
(2015) 01 CAL CK 0036
In the Calcutta High Court
Case No : Writ Petition No. 22280 (W) of 2014

Asima Lahiri

APPELLANT

Vs

National Institute of Technology (University) and Others

RESPONDENT

Date of Decision : 29-01-2015

Acts Referred:

Citation : (2015) 1 LLN 343

Hon'ble Judges : D. Datta, J.

Bench : Single Bench

Advocate : Monish Sen, for the Appellant; Raj Sekhar Mantha and Narayan Thakur, Advocates for the Respondent

Final Decision : Allowed

Judgement

Dipankar Datta, J.—By presenting this writ petition, the petitioner has impugned an order passed by the Registrar, National Institute of Technology Durgapur (hereafter the NIH) dated July 1, 2014. The order reads as follows:

"Dear Madam,

1. Reference is made to NIT Durgapur letter No. NITD/ADMN/2104, dated 22.06.2006.
2. This is to inform you that your services are no longer required by the Institute from 5th August, 2014.
3. This may please be treated as a notice for the purpose stated above.
4. This issues with the approval of Competent Authority.

Thanking you,

Yours faithfully, Sd/- Illegible Registrar"

2. The case of the petitioner, as pleaded in the writ petition and the affidavit-in-reply, is that her husband Pralay Kumar Lahiri (since deceased) was serving the

NIH as a professor in the M.E. Department; that while serving as such, he passed away on May 8, 2006 leaving behind him the petitioner (widow) and their twin children (a son and a daughter, aged about 15 years) as the surviving legal heirs; that faced with severe crisis, both mental and financial, the petitioner (a postgraduate in Modern History) had immediately thereafter applied for compassionate appointment on May 12, 2006; that considering the petitioner's financial condition as depicted in the said application, the Director of the NIH by his letter dated June 15/22, 2006 offered compassionate appointment to her on the post of "Lower Division Assistant" on ad hoc basis on a consolidated pay of Rs. 6,460/- without quarters or Rs. 5700/- with quarters, to be governed by the same terms and conditions as are applicable for similar categories of staff of the NIH; that despite the appointment being temporary and terminable with one month's notice from either side, the petitioner accepted the offer and joined the NIH, whereupon she was posted as an assistant in the Central Library; that the petitioner continued to discharge her duty without any complaint and she was treated as a regular/permanent employee of the NIH; that since the library became the petitioner's workplace, she enhanced her qualification by acquiring B. Lib. degree for rendering better service to the NIH; that upon her husband's death, the petitioner had received Rs. 1,75,000/- on account of gratuity and Rs. 1,79,000/- on account of provident fund; that since the petitioner was allotted quarters meant for jamadars she refused to move on to stay thereat and continued to occupy the quarters allotted to her late husband for 3 1/2 years, wherefore 50% of Rs. 16,000/- receivable as family pension was deducted on account of penal rent aggregating to more than Rs. 3,50,000/-; that with immense difficulty, the petitioner brought up her children and, this Bench ought to record that to her credit, they have blossomed in life (her son is studying M. Tech., while her daughter has enrolled herself for Ph.D. course); that the petitioner having vacated her husband's quarters was residing in a rented accommodation and had booked a flat in Durgapur, for which Rs. 22,000/- has to be paid by her every month to clear her debt; that Rs. 52,000/- is being received as monthly pension which, it has not been disputed, would be slashed by 2/3rd from the beginning of 2015; that the petitioner's consolidated pay had not seen any significant rise over the years she had been in service of the NIH; and, that the impugned order of termination has hit her like a bolt from the blue.

3. It has, accordingly, been prayed that the impugned order be set aside and the petitioner be reinstated in service with full monetary benefits for the period she was unable to work.

