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IN THE HIGH COURT OF MANIPUR
AT IMPHAL
W.P. (C) No. 888 of 2013

Dr. S. Sabitri Devi, aged about 60 years, W/o L. Hemchandra Sharma, resident of Naoremthong Khulem Leikai, P.O. & P.S. Lamphel, District Imphal West, Manipur.

… Petitioner

-Versus-

1. The State of Manipur represented by the Commissioner (Vety. A.H.), Government of Manipur – 795001.

2. The Director, Vety. & Animal Husbandry Services, Government of Manipur – 795001.

… Respondents

B E F O R E
HON'BLE MR. JUSTICE KH. NOBIN SINGH

For the Petitioner	::	Shri N. Surendrajit, Advocate.
For the Respondents	::	Shri S. Nepolean, Govt. Advocate.
Date of Hearing	::	**20-08-2020**
Date of Judgment & Order	::	**27-08-2020**

JUDGMENT AND ORDER

[1] Heard Shri N. Surendrajit, learned Advocate appearing for the petitioner and Shri S. Nepolean, learned Government Advocate appearing for the respondents.

[2] The validity and correctness of the Government order dated 31-07-2013 issued by the Under Secretary (Vety. & Animal Husbandry), Government of Manipur is under challenge in this writ petition.

[3.1] Facts and circumstances as narrated in the writ petition, are that the petitioner joined the service as Veterinary Assistant Surgeon on 09-02-

1979 on the recommendation of the Manipur Public Service Commission. After the petitioner and her colleagues having served for about 15 years, the Government of Manipur, in exercise of the power conferred by the proviso to Article 309 of the Constitution of India, framed the rules called "the Manipur Veterinary and Animal Husbandry Service Rules, 1994" (hereinafter referred to as the "**the Rules, 1994**"), for which a notification dated 12-10-1994 was issued, which came into force on 17-10-1994. Rule 7 of the Rules, 1994 provides the procedure for initial appointment/ absorption or for that matter, the constitution of the services of all Officers/ Veterinary Doctors serving in the Department of Vety. & A.H, Government of Manipur in their corresponding grades as prescribed under Schedule-III of the Rules, 1994. There are four grades of service viz. MVS Grade-I, MVS Grade-II, MVS Grade-III and MVS Grade-IV in the Department of Veterinary and Animal Husbandry, Government of Manipur. Rule 7(1)(ii) provides that all persons appointed as Veterinary Surgeon or equivalent are deemed to have been appointed as MVS Grade-IV with effect from the date of notification of the Rules, 1994.

[3.2] With the commencement of the Rules, 1994, a DPC was held on 07-12-1994 for initial appointment/ absorption of the concerned officers in the respective grades. On the basis of the recommendation of the DPC, the petitioner was appointed in MVS Grade-III with effect from 17-10-1994 vide Government order dated 13-12-1994 which was set aside by the Hon'ble Gauhati High Court, Imphal Bench vide its judgment and order dated 31-07-1995 passed in CR No. 5156 of 1994 on the ground that the DPC was held

without the publication of the seniority list. Since no appeal was preferred against the said judgment and order dated 31-07-1995, a combined final seniority list of all the officers was published by the Department of Veterinary & Animal Husbandry, Government of Manipur on 30-10-1996, as a result of which a review DPC i.e., 2nd DPC was held on 02-04-1997 and on the recommendation of the review DPC, the recommended persons were appointed on promotion in the MVS Grade-II, MVS Grade-III vide Government order dated 14-12-1998.

[3.3] Since the petitioner was not recommended for appointment on promotion in the MVS Grade-III by the said review DPC, she filed a writ petition being WP(C) No.38 of 1999 wherein an interim order dated 18-01-1999 was passed allowing the petitioner to continue to serve in the MVS Grade-III which was extended vide order dated 29-01-1999 till the disposal of the writ petition. In compliance with the said interim orders, the Government of Manipur vide its letter dated 24-07-1999 informed the Senior Accounts Officer/ GDE, Officer of the Accountant General, Manipur about the said interim orders.

