IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8885 of 2021

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1. The Union of India through the General Manager, East Central Railway, Hajipur, District- Vaishali (Bihar)
2. The Gneneral Manager (Personnel) East Central Railway, Hajipur, District- Vaishali (Bihar)
3. The Divisional Railway Manager, East Central Railway, Samastipur (Bihar)
4. The Senior Divisional Personnel Officer, East Central Railway, Samastipur (Bihar)
5. The Senior Divisional Finance Manage, East Central Railway, Samastipur (Bihar)
6. The Chief Administative Office/CON, East Central Railway, Madhendrughat, Patna (Bihar)
7. The Deputy Chief Engineer/CON/1 East Central Railway, Hazaribagh

... ... Petitioner/s

Versus

Shyam Shankar Prasad Son of late Mahabir Rai working as Senior Permanent Way Supervisor under Deputy Chief Engineer/CON/1, East Central Railway, Hazaribagh, resident of Mohalla- Apna Market, Kutchery Road, Hajipur, Vaishali (Bihar)

... ... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Anshuman Singh, Advocate
For the Respondent/s	:	Mr. Munna Pd Dixit (M.P. Dixit), Advocate
		Mr. Sanjay Kumar Choubey, Advocate

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH
and
HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH)

Date : 06-05-2022

The Union of India through the General Manager, East Central Railway, Hajipur and other officials of the East Central Railway have filed the present writ application questioning the legality of an order dated 19.07.2019, passed by the Central

Administrative Tribunal, Patna Bench, Patna in OA No. 050/00195/2015, whereby the Tribunal has allowed an original application filed under Section 19 of the Administrative Tribunal Act, 1985 and has directed the petitioners to consider the respondent's case for stepping up of his pay in order to bring it at par with the pay of his juniors after following the rules governing such stepping up of pay. The petitioners have been directed by the impugned order to issue necessary orders within three months from the date of receipt of the said order.

2. The petitioners had preferred a review application before the Tribunal seeking review of the aforesaid impugned order dated 19.07.2019 mainly on the ground that the stepping up of pay was permissible only when the employees are similarly situated i.e. they belong to the same cadre and the seniority-list. The said review application registered as RA/050/00005/2020 came to be rejected by the Tribunal by an order dated 20.05.2020, which has also been put to challenge in the present writ application.

3. The pleadings are complete.

4. We have heard Mr. Anshuman Singh, learned Central Government Counsel for the petitioners and Mr. M.P. Dixit learned counsel representing the sole respondent.

5. From the pleadings on record, it appears that there is no dispute over the facts. The respondent was working as Supervisor (P.Way) in the pay-scale of Rs. 4500-7000 when he was granted promotion to the post of Senior Supervisor (P.Way) in the pay-scale of Rs. 5000-8000/-(equivalent to Rs. 9300-34000/- with Grade Pay of Rs. 4200), with the issuance of an order dated 14.01.2009 with effect from 22.03.2007.

6. This is an admitted position that the respondent’s pay, determined with effect from the date of his promotion i.e. 22.03.2007, would be less compared to such determination from the date of his next admissible increment i.e. 01.07.2007. The fact remains that upon grant of promotion the respondent’s pay was fixed with effect from the date of promotion. It was the respondent’s specific case before the Tribunal that the persons junior to him, upon promotion are getting salary upon fixation of their pay with effect from the date of the next increment. It is an admitted fact that the result of such fixation is that the persons junior to the respondent are receiving more salary than the respondent because fixation of respondent’s pay from the date of promotion i.e. 22.03.2007 has the consequence of loss of one increment.

7. In the aforesaid background, the respondent

approached the Tribunal seeking a direction to the petitioners to fix the respondent's pay on account of promotion to the post of Senior Supervisor (P.Way) from the date of next increment which he was entitled to i.e. 01.07.2007 instead of 22.03.2007 i.e. the date with effect from which he was granted promotion.

8. The respondent's contention was rejected by the Union of India by filing written statement taking a plea that the respondent's application was barred by limitation. The Union of India also took a plea that the respondent ought to have exercised his option at the time of promotion as was clearly mentioned in the promotion order itself.

9. In respect of Sri Manoj Kumar, with whom the respondent was claiming parity, the department took a plea before the Tribunal that he was not an employee of Samastipur Division and, therefore, the respondent's case could not be compared with him for the purpose of deciding respondent's claim of maintaining parity in the matter of fixation of pay.

