fixed under F.R. 27 at the stage it would have reached, had he been promoted from the date of the officer immediately below him was promoted but no arrears would be admissible. Mr. Majumder, learned Dy. SGI placed reliance on the said contents in para 20.4.1 in the said Office Memorandum dated 22 July, 2024, which is quoted as under:

“..... 20.4.1 If the officer placed junior to the officer concerned have been promoted, he should be promoted immediately and if there is no vacancy the junior most person officiating in the higher grade should be reverted to accommodate him. On promotion, his pay should be fixed under F.R. 27 at

the stage it would have reached, had he been promoted from the date the officer immediately below him was promoted but no arrears would be admissible. The seniority of the officer would be determined in the order in which his name, on review, has been placed in the select list by DPC. If in any such case a minimum period of qualifying service is prescribed for promotion to higher grade, the period from which an officer placed below the officer concerned in the select list was promoted to the higher grade, should be reckoned towards the qualifying period of service for the purpose of determining his eligibility for promotion to the next higher grade.....”

[14] Mr. Majumder, learned Dy. SGI further submits that the petitioner is not entitled for the service benefit for the higher post since during that period she has not performed the duty entrusted to a higher post and only a notional promotion was granted to her. He contends that there has to be ‘no pay for no work’ and the petitioner will not be entitled to any pay and allowance during the period for which she did not perform the duties of a higher post although she was given back date promotion to the higher post notionally. He, therefore, urges this Court to dismiss the present writ petition filed by the petitioner. To support his contention in this regard, learned Dy. SGI placed reliance on the judgments of the Hon’ble Apex Court passed in *State of Haryana and others v. O.P. Gupta and others* reported in (1996) 7 SCC 533, and in *Paluru Ramkrishnaiah and others v. Union of India and another* reported in (1989) 2 SCC 541. The relevant contents of the said judgments as referred by learned Dy. SGI are quoted as under:

i. State of Haryana and others v. O.P. Gupta and others reported in (1996) 7 SCC 533-

“.....4. The only controversy in these cases is whether the respondents are entitled to arrears of salary for the period during which admittedly they had not worked but they had been given notional promotion from the deemed date. We have computed the deemed date as 1-1-1983. They have joined the duty on 1-12-1992. Therefore, the period for which they

claimed arrears would be from 1-1-1983 to 30-11-1992. We are informed that some of them had retired even before that date and, therefore, they have been given notional promotion till the date of their retirement*****

6. Having regard to the above contentions, the question arises whether the respondents are entitled to the arrears of salary? It is seen that their entitlement to work arises only when they are promoted in accordance with the Rules. Preparation of the seniority list under Rule 9 is a condition precedent for consideration and then to pass an order of promotion and posting to follow. Until that exercise is done, the respondents cannot be posted in the promotional posts. Therefore, their contention that though they were willing to work, they were not given the work after posting them in promotional posts has no legal foundation. The rival parties had agitated their right to seniority. Ultimately, this Court had directed the appellant to prepare the seniority list strictly in accordance with Rule 9 untrammelled by any other inconsistent observation of the Court or the instructions issued in contravention thereof. Since the order had become final in 1990, when the appeal had been disposed of by the Court by the above directions, the State in compliance thereof prepared the seniority list in accordance with the Rules and those directions and promotions were given to all eligible persons and postings were made accordingly on 1-12-1992. In the interregnum some had retired. As stated earlier, though the deemed date has been given as 1-1-1983, the respondents cannot legitimately claim to have worked in those posts for claiming arrears and, as a fact, they did not work even on ad hoc basis.*****

9. In these appeals unless the seniority list is prepared and finalised and promotions are made in accordance with the Rules on the basis of the above seniority list, the question of entitlement to work in the promotional posts does not arise. Consequently, the payment of arrears of salary does not arise since, admittedly the respondents had not worked during that period. The High Court was, therefore, wholly illegal in directing payment of arrears of salary. The order of the High Court accordingly is quashed.....”

ii. Paluru Ramkrishnaiah and others v. Union of India and another reported in (1989) 2 SCC 541-

“.....19. Since, however, the judgment of this Court dated February 2, 1981 in Civil Appeal No. 441 of 1981 has not been challenged and has become final, the next question which falls for consideration is as to what further relief, if any, are the appellants in Civil Appeal No. 441 of 1981 entitled in pursuance of the civil miscellaneous petitions referred to above filed by them. The reliefs which they have claimed have already been indicated above. It is now not disputed that the appellants of this appeal have in pursuance of the order of this Court dated February 2, 1981 been given a back date promotion to the post of Chargeman 11 synchronising with the dates of completion of their two years of service as Supervisor 'A'. The grievance of the petitioners, however, is that this promotion tantamounts to implementation of the order of this Court dated February 2,