[3.4] In the meantime, the seniority list dated 30-10-1996 and the consequential order dated 14-12-1998 were kept in abeyance vide order dated 27-02-1999 issued by the Department of Veterinary & Animal Husbandry, Government of Manipur. Thereafter, another seniority list was published, on the basis of which the 2nd review DPC was held on 15-05-1999 for the 3rd time and consequently, the Government order dated 22-05-1999 was issued appointing the recommended officers in the MVS Grade-II,

MVS Grade-III by way of absorption with effect from 17-10-1994. It may be noted that the Government order dated 27-02-1999 and the consequential order dated 22-05-1999 were challenged in the Hon'ble Gauhati High Court by way of a writ petition being WP(C) No.303 of 1999 and after the same being disposed of, the matter was taken in appeal by way of WA No.49 of 1999 which was disposed of by the Hon'ble Gauhati High Court vide its judgment and order dated 19-11-1999 setting aside the said Government orders and directing the Government of Manipur to reconstitute the services under the Rules, 1994 after the publication of a correct final seniority list.

[3.5] Thereafter, a final seniority list was published on 30-04-2002, on the basis of which a 3rd review DPC i.e., 4th DPC was held on 28-10-2006 and on the basis of its recommendation, the recommended persons were appointed in the MVS Grade-II, MVS Grade-III and MVS Grade-IV vide Government order dated 27-01-2007. In the meantime, the final seniority list dated 30-04-2002 was set aside by the Hon'ble Gauhati High Court vide its judgment and order dated 28-09-2007 passed in writ petition being WP(C) No.680 of 2002. Thereafter, a final seniority list was published vide order dated 20-11-2007 and consequentially, the 4th review DPC i.e., 5th DPC for initial constitution of the services was held on 24-05-2008 and the recommended persons were appointed in the MVS Grade–II, MVS Grade-III and MVS Grade-IV vide order dated 27-05-2008 and in the said appointment order, the name of the petitioner did figure at Sl. No.39.

[3.6] The Government of Manipur, after obtaining the permission from the Hon'ble Gauhati High Court, Imphal Bench vide its order dated 21-08-

2009 passed in MC (WP(C)) No.149 of 2009 in WP(C) No.1 of 2009, held a review DPC i.e., 6th DPC on 18-02-2012 and the recommended officers were appointed in the MVS Grade-II, MVS Grade-III and MVS Grade-IV with effect from 17-10-1994 vide Government order dated 25-02-2012. The aforesaid 6th DPC was in respect of the initial constitution of the services under the Rules, 1994 for induction of officers in the MVS Grade-II, MVS Grade-III and MVS Grade-IV with effect from 17-10-1994 i.e. with effect from the date of the commencement of the Rules, 1994.

[3.7] From the Government order dated 25-02-2012, it is seen that out of 41 officers appointed in the MVS Grade-III with effect from 17-10-1994, as many as 30 officers did retire after 17-10-1994. Since 7 (seven) officers had retired in the MVS Grade-III, seven resultant vacancies occurred in the MVS Grade-III. It so happened that Dr. Th. Debendrakumar Singh, MVS Grade-IV filed a writ petition being CR No.336 of 1997 before the Hon'ble Gauhati High Court, Imphal Bench praying for consideration of his appointment on promotion in the MVS Grade-III which was disposed of vide Court's order dated 27-05-1998 with the direction that his case could be considered for promotion in the MVS Grade-III. Since the order dated 27-05-1998 was not complied with by the State Government, a contempt case being Cont. Case (C) No.11 of 1999 was filed wherein the Court vide its order dated 18-01-1999 directed the authorities to issue necessary compliance order. Thereafter, the Government of Manipur held a DPC on 17-12-1999 and 20-12-1999 for appointment on promotion from MVS Grade-IV officer to MVS Grade-III against the said seven vacancies and on

the recommendation of the DPC, seven officers were appointed on promotion in the MVS Grade-III vide order dated 21-12-1999 showing the name of the petitioner at Sl. No. 2 and since 21-12-1999, the petitioner had been serving as MVS Grade-III because of which a writ petition being WP(C) No.38 of 1999, filed by the petitioner, stood disposed of as infructuous vide order dated 19-04-2007.

[3.8] In a purported action being taken upon the 6th review DPC held on 18-02-2012 and the Government order dated 25-02-2012, the Government of Manipur issued an order dated 31-07-2013 declaring the earlier Government order dated 21-12-1999 as null and void.