4. The respondents have opposed the writ petition by filing a counter affidavit. They have admitted in paragraph 5 that in terms of the rules of the Central Government as applicable to the NIT, the petitioner could have been accommodated only in a Group "C" or "D" post. It is their case that the petitioner received her husband's gratuity of Rs. 6,25,000/-; in addition, she received a sum of Rs. 11,00,000/- as arrears of pension under 6th Pay Commission in the year 2011 and has a residential flat in Durgapur. It has

further been pleaded that the petitioner "was already drawing a family pension...of Rs. 14,000/- at the time of her initial appointment" and since "she was neither in penury, nor in destitution or any serious financial problems as she was drawing sufficient pension on account of her husband's employment to meet her basic needs", she "could not have been entitled to compassionate employment" in the NIH. Further pleadings are to the effect that "the petitioner had on more than one occasion stated that she was not in need of the employment in the NIT and that she was self-sufficient" and that she "has been dealt with strictly in accordance with her letter of appointment". According to the respondents, the length of uninterrupted employment cannot be a ground for laying a claim to confirmation or regularization in the post concerned. Insofar as the concept of compassionate appointment is concerned, it seems to be the view of the deponent of the counter affidavit that the same "was introduced at a time when pension amounts were meagre" and "compassionate employment is aimed at providing temporary succor to the family of a deceased employee to save them from destitution and penury" and that "permanent employment could not therefore have been deemed mandatory under the compassionate employment scheme". Finally, they prayed for dismissal of the writ petition.

5. Mr. Sen, learned advocate for the petitioner contended that the authorities of the NIH acted illegally, unreasonably, capriciously and in an arbitrary manner in terminating the petitioner's service taking advantage of a clause in the appointment letter, which should never have been there in the first place. According to him, the respondents have abused their position and misused their power in forcing the petitioner to survive without means of livelihood, which she had been earning by dint of her hard work and dedicated service to the NIH, without assigning any reason. In effect, the termination is by way of removal from service without holding any disciplinary proceeding. He, accordingly, urged this Bench to intervene by setting aside the impugned order and by directing her reinstatement in service with full benefits.

6. Mr. Mantha, learned advocate for the respondents vehemently opposed the writ petition. According to him, every death is unfortunate but the petitioner in the first place did not at all deserve compassionate appointment. The object of compassionate appointment, as analyzed by the Supreme Court in its decision in Umesh Kumar Nagpal Vs. State of Haryana and Others, , was highlighted by Mr. Mantha to contend that such appointment ought to be offered only for saving a family facing financial destitution. The dictionary meaning of destitution was referred to and it was argued that having regard to the quantum of financial benefits the petitioner received on the death of her husband, she could never have been comprehended to be in penury and without means of livelihood, necessitating an appointment on compassionate ground. Reference was pointedly made by him, apart from gratuity and provident fund, to the fact of receipt of a handsome amount by the petitioner on revision of pension. He further argued that the petitioner benefited from a wrong committed by the respondents, and such wrong was sought to be rectified by terminating her appointment with a

month's notice in terms of the offer of appointment. There being no estoppel against law and the petitioner having been appointed contrary to law, he also argued that she cannot claim any right to continue on the post. Replying to a query of this Bench as to whether it was a mistake on the part of the respondents to appoint the petitioner on compassion, Mr. Mantha answered in the affirmative and urged that the action taken by the respondents to rectify the mistake may not be interdicted.

7. In reply, Mr. Sen referred to the decision of the Supreme Court in *Govind Prakash Verma v. Life Insurance Corporation of India*, reported in (2005) 10 SCC 289, and contended that quantum of financial benefits that the family members of the deceased employee receive is not a relevant factor for refusing compassionate appointment.

8. While hearing the writ petition, this Bench had called upon the respondents to indicate by filing an affidavit the number of days work the petitioner had put in since her appointment in the NIH. An affidavit dated September 11, 2014 was filed, paragraph 3 whereof reads as follows:

"From the records of the NIT, it appears that the writ petitioner has worked for total number of 2761 days from her date of first engagement i.e. 23rd June 2006 till the date of termination of her service 5th August 2014." 9. Mr. Mantha was also called upon by this Bench to produce the rules of the Central Government applicable to the NIT regarding compassionate appointment, as referred to in the counter affidavit. He produced Office Memorandum bearing F. No. 14014/02/2012--Estt. (D) dated January 16, 2013 issued by the under Secretary to the Government of India, Ministry of Personnel, Public Grievances and Pensions (Department of Personnel and Training) containing Consolidated Instructions on compassionate appointment. According to him, the NIT is guided by the said office memorandum in offering appointments on compassionate ground to eligible dependents of employees of the NIH dying in harness.