1981 only on paper inasmuch as they have not been granted the difference of back wages and promotion to higher posts on the basis of their back date promotion as Chargeman II. As already noticed earlier certain writ petitions filed in Madhya Pradesh High Court were allowed by that court on April 4, 1983 relying on the judgment of this Court dated February 2, 1981 in Civil Appeal No. 441 of 1981. Against the aforesaid judgment of the Madhya Pradesh High Court dated April 4, 1983 Special Leave Petitions (Civil) Nos. 5987-92 of 1986 were filed in this Court by the Union of India and were dismissed on July 28, 1986. The findings of the Madhya Pradesh High Court in its judgment dated April 4, 1983 thus stand approved by this Court. In this view of the matter to put them at par it would be appropriate that the appellants in Civil Appeal No. 441 of 1981 may also be granted the same relief which was granted to the petitioners in the writ petitions before the Madhya Pradesh High Court. As regards back wages the Madhya Pradesh High Court held:

It is the settled service rule that there has to be no pay for no work i.e. a person will not be entitled to any pay and allowance during the period for which he did not perform the duties of a higher post although after due consideration he was given a proper place in the gradation list having deemed to be promoted to the higher post with effect from the date his junior was promoted. So the petitioners are not entitled to claim any financial benefit retrospectively. At the most they would be entitled to refixation of their present salary on the basis of the notional seniority granted to them in different grades so that their present salary is not less than those who are immediately below them.

Insofar as Supervisors 'A' who claimed promotion as Chargeman II the following direction was accordingly given by the Madhya Pradesh High Court in its judgment dated April 4, 1983 aforesaid:

All these petitioners are also entitled to be treated as Chargeman Grade II on completion of two years satisfactory service as Supervisor Grade A. Consequently, notional seniority of these persons have to be refixed in Supervisor Grade A, Chargeman Grade II, Grade I and Assistant Foreman in cases of those who are holding that post..... The petitioners are also entitled to get their present salary re-fixed after giving them notional seniority so that the same is not lower than those who are immediately below them.....”

[15] Heard the submissions made at the Bar. Perused the record.

[16] Having considered the arguments advanced by both sides, this Court has no hesitation to say that the position in which the petitioner was working as Chief Medical Officer (Ordinary Grade) was on regular basis and she was there by way of regular appointment and the scheme of DACP which

has been introduced stands on a different footing as both are separate and distinct. The nature of work, the petitioner has rendered needs to be looked into. Since the petitioner has worked under the scheme as Chief Medical Officer (Ordinary Grade) and presently claiming relief for the work of Chief Medical Officer (Selection Grade) which she has not performed on regular basis, same cannot be considered.

[17] It is also observed that as per paragraph 20.4.1 of the guidelines on Departmental Promotion Committees issued vide Office Memorandum dated 22nd July, 2024 of Department of Personnel and Training ESTT.(Estt.D) in the Government of India, as quoted earlier, if an officer placed junior to the officer concerned have been promoted, he should be promoted immediately and if there is no vacancy the junior most person officiating in the higher grade should be reverted to accommodate him. As per the said guidelines, on promotion, his pay should be fixed under F.R. 27 at the stage it would have reached, had he been promoted from the date of the officer immediately below him was promoted but no arrears would be admissible. Hence, it is not open for this Court to interfere with the aforesaid guidelines on DPC issued vide Office Memorandum dated 22nd July, 2024 in the Government of India.

[18] This Court finds force in the submission made by Mr. Majumder, learned Dy. SGI that the petitioner is not entitled for the service benefit for the higher post since during that period she has not performed the duty entrusted to a higher post and only a notional promotion was granted to her. This Court

opines that in view of the judgments of the Hon'ble Apex Court passed in *State of Haryana and others v. O.P. Gupta and others* and in *Paluru Ramkrishnaiah and others v. Union of India and another* (cited *supra*), the case of the petitioner attracts the principle of 'no pay for no work' and the petitioner will not be entitled to any pay and allowance during the period for which she did not perform the duties of a higher post although she was given back date promotion to the higher post notionally. It is also opined that the judgments as referred by the learned counsel for the petitioner is not applicable to the facts and circumstances of the present case. Hence, the present writ petition filed by the petitioner is liable to be dismissed and the decision of the respondent(s) through the impugned communication dated 02.12.2024 is hereby upheld.

[19] With the above observations and directions, the instant petition is dismissed and thus, the same is disposed of. As a sequel, miscellaneous application(s), pending if any, shall also stand closed.

DR. T. AMARNATH GOUD, J.

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