[3.9] Being aggrieved by the order dated 31-07-2013, the instant writ petition was filed by the petitioner contending inter-alia that there was no ground for declaring the Government order dated 31-07-2013 as null and void, since the appointment of the said officers was made against the vacancies which occurred after 17-10-1994; that the officers appointed vide order dated 21-12-1999 had retired enjoying the pension in the cadre of MVS Grade-III; that the Government order dated 31-07-2013 was issued after about 13 years after cancelling the earlier order dated 21-12-1999; that the petitioner was reverted to the lowest post of the MVS Grade-IV without any show cause notice being issued to her and in violation of the principles of natural justice and that since the petitioner had retired on attaining the age of superannuation on 31-08-2013, she was entitled to get the retirement benefits in the cadre of the MVS Grade-III.

[4] An affidavit on behalf of the respondent Nos.1 and 2 has been filed by the Under Secretary (Vety. & Animal Husbandry), Government of Manipur stating that by the judgment and order dated 19-11-1999 passed in WA No.49 of 1999, the Hon'ble Division Bench of the Hon'ble Gauhati High Court directed the State Government not to disturb the rank and status of any officer till the service was reconstituted and organized on the basis of a final seniority list. In view of the said decision of the Hon'ble High Court, there could have been no any DPC for appointment on promotion in the MVS Grade-III without publishing the final seniority list of the MVS officers and without reconstituting the Manipur Veterinary and Animal Husbandry Services and therefore, the DPC which was held on 17-12-1999 and 20-12-1999 could not be sustained in the eyes of law. The 6th review DPC was held on 18-02-2012 for the constitution of Manipur Veterinary and Animal Husbandry Services with effect from 17-10-1994 on which the petitioner was recommended against the MVS Grade-IV which was upheld by the Hon'ble High Court of Manipur and therefore, the petitioner was not entitled to pensionary benefits in the MVS Grade-III. Since the petitioner was not appointed on promotion to MVS Grade-III after the valid constitution of Manipur Veterinary & Animal Husbandry Service, she was not entitled to benefits granted by the Hon'ble High Court vide its judgment and order dated 22-09-2015. The petitioner having not questioned the legality or otherwise of the 6th review DPC held on 18-02-2012, the writ petition is not sustainable in law.

[5] It may be relevant to note that the Government order dated 31-07-2013, impugned herein, was also the subject matter in issue in WP(C) No.599 of 2013, filed by two veterinary specialists namely Dr. Th. Debendrakumar Singh and Dr. M. Yedhachandra Singh, which was disposed of by this Court vide its judgment and order dated 22-09-2015. In fact, the said Government order dated 31-07-2013 was not quashed and set aside by this Court but keeping in mind the peculiar facts and circumstances thereof, the writ petition being WP(C) No.599 of 2013 was disposed with certain directions as mentioned in the judgment and order. The relevant paragraphs 9, 10 & 11 of the judgment and order dated 22-09-2015 read as under:

> ***"****[9] Having heard the learned counsels appearing for the parties, this court is of the view that the contention of the learned counsel appearing for the petitioner that the order dated 27-05-1998 passed by the Hon'ble Gauhati High Court, Imphal Bench in C.R. No. 336 of 1997 has attained finality and the Government order dated 21-12-1999 promoting the petitioners to Grade-III was issued on the recommendation of the said DPC convened on 17-12-1999 and 20-12-1999 has some force. After the order dated 18-01-1999 having been passed in Contempt Case (C) No. 11 of 1999, on the basis of the submission of the counsel for the respondents therein, directing that compliance order be issued in three months, the Under Secretary (Vety. & A.H) vide his letter dated 22-11-1999 sent a requisition for filling up of vacancies in respect of Grade-III and in response thereto, the Deputy Secretary, MPSC addressed to him a letter dated 04-12-1999 informing that the DPC be held on 17-12-1999. In his*

affidavit filed on 13-12-1999 in the second Contempt Case (C) No. 238 of 1999, the then Commissioner (Vety. & A.H) has stated that the Seniority List was published on 18-11-1999 and only thereafter, the said requisition was sent on 22-11-1999 and the delay was unavoidable. Since the learned Government Advocate has not disputed the law laid down by the Hon'ble Supreme Court in the cases cited above as regards finality of court's order, nothing is required to be observed in the judgment anything about the court's order dated 27-05-1998 having attained finality. However, the learned Government Advocate has given emphasis to his submission that it was a mistake for the State Government to convene the said DPC on 17-12-1999 and 20-12-1999 and to issue the Government order dated 21-12-1999, thereafter, promoting the petitioners on the basis of the recommendation of the said DPC. It is also the contention of the learned Government Advocate that only after the Hon'ble Gauhati High Court, Imphal Bench vide its order dated 21-08-2009 being passed allowing the State Government to review the proceedings of the 5th Review DPC and all further consequential orders and proceedings issued based on earlier recommendations of the DPC, the Government order dated 21-12-1999 was reviewed and declared as null and void vide its impugned order. These contentions of the learned Government Advocate are not sustainable in law in so far as the impugned Government order is concerned. It may be true that it was a mistake on the part of the State Government but in the impugned Government order dated 31-07-2013, it is nowhere stated that the same was being issued by the State Government to rectify the said mistake, as contented above, realised after about 13 years. This theory of mistake appears to have been discovered and realised recently only after the