10. The Tribunal came to a definite conclusion that the respondent was made to receive less amount of salary than what his juniors were getting, though they were posted elsewhere. The Tribunal noticed the delay on the part of the respondent in approaching the Tribunal and exercising his option. However, the

Tribunal noted that since admittedly the respondent was getting less pay than his juniors, the stepping up of pay, if permissible under the Rules, should have been applied in the case of the respondent.

11. From the impugned order, it also transpires that a stand was taken on behalf of the Union of India that the respondent could not be granted such relief as he had not sought for relief of stepping up of pay. The Tribunal after having considered the said objection opined that such lack of specific prayer would not prevent the Tribunal from giving a direction to the respondent for applying the rule of stepping up of pay to remove any anomaly that might have arisen between the pay of the respondent and his juniors, as they were working under the same establishment. Relying on the Supreme Court's decision in case of ***Gurcharan Singh Grewal and another vs. Punjab State Electricity Board and others*** reported in ***(2009) 3 SCC 94***, the Tribunal concluded that a person senior in a gradation list cannot be allowed to be paid lessor salary than his junior.

12. After having considered the admitted facts and the law laid down in case of **Gurcharan Singh Grewal** (supra) the Tribunal by the judgment and order, which is impugned in the present writ application, directed the petitioners-Union of India to

consider stepping up of pay of respondent and to bring it at par with his juniors following, the rules regarding stepping up of pay.

13. It has already been noticed hereinabove that a review application filed by the Union of India against the aforesaid order of the Tribunal dated 19.07.2019 has been rejected by the Tribunal by order dated 20.05.2020. From the said order dated 20.05.2020, it can be easily seen that the sole ground which was taken by the Union of India while seeking review of the order was that the rule of stepping up of pay is permissible only when the employees are similarly situated i.e. they belong to the same cadre and the seniority-list.

14. The Tribunal thereafter noted that its direction was to consider stepping up of pay following rules regarding such stepping up and it is not an absolute direction to grant stepping up of pay. The Tribunal further noted that paragraph 4 of the judgment dated 19.07.2019 did clarify that the direction was for applying the rule of stepping up to remove any anomaly that might have arisen between the pay of the applicant and his juniors while they were working under the same establishment.

15. Having said so, the Tribunal recorded that since there was no error apparent on the face of record in the Tribunal's order under review, the review application deserved to be rejected.

16. Mr. Anshuman Singh, learned Central Government Counsel appearing on behalf of the petitioners has submitted that the Tribunal has miserably failed to properly deal with the objection of limitation taken by the Union of Indian in the proceeding before the Tribunal. He has secondly submitted that the respondent’s pay was rightly fixed by the petitioners as he had failed to exercise his option for fixation of pay upon promotion with effect from the date of next increment i.e. 01.07.2007. He has further argued that the respondent cannot be said to be belonging to the same cadre to which persons with whom he is claiming parity belong. He has accordingly submitted that the impugned order of the Tribunal deserves interference by this Court. He has placed reliance on Supreme Court’s decision rendered in case of ***Union of India and others vs. M.V. Mohanan Nair*** reported in ***(2020) 5 SCC 421*** with reference to paragraphs 30 to 35 thereof. He has also relied on another Supreme Court’s decision rendered in case of ***Union of India and others vs. C.Girija and others*** reported in ***(2019) 15 SCC 633***.

17. Mr. M.P. Dixit, learned counsel appearing on behalf of the sole respondent has submitted that there is no illegality in the impugned order as the persons whose pay has been fixed on higher rate were promoted along with the respondent who are

junior in the gradation-list and, therefore, the respondent is entitled to the pay which has been fixed in their case. He accordingly contends that the impugned order of the Tribunal does not require this Court's interference.

18. To begin with, we record our serious displeasure over the manner in which the present litigation has been generated at the instance of the Union of India in the background of nature of order passed by the Tribunal. The Tribunal in its order dated 19.07.2019 has not directed the petitioners for stepping up of pay of the respondent rather the Tribunal has directed to consider stepping up of pay of the respondent to bring it at par with his juniors after following the rules regarding such stepping up of pay. Such being the purport of the order of the Tribunal, instead of considering the respondent's case for stepping up of pay in accordance with law, the Union of India chose to file a review application before the Tribunal on the ground that the stepping up of pay was permissible only when the employees were similarly situated.