10. On the basis of the pleaded cases of the parties, the two points that arise for consideration and decision are (i) whether the impugned order of termination of the petitioner's termination is legally sustainable or not; and (ii) what relief the petitioner is entitled to, should the answer to the first point be in the negative.

11. The necessity to issue office memorandum dated January 16, 2013 appears from the first page thereof. After the department's O.M. No. 14014/6/94-Estt(D) dated October 9, 1998 vide which Scheme for "Compassionate Appointment under Central Government" was issued, various instructions on compassionate appointments under the Central Government had been issued for which all such instructions were sought to be consolidated thereby. In view of the pleadings in the counter affidavit of the respondents and Mr. Mantha's submission noted above, the scheme for compassionate appointment adumbrated in O.M. No. 14014/6/94-Estt(D) dated October 9, 1998 and the subsequent instructions consolidated in F. No. 14014/02/2012--Estt. (D) dated January 16, 2013

(hereafter jointly referred to as the scheme) to the extent applicable to the NIT would be the guiding light for treading the path to adjudicate as to whether the contentions raised on behalf of the respondents merit acceptance or not. This Bench considers it proper to place on record that there has been no effort worth the name on behalf of the respondents to show which of the provisions of the scheme are applicable to the NIT, and which are not; consequently, this Bench is left with no other option but to proceed on the premise that the provisions of the scheme in its entirety are applicable to the NIT.

12. The O.M. dated January 16, 2013, by referring to the particulars of the subsequent instructions, has made the position clear regarding the contents of the O.M. dated October 9, 1998 and those instructions which have been issued subsequently. Salient features of the scheme for compassionate appointment, material and relevant for decision on the first point, may now be noticed.

13. Paragraph 1 provides the object of the scheme in the following words:

"The object of the Scheme is to grant appointment on compassionate grounds to a dependent family member of a Government servant dying in harness or who is retired on medical grounds, thereby leaving his family in penury and without any means of livelihood, to relieve the family of the Government servant concerned from financial destitution and to help it get over the emergency." 14. Paragraph 2 of the scheme says to whom it is applicable. Note I of paragraph 2 gives the meaning of Dependent Family Member, and there is no dispute that the petitioner being the spouse of the deceased employee, wholly dependent on the earning of her husband, was indeed a dependent family member.

15. The authority competent to make compassionate appointment is detailed in paragraph 3.

16. Paragraph 4 refers to Group "C" posts against the direct recruitment quota to which appointments could be made.

17. Eligibility is dealt under paragraph 5, reading as follows:

"(a) The family is indigent and deserves immediate assistance for relief from financial destitution; and

(b) Applicant for compassionate appointment should be eligible and suitable for the post in all respects under the provisions of the relevant Recruitment Rules."

18. Exemptions and relaxations are provided under paragraph 6 but the same not having been invoked at the time of the petitioner's appointment, are not attracted here to decide her fate.

19. The title of paragraph 7 is Determination/Availability of Vacancies. According to clause (a), appointment on compassionate grounds should be made only on regular basis and that too only if regular vacancies meant for that purpose are available. Clause (b) makes it clear that such appointments can be made upto a maximum of 5% of the vacancies falling under direct recruitment quota in any

Group "C" post. Clause (c), inter alia, cautions that the ceiling of 5% for making compassionate appointment against regular vacancies should not be circumvented by making appointment of dependent family member of Government servant on casual/daily wage/ad hoc/contract basis against regular vacancies.

20. Paragraphs 8 and 9 relate to time limit for making applications and how belated requests are to be dealt with, respectively.

21. In terms of paragraph 10, a widow appointed on compassionate ground is allowed to continue in service after re-marriage.

22. A family of the deceased having an earning member per se would not debar compassionate appointment is the spirit of paragraph 11.

23. The procedure for processing an application for compassionate appointment is provided for in paragraph 13 and paragraph 14 requires the person appointed on compassionate ground to give an undertaking to maintain the family of the deceased.

24. How seniority of a person appointed on compassionate ground in a particular year shall be determined is what paragraph 16 deals with.