impugned Government order was issued. Moreover, the Government order dated 21-12-1999 was reviewed by passing the impugned order dated 31-07-2013 mainly on the ground that the State Government was allowed to do so vide Court's order dated 21-08-2009. From the perusal of the said court's order 21-08-2009, it is absolutely clear that the State Government's understanding or assumption thereof was totally erroneous. The first para of the said order makes it very clear that the prayer in the application was for allowing the State Government to review the proceedings of the 5th DPC held on 24-05-2008 and the consequential Government order dated 27-05-2008 issued on the basis thereof. The said application appears to have nothing to do with the Government order dated 21-12-1999. The last para of the order also does not mention anything about the Government order dated 21-12-1999 or the proceedings of the DPC convened on 17-12-1999 and 20-12-1999 on the basis of which it was issued and it merely states that the State Government is allowed to review the proceedings of the 5th Review DPC and all consequential orders and proceedings based on the ***earlier recommendations of the DPCs*** ***held for initial constitution*** *of the Manipur Veterinary & Animal Husbandry Services. Since the DPC convened on 17-12-1999 and 20-12-1999 was a regular DPC and not a Review DPC for initial constitution at all, the court's order dated 21-08-2009 cannot be said to have allowed the State Government to review the Government order dated 21-12-1999. In view thereof, this court is of the view that the impugned order dated 31-07-2013 is bad in law for the reasons stated above.*

[10] The above contention of the learned Government Advocate that it was a mistake on the part of the State Government to convene DPC on 17-12-1999 and 20-12-1999

and to issue the Government order dated 21-12-1999 thereon merits consideration for grant of appropriate relief in the facts and circumstances of the present case including the subsequent events that took place after the impugned order was issued by the State Government. As has been stated in the preceding para, this theory of mistake appears to have been discovered and realised later. But the fact remains that mistakes are mistakes and can always be corrected following the process of law as has been held by the Hon'ble Supreme Court in the case of ***Union of India & anr Vs. Narendra Singh (supra)*** *and it cannot be in dispute that after the said Rules, 1994 came into operation, the initial constitution of the Manipur Veterinary & Animal Husbandry services became indispensable as mandated in Rule 7 of the said Rules, 1994 and only after initial constitution being final, the regular DPC could be convened in terms of Rule 6 for appointment on promotion. The initial constitution of the Manipur Veterinary & Animal Husbandry services could not be made final for a number of years on account of the various proceedings of DPC/Review DPCs, convened for that purpose, being challenged and interfered by the Hon'ble High Court. Prior to the DPC being convened on 17-12-1999 and 20-12-1999, the Government order dated 22-05-1999 constituting initially the Manipur Veterinary & Animal Husbandry services on the basis of the recommendation of the 3rd Review DPC had already been set aside vide judgment and order dated 19-11-1999 passed by the Division Bench, Hon'ble Gauhati High Court, Imphal Bench in W.A. No. 49 of 1999. In other words, the basis for convening the DPC on 17-12-1999 and 20-12-1999 had disappeared but this fact was not brought to the notice of the Hon'ble Gauhati High Court, Imphal Bench while the Contempt Case (C) No. 238 of 1999 was being taken up for*

consideration and instead of doing that, the State Government assured the Hon'ble High Court that the court's order be complied with. This callous attitude of the State Government has unnecessarily created the problem. The only thing that the State Government could have done, was that the State Government, after having considered the cases of the petitioners for promotion to Grade-III in compliance of the court's order dated 28-05-1998, could have informed the Hon'ble High Court while the Contempt Case (C) No. 238 of 1999 was being taken up for consideration that it was impossible for the State Government to proceed further in view of the judgment and order dated 19-11-1999 passed by the Hon'ble Gauhati High Court, Imphal Bench in W.A. No. 49 of 1999 setting aside the Government order dated 22-05-1999 which constituted the said service for the 3rd time.