19. The Tribunal in its order passed on review application dated 20.05.2020 has clarified, after having noticed the stand of the Union of India, as under :-

> *"The direction of this Tribunal is to consider stepping up following rules regarding such stepping up, and it is not an absolute direction to grant stepping up of pay*

> *since it was not even one of the reliefs originally prayed. Paragraph 4 of the judgment amply clarifies that the direction is for applying the rule of stepping up to remove any anomaly that may have arisen between the pay of the applicant and his juniors while they were working under the same establishment. Thus, since there is no error apparent on the face of record in the Tribunal's order, the Review Application is rejected. The MA for delayed filing is, however, allowed accepting the reasons given in the MA for delayed filing of the RA."*

20. Instead of taking a decision in the light of the observations made by the Tribunal to consider the respondent's case for stepping up of pay, the Union of India decided to challenge the order passed by the Tribunal by filing the present writ application under Article 226 of the Constitution.

21. We have examined the decisions rendered by the Supreme Court relied on by Mr. Singh, learned CGC in case of **M.V. Mohanan Nair** (supra) and **C. Girija** (supra). We are at a complete loss to appreciate the circumstance in which reliance on the said decisions, which are not at all applicable in the facts of the present case, has been placed. Paragraphs 30 to 35 of the decision in case of **M.V. Mohanan Nair** (supra), read as under :-

> **"30.** The learned Amicus Curiae and the learned counsel appearing for the respondents urged the Court to adopt a "purposive interpretation" that the words "immediate next higher grade pay" to be interpreted as "Grade pay of the next promotional post" in the hierarchy. MACP Scheme envisages merely placement in the immediate next higher grade pay. By perusal of the MACP Scheme extracted earlier, it is seen that the words used in the Scheme are "placement in the

immediate next higher grade pay in the hierarchy of the recommended revised pay bands". The term "*grade pay in the next promotional post*" is conspicuously absent in the entire body of the MACP Scheme. The argument of the respondents that the benefit of MACP Scheme is referable to the promotional post, is dehors the MACP Scheme and cannot be accepted. Though ACP and MACP Schemes are intended to provide relief against stagnation, both the schemes have different features. Pay scales under the Sixth Pay Commission and the MACP Scheme are stated to be more beneficial since it extends to the employees with time intervals with higher pay bands and various facilities which were not available under the ACP Scheme including the three financial upgradations in shorter time span. In any event, MACP Scheme has not been challenged by the respondents. As rightly contended by the learned ASG, the respondents cannot be permitted to cherry-pick beneficial features from the erstwhile ACP Scheme and also take advantage of the beneficial features in the MACP Scheme.

31. The object behind the MACP Scheme is to provide relief against the stagnation. If the arguments of the respondents are to be accepted, they would be entitled to be paid in accordance with the grade pay offered to a promotee; but yet not assume the responsibilities of a promotee. As submitted on behalf of Union of India, if the employees are entitled to enjoy grade pay in the next promotional hierarchy, without the commensurate responsibilities as a matter of routine, it would have an adverse impact on the efficiency of administration.

32. The change in policy brought about by supersession of ACP Scheme with the MACP Scheme is after consideration of all the disparities and the representations of the employees. The Sixth Central Pay Commission is an expert body which has comprehensively examined all the issues and the representations as also the issue of stagnation and at the same time to promote efficiency in the functioning of the departments. MACP Scheme has been introduced on the recommendation of the Sixth Central Pay Commission which has been accepted by the Government of India. After accepting the recommendation of the Sixth Central Pay Commission, the ACP Scheme was withdrawn and the same was superseded by the MACP Scheme with effect from 1-9-2008. This is not some random exercise which is unilaterally done by the Government, rather, it is based on the opinion of the expert body — Sixth Central Pay Commission which has examined all the issues, various representations and disparities. Before making the recommendation for the pay scale/revised pay scale, the Pay Commission takes into consideration the existing pay structure, the representations of the government servants and various other factors after which the recommendations are made. When the expert body like the Pay Commission has comprehensively examined all the issues and representations and also took note of inter-departmental disparities owing to varying promotional hierarchies, the Court should not interfere with the recommendations of the expert body. When the Government has accepted the recommendation of the Pay Commission and has also implemented those, any interference by the Court would have a serious impact on the public exchequer.