25. Paragraph 17 is the provision relating to Termination of service and reads thus:

"The compassionate appointments can be terminated on the ground of non-compliance of any condition stated in the offer of appointment after providing an opportunity to the compassionate appointee by way of issue of show cause notice asking him/her to explain why his/her services should not be terminated for non-compliance of the condition(s) in the offer of appointment and it is not necessary to follow the procedure prescribed in the Disciplinary Rules/Temporary Service Rules for his (sic this) purpose. In order to check its misuse, it has also been decided that this power of termination of services for non-compliance of the condition(s) in the offer of compassionate appointment should vest only with the Secretary in the concerned administrative Ministry/Department not only in respect of persons working in the Ministry/Department proper but also in respect of Attached/Sub-ordinate offices under that Ministry/Department. (O.M. No. 14014/19/2000-Estt(D) dated 24.11.2000)." 26. Paragraph 18 is titled General. Excerpts therefrom read as follows:

"(a) Appointments made on grounds of compassion should be done in such a way that persons appointed to the post do have the essential educational and technical qualifications and experience required for the post consistent with the requirement of maintenance of efficiency of administration;

(b) ***;

(c) The Scheme of compassionate appointments was conceived as far back as 1958. Since then a number of welfare measures have been introduced by the

Government which have made a significant difference in the financial position of the families of the Government servants dying in harness/retired on medical grounds. An application for compassionate appointment should, however, not be rejected merely on the ground that the family of the Government servant has received the benefits under the various welfare schemes. While considering a request for appointment on compassionate ground a balanced and objective assessment of the financial condition of the family has to be made taking into account its assets and liabilities (including the benefits received under the various welfare schemes mentioned above) and all other relevant factors such as the presence of an earning member, size of the family, ages of the children and the essential needs of the family, etc.;

(d) Compassionate appointment should not be denied or delayed merely on the ground that there is reorganisation in the Ministry/Department/Office. It should be made available to the person concerned if there is a vacancy meant for compassionate appointment and he or she is found eligible and suitable under the scheme.;

(e) ***;

(f) Compassionate appointment will have precedence over absorption of surplus employees and regularisation of daily wage/casual workers with/without temporary status.;

(g) ***"

27. Under paragraph 19 is found reference to Important Court Judgments. The law laid down by the Supreme Court touching compassionate appointments in 6 (six) rulings have been referred to and the same have been directed to be kept in view while considering cases of compassionate appointment. One of them is Umesh Kumar Nagpal (supra) and the dictum of worth referred to there is that "compassionate appointment cannot be offered by an individual functionary on an ad hoc basis" (underlining in original).

28. In Director General of Posts and Others Vs. K. Chandrashekar Rao, , the Supreme Court had the occasion to examine the O.M. dated October 9, 1998 threadbare. Paragraph 18 of the report is worthy of being noted and reproduced hereunder:

"18. The above clauses clearly show that the Scheme of 1998 for compassionate appointment is a welfare activity carried out by the Government of India. It is a benevolent act on the part of the State. Keeping in view the dire economic and social crisis to which the family of a deceased government employee in Class C or D is exposed, the Government through this Scheme offers a helping hand. This is a voluntary act of generosity on the part of the State. The generosity once extended in the form of exercise of a subordinate legislative power by formulating the said Scheme, will have the force of law. It is enforceable to its limited extent and within its prescribed parameters." In view of the aforesaid

observations, the O.M. dated October 9, 1998 (and by parity of reasoning, the O.M. dated January 16, 2013 as well) has the force of law and is enforceable.

29. That apart, this Bench is of the further view having regard to the decision of the Supreme Court in Vimal Kanwar and Others Vs. Kishore Dan and Others, , that it was one of the conditions of the petitioner's husband's service that if he died in harness, one of his dependents would be entitled to an appointment subject to fulfilment of the terms of the scheme.

30. The dispute involved in this writ petition would have to be resolved bearing in mind these principles.

31. The object of compassionate appointment, it is well-known, is to provide immediate succour to the family (of the deceased employee), which may find itself in dire straits as a result of the death of the sole bread-winner. If any citation is necessary, one may usefully refer to the decision in Local Administration Department and Another Vs. M. Selvanayagam @ Kumaravelu, .