In fact, the whole controversy as regards the Manipur Veterinary & Animal Husbandry Service is the creation of the State Government. Although the State Government is a party in all the proceedings, be it a writ petition by the petitioners or a writ petition filed by somebody else challenging the initial constitution, it has miserably failed to bring to the notice of the Hon'ble High Court the pendency of one petition or any order passed therein while the other petition was being considered by the Hon'ble High Court as a result of which the Hon'ble High Court had passed inconsistent orders. The State Government ought to have requested the Hon'ble High Court that all the matters, connected to each other in some way or other, be heard together so as to avoid such controversy. The Manipur Veterinary & Animal Husbandry services has ultimately been constituted on the basis of the recommendation of the 6th Review DPC which came to be challenged by one Dr. Laitonjam Thoithoi Singh in W.P.(C) No.

515 of 2012. This court vide its judgment and order has set aside a portion of the recommendation of the 6th Review DPC as regards the adjustment of respondent No. 7 therein against Grade-III but has directed that the rest of the said recommendation shall remain intact and is not interfered with. Since the initial constitution has become final, the State Government has issued various orders dated 02-07-2012, 31-12-2012, 24-12-2013, 18-02-2014 and 28-02-2015 appointing many Veterinary officers on promotion to different Grades on the basis of the recommendations of DPCs constituted under Rule 6 of the said Rules, 1994. So far as the Government order dated 18-02-2014 is concerned, it is no doubt true that it shall be subject to the outcome of the cases pending as regards the appointment/ seniority of the petitioners. Having regard to the fact that the said DPC, convened on 17-12-1999 and 20-12-1999, had been convened before the initial constitution became final and that the petitioners have not challenged the recommendation of the 6th Review DPC and the initial constitution effected on the basis thereof and the various Government orders as stated above, this court is of the view that the mere setting aside the impugned order dated 31-07-2013 will not solve the problem at all and it will, on the contrary, upset the position which has remained settled after the initial constitution of the Manipur Veterinary & Animal Husbandry Services and may even open floodgate of litigations. Keeping in mind the aforesaid circumstances, an appropriate relief has been moulded so as to avoid further controversy and this court is not prepared to set aside the impugned order but to dispose of the petition with a direction. It has been brought by the learned Government Advocate to the notice of this court that in terms of the order dated 11-11-2013 passed by this court, the

petitioners were being allowed to continue to hold Grade-III post with its pay and allowances till when they were appointed on promotion to Grade-III vide Government order dated 18-02-2014.

[11] In view of the above observations and the peculiar facts and circumstances of the present case, the present writ petitions are disposed of with the direction that the services rendered by the petitioners holding Grade-III posts, with its pay & allowances, for the period from 21-12-1999 to 17-02-2014 shall be counted for purpose of fixing their present pay & allowances after the petitioners having been promoted vide Government order dated 18-02-2014; for grant of pension and pensionary benefits and not for purpose of seniority. There shall be no order as to costs".

[6] From the said judgment and order dated 22-09-2015, it is seen that although the Government order dated 31-07-2013 had not been quashed and set aside, it was specifically observed that it was bad in law. It was further observed that the DPCs held on 17-12-1999 and 20-12-1999 were regular DPCs, on the recommendation of which the petitioner herein and the said two specialists were appointed on promotion in the MVS Grade-III and not review DPCs and therefore, the Court's order dated 21-08-2009 could not be said to have allowed the State Government to review the Government order dated 21-12-1999. But the contention of the State Government that the holding of DPCs on 17-12-1999 and 20-12-1999 was nothing but a mistake on the part of the State Government, was considered by this Court, although this Court was of the view that the State Government appeared to have discovered and realized it later. This Court further

observed that a mistake was a mistake which could always be corrected by following the process of law as has been held by the Hon'ble Supreme Court. After the Rules, 1994 came into force, the initial constitution of the Veterinary & Animal Husbandry services became indispensable. A regular DPC could be convened only after the constitution of the said services but the DPCs had been held on 17-12-1999 and 20-12-1999 before the final constitution of the said services. As seen from the said judgment and order, the initial constitution of the services could not be made final for a number of years for the reason that any attempt that was made by the State Government for constitution of the services could not succeed, as the validity and correctness of any seniority list prepared by the State Government became a subject matter in issue before the Court which quashed it in many cases. It may be noted at this juncture that before the DPCs were held on 17-12-1999 and 20-12-1999, the Government order dated 22-05-1999 which was the basis thereof, had already been quashed and set aside by the Hon'ble Gauhati High Court, Imphal Bench on 19-11-1999. But the State Government failed to bring it to the notice of the Court, when the contempt case was being taken up for consideration. It was further observed by this Court that there would have been no point of setting aside the Government order dated 31-07-2013, as to do so would not serve any purpose except upsetting the settled position. But keeping in mind the fact that the said two veterinary specialist were being allowed to continue to serve in the MVS Grade-III with pay and allowances as per this Court's order dated 11-11-2013, when they were appointed on promotion in the