33. Observing that it is the function of the Government which normally acts on the recommendations of the Pay Commission which is the proper authority to decide upon the issues, in *Union of India* v. *P.V. Hariharan* [*Union of India* v. *P.V. Hariharan*, (1997) 3 SCC 568 : 1997 SCC (L&S) 838] , it was held as under : (SCC pp. 570-71, para 5)

> "*5*. … It is the function of the Government which normally acts on the recommendations of a Pay Commission. Change of pay scale of a category has a cascading effect. Several other categories similarly situated, as well as those situated above and below, put forward their claims on the basis of such change. The Tribunal should realise that interfering with the prescribed pay scales is a serious matter. The Pay Commission, which goes into the problem at great depth and happens to have a full picture before it, is the proper authority to decide upon this issue. Very often, the doctrine of "equal pay for equal work" is also being misunderstood and misapplied, freely revising and enhancing the pay scales across the board.

> We hope and trust that the Tribunals will exercise due restraint in the matter. Unless a clear case of hostile discrimination is made out, there would be no justification for interfering with the fixation of pay scales. We have come across orders passed by Single Members and that too quite often Administrative Members, allowing such claims. These orders have a serious impact on the public exchequer too. It would be in the fitness of things if all matters relating to pay scales i.e. matters asking for a higher pay scale or an enhanced pay scale, as the case may be, on one or the other ground, are heard by a Bench comprising at least one Judicial Member."

34. Observing that the decision of expert bodies like the Pay Commission is not ordinarily subject to judicial review, in *State of U.P.* v. *U.P. Sales Tax Officers Grade II Assn.* [*State of U.P.* v. *U.P. Sales Tax Officers Grade II Assn.*, (2003) 6 SCC 250] , the Supreme Court held as under : (SCC p. 253, para 11)

> "*11*. There can be no denial of the legal position that decision of expert bodies like the Pay Commission is not ordinarily subject to judicial review obviously because pay fixation is an exercise requiring going into various aspects of the posts held in various services and nature of the duties of the employees."

35. In *State (NCT of Delhi)* v. *Grade-I Dass Officers' Assn.* [*State (NCT of Delhi)* v. *Grade-I Dass Officers' Assn.*, (2014) 13 SCC 296 : (2015) 1 SCC (L&S) 384] , the Supreme Court refused to interfere with the ACP Scheme as it would violate government policy and since exercise of judicial review would not be proper, upheld the ACP Scheme and the conditions therein."

22. The decision in case of **M.V. Mohanan Nair** (supra) is on the issue of justiciability of decision of Pay Commission in matter of fixation of employees of the Government, the Commission being an expert body. Here is a case where in the

background of admitted facts the Tribunal has directed for consideration of stepping up of pay in accordance with law after following statutory rules.

23. Paragraphs 11 to 18 of the decision in case of **C. Girija** (supra) read as under :-

> "**11.** The learned counsel appearing for the applicant refuting the submission of the learned ASG submits that there was no delay and laches on the part of the applicant. Applicant's husband has sent several representations right from 2002. The applicant came to know about several facts regarding irregularities in selection when the matter was being investigated by CBI. The applicant when came to know about relevant facts, she filed representation on 25-9-2007. The Tribunal had condoned [*C. Girija* v. *Union of India*, 2011 SCC OnLine CAT 6120] the delay of 560 days and allowed the OA on merits, hence question of delay cannot be pressed in service. It is further submitted that under 30% LDCE quota, two SC category candidates were already in place, namely, Shri A. Balachander and Shri J. Senguttuvan, hence no vacancy should have been allocated to SC quota under 30% selection notified on 14-10-1999. He submits that there was ample material before the Tribunal that above two SC category candidates being already working under 30% under SC quota, no vacancy should have been allocated to 30% LDCE. He submits that in spite of direction of the Tribunal and High Court, applicant never got promotion nor benefit of any pay fixation. Applicant retired on 31-5-2015. Consequently, she had to file Writ Petition No. 653 of 2015 seeking a direction to compute all her benefits of promotion and all retiral benefits on the promoted post.
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> **12.** The learned counsel appearing for the 9th respondent adopts the submission made by learned ASG. Refuting the submission of the learned counsel appearing for the applicant it is submitted that the case of the applicant was highly delayed. Cause of action arose to the applicant on 14-10-1999 and 9-1-2001 and the representation was submitted by her after more than 06 years and by mere reply of the representation will not give fresh cause of action to the applicant to rake up the matter before the Tribunal. In the Tribunal and the High Court, the plea of delay and laches was pressed but both ignored the laches on the part of the