32. Although Umesh Kumar Nagpal (supra) holds offering of compassionate appointment as a matter of course irrespective of the financial condition of the family of the deceased as legally impermissible, and the scheme makes indigence of the family deserving immediate assistance for relief from financial destitution one of the conditions of eligibility for appointment on compassionate ground, the scheme does not, however, in terms provide measurable standards for determining indigence, destitution and the like, warranting compassionate appointment in a given case and not warranting the same in another. On the contrary, paragraph 18(c) makes it abundantly clear that a request for compassionate appointment is not to be spurned on the ground of receipt of benefits under various welfare schemes, and that a balanced and objective assessment of the financial condition of the family taking into account its assets and liabilities (including the benefits received under the other schemes) as well as other relevant factors, viz. presence of an earning member, size of the family, ages of the children, essential needs, etc., is the requirement. Even the presence of an earning member in the family per se would not disentitle compassionate appointment (see paragraph 11 of the scheme).

33. It would be convenient at this stage to notice the dictionary meanings of the words indigent, penury and destitution. "Indigent" is an adjective meaning in need, esp. of means of subsistence; "penury" is a noun meaning want, great poverty; and "destitute" is also an adjective meaning inter alia in utter want, entirely lacking and destitution, a noun, meaning the state of being destitute, poverty.

34. In the light of the above, the above words appear to be cognate of the word "poverty", a noun, meaning the state of being poor, necessity, want.

35. Now, keeping the legal niceties apart, if the clock is put back to May 9, 2006 i.e. the day following the death of the petitioner's husband, what one finds is a

young widow who has to fend for herself and at the same time care for and bring up two children of 15 years, without any earning member in the family and without any means of subsistence. Without wasting time, the petitioner had applied for appointment on compassionate appointment and sought enforcement of her late husband's right to have his dependent appointed. Upon receipt of the application for compassionate appointment from the petitioner, what was required of the Director of the NIT was to apply his mind and consider the claim bearing in mind the relevant paragraphs of the scheme, viz. paragraphs 2, 5, 7, 13, 18 and 19. The scheme did not provide any formula for determination of "financial hardship" or indigence/penury/destitution, and in its absence "hardship" would be relative. What would matter in such a circumstance is the satisfaction of the Director that but for an appointment, the family of the deceased would be in utter distress. Reaching such satisfaction must have led to appointment being offered to the petitioner. Official acts are presumed to be regularly performed and this Bench, in the absence of any material placed by the respondents to rebut the same, is inclined to the view that the Director considering the petitioner to be eligible on the financial front and suitable on the requirement aspect of the NIT, proceeded to offer appointment to the petitioner. Since it has not been proved to the satisfaction of this Bench that the Director overstepped his jurisdiction in not making a balanced and objective assessment of the prevailing situation including financial condition, it would not be safe to uphold the contention of the respondents that the petitioner by reason of her entitlement to benefits accruing to her late husband was not in such indigent, penurious or destitute condition so as to deserve compassionate appointment. There is thus no justifiable reason to view the appointment that was offered to the petitioner as one, which was contrary to law.

36. Interestingly, the counter affidavit does not say that the appointment was offered to the petitioner by mistake. While there is no law standing in the way of a public functionary purporting to withdraw a benefit that may have been mistakenly conferred on a person and thereby rectifying the mistake, such rectification cannot be made without complying with rules of natural justice. It is axiomatic that grant of opportunity in consonance therewith would enable the person benefited by the perceived mistake to persuade in favour of continuation of the benefit on a finding being recorded that there was in fact no mistake. The respondents evidently did not afford any opportunity to the petitioner in compliance with natural justice and, hence, it is difficult to accept that they had embarked on a process for rectifying a mistake. From the available materials, the conclusion is inescapable that the arbitrary power to terminate the petitioner's service on serving a month's notice, which was reserved, had been exercised on the perception that the petitioner's appointment was contrary to law.

37. Adverting attention now to the clause retaining power to terminate the petitioner's appointment on service of one month's notice, this Bench is minded to hold that it was an infirmity from which the initial offer of appointment to the petitioner suffered and the respondents owed a duty to rectify the same in due

course of time. Appointment of a dependent of a deceased employee of the NIT on compassionate ground is required to be made on regular basis in terms of clause (1