MVS Grade-III vide Government order dated 18-02-2014, this Court directed that their services from 21-12-1999 to 17-02-2014 therein could be counted for purpose of fixing their pay & allowances after they being promoted vide Government order dated 18-02-2014 and also for pensonary benefits.

[7] The facts of the present case are almost identical with that of the WP(C) No.599 of 2013, filed by two veterinary specialists, in all aspects except in respect of one important fact that so far as the said two veterinary specialists are concerned, while the validity and correctness of the Government order dated 31-07-2013 was being examined by this Court, an order dated 11-11-2013 was passed by this Court allowing them to continue to serve in the MVS Grade-III. They continued to serve in that position till when they were considered by a DPC and on the basis of its recommendation, they were appointed on promotion in the MVS Grade-III vide Government order dated 18-02-2014. However, it is unfortunate that the petitioner had retired on 31-08-2013 and in the present writ petition filed by her, this Court while issuing notice to the respondents on 06-01-2014, granted no interim relief. In other words, there is no any order passed by this Court in favour of the present petitioner which is similar to the one dated 11-11-2013 passed by this Court in favour of the said two veterinary specialists, may be, for the reason that no such order could have been passed, as the petitioner had retied on attaining the age of superannuation. But the undeniable fact remains that the petitioner initially joined the service as Veterinary Assistant Surgeon on 09-02-1979 and after having served for more than 34 years, she had retired without a single promotion being

granted to her for no fault of her. By two interim orders dated 18-01-1999 and 29-01-1999 passed by the Hon'ble Gauhati High Court, Imphal Bench in writ petition being WP(C) No.38 of 1999, the petitioner was allowed to continue to serve in the MVS Grade-III till the disposal of the writ petition which happened on 19-04-2007. But it is alleged by the petitioner that she, in fact, continued to serve in the MVS Grade-III, till when the Government order dated 21-12-1999 was declared null and void vide impugned order dated 31-07-2013. The petitioner being a Government servant/ employee for whom the promotion is one of the conditions of service, is so unlucky that its remedy is very remote in the peculiar facts and circumstances. Who is responsible for it ? Is the State Government responsible for it ? These questions cannot be gone into and no observation thereon can be given by this Court, as they are not involved herein except the issue relating to the legality or otherwise of the Government order dated 31-07-2013 which this Court had already observed in WP(C) No.599 of 2013 that there was no point of quashing it. This Court is bound by its earlier judgment and order dated 22-09-2015 which appears to have not been challenged by anyone before the appellate Court. In other words, no material has been placed on record by any of the counsels appearing for the parties to show that the judgment and order dated 22-09-2015 has been set aside by the appellate Court. But one thing which cannot be denied and disputed by the parties, is that it was the duty of the State Government to initially constitute the MV services in terms of Rules, 1994 but it failed to do so in time but the failure on the part of the State Government to bring to the notice of the Hon'ble

Gauhati High Court all the relevant materials and correct facts, was one of the factors which have led to the present controversy, because of which the State Government could constitute the services finally only in the year, 2012, although the Rules, 1994 had come into force as back as on 17-10-1994.

[8] In view of the above and for the reasons stated hereinabove, the instant writ petition stands disposed with the direction that the petitioner may, if desired, submit a representation to the State Government, within two weeks from today, praying for consideration of the issue whether the services rendered by the petitioner for the period from 21-12-1999 to 31-07-2013 in the MVS Grade-III can be counted for the purpose of determining her pensionary benefits only in the said grade and in the event of such a representation being submitted by her, the same shall be considered and disposed by the State Government, within two months from the date of receipt of the representation, by issuing a speaking order. This direction has become indispensable for the reason that the said two veterinary specialists who were similarly situated with the petitioner except the Court's order dated 11-11-2013, are alleged to be enjoining the pensionary benefits of the MVS Grade-III.

JUDGE

FR / NFR

Devananda