applicant. On account of the promotion granted to the 9th respondent on 9-1-2001, the 9th respondent was entitled to sit back. The promotion having not been challenged within reasonable time, the promotion granted to the 9th respondent cannot be adversely affected after such a long delay. The findings recorded by the Tribunal and High Court on the question of allocation of vacancies were also perverse.

13. The learned counsel for the parties in support of their respective submissions have relied on various judgments of this Court, which shall be referred to while considering the submissions in detail.

14. From the submissions of the learned counsel of the parties and materials on record, following two issues arise for consideration:

14.1. Whether the claim of the applicant to be included in the panel dated 9-1-2001 for promotion as APO was barred by delay and laches?

14.2. Whether under 30% quota of LDCE, all the 05 vacancies ought to have been made unreserved and Notification dated 14-10-1999 making 04 vacancies unreserved and 01 vacancy reserved for SC was illegal?

15. There is no dispute between the parties that in the Notification dated 14-10-1999 inviting applications for filling up of 05 posts under 30% LDCE quota, 04 vacancies were shown as unreserved and 01 as reserved for SC. The applicant submitted an application for participation in the selection but she could not be included against 04 unreserved vacancies, she being a general category candidate. There were certain complaints with regard to selection under 70% quota, with regard to which certain investigations were going on, which could be finalised in 2007. Applicant for the first time submitted representation to General Manager, Southern Railways on 25-9-2007 praying for inclusion of her name in the panel dated 9-1-2001. Copy of the representation filed by the applicant has been brought on the record, which indicate that applicant has in her representation relied on certain orders issued on 20-6-2007 and 5-9-2007 with regard to revision of the panel under 70% selection quota. With regard to 30% quota to be filled through LDCE, she stated that reserving 01 post for SC was totally against all norms. Representation was replied by Railways on 27-12-2007 stating that with regard to revision of the panel under 70% promotion quota, the applicant is not a party in any way. With regard to vacancy under 30% LDCE selection, it was indicated that the same was done as per the Rules prevalent at that time. OA No. 466 of 2009 was filed thereafter by the applicant, which has been decided by the Tribunal.

The Tribunal condoned the delay of 560 days in filing the OA. The applicant has challenged the communication dated 27-12-2007 of the Railways which was given in reply to the representation of the applicant. The condonation of delay, thus, only meant that against the letter dated 27-12-2007, her OA was held to be within time. The Tribunal and High Court have not adverted to the delay, which accrued from the declaration of panel on 9-1-2001 and submitting her representation on 25-9-2007 i.e. after more than 06 years and 09 months.

16. This Court had occasion to consider the question of cause of action in reference to grievances pertaining to service matters. This Court in *C. Jacob* v. *Director of Geology and Mining* [*C. Jacob* v. *Director of Geology and Mining*, (2008) 10 SCC 115 : (2008) 2 SCC (L&S) 961] had occasion to consider the case where an employee was terminated and after decades, he filed a representation, which was decided. After decision of the representation, he filed an OA in the Tribunal, which was entertained and order was passed. In the above context, in para 9, following has been held : (SCC pp. 122-23)

> "*9.* The courts/tribunals proceed on the assumption, that every citizen deserves a reply to his representation. Secondly, they assume that a mere direction to consider and dispose of the representation does not involve any "decision" on rights and obligations of parties. Little do they realise the consequences of such a direction to "consider". If the representation is considered and accepted, the ex-employee gets a relief, which he would not have got on account of the long delay, all by reason of the direction to "consider". If the representation is considered and rejected, the ex-employee files an application/writ petition, not with reference to the original cause of action of 1982, but by treating the rejection of the representation given in 2000, as the cause of action. A prayer is made for quashing the rejection of representation and for grant of the relief claimed in the representation. The tribunals/High Courts routinely entertain such applications/petitions ignoring the huge delay preceding the representation, and proceed to examine the claim on merits and grant relief. In this manner, the bar of limitation or the laches gets obliterated or ignored."

17. This Court again in *Union of India* v. *M.K. Sarkar* [*Union of India* v. *M.K. Sarkar*, (2010) 2 SCC 59 :

(2010) 1 SCC (L&S) 1126] on belated representation laid down following, which is extracted below : (SCC p. 66, para 15)

> "*15.* When a belated representation in regard to a "stale" or "dead" issue/dispute is considered and decided, in compliance with a direction by the court/tribunal to do so, the date of such decision cannot be considered as furnishing a fresh cause of action for reviving the "dead" issue or time-barred dispute. The issue of limitation or delay and laches should be considered with reference to the original cause of action and not with reference to the date on which an order is passed in compliance with a court's direction. Neither a court's direction to consider a representation issued without examining the merits, nor a decision given in compliance with such direction, will extend the limitation, or erase the delay and laches."

18. Again, this Court in *State of Uttaranchal* v. *Shiv Charan Singh Bhandari* [*State of Uttaranchal* v. *Shiv Charan Singh Bhandari*, (2013) 12 SCC 179 : (2014) 3 SCC (L&S) 32] had occasion to consider question of delay in challenging the promotion. The Court further held that representations relating to a stale claim or dead grievance does not give rise to a fresh cause of action. In paras 19 and 23 following was laid down : (SCC pp. 184-85)

> "*19.* From the aforesaid authorities it is clear as crystal that even if the court or tribunal directs for consideration of representations relating to a stale claim or dead grievance it does not give rise to a fresh cause of action. The dead cause of action cannot rise like a phoenix. Similarly, a mere submission of representation to the competent authority does not arrest time.
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> *23.* In *State of T.N.* v. *Seshachalam* [*State of T.N.* v. *Seshachalam*, (2007) 10 SCC 137 : (2008) 1 SCC (L&S) 475] , this Court, testing the equality clause on the bedrock of delay and laches pertaining to grant of service benefit, has ruled thus : (SCC p. 145, para 16)
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> > '*16.* … filing of representations alone would not save the period of limitation. Delay or laches is a relevant factor for a court of law to determine the question as to whether the claim made by an applicant deserves consideration. Delay and/or laches on the part of a

> government servant may deprive him of the benefit which had been given to others. Article 14 of the Constitution of India would not, in a situation of that nature, be attracted as it is well known that law leans in favour of those who are alert and vigilant."

24. In the present case, the respondent claimed that he was getting salary less than his juniors even on the date of filing of the original application which fact has been appropriately noted by the Tribunal. The Tribunal has referred to the Supreme Court's decision in case of **Gurcharan Singh Grewal** (supra), paragraph 17 of which reads as under :-

> ***"17.*** *Something may be said with regard to Mr Chhabra's submissions about the difference in increment in the scales in which Appellant 1 and Shri Shori are placed, but the same is still contrary to the settled principle of law that a senior cannot be paid a lesser salary than his junior. In such circumstances, even if there was a difference in the incremental benefits in the scale given to Appellant 1 and the scale given to Shri Shori, such anomaly should not have been allowed to continue and ought to have been rectified so that the pay of Appellant 1 was also stepped up to that of Shri Shori, as appears to have been done in the case of Appellant 2."*

25. In such view of the matter, the claim of the respondent could not be said to be stale deserving rejection on that ground.

26. The decisions of Supreme Court, it seems, have been casually referred to on behalf of the petitioners. The submission made on behalf of the Union of India with reference to the said

decisions of the Supreme Court deserves to be rejected and is rejected accordingly.

27. We fail to understand what made the Union of India to prefer this writ application in view of the nature of order passed by the Tribunal as noted above and the petty nature of the dispute and decided to chase the respondent’s case by filing a review application first and then the present writ application.

28. This writ application, in our opinion, is wholly misconceived and deserves to be dismissed with cost. This application is accordingly dismissed with cost assessed at Rs. 10,000/- to be paid by petitioner No. 2 to the respondent within two months from today.

(Chakradhari Sharan Singh, J)

(Madhuresh Prasad, J)

Rajesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	18.05.2022
Transmission Date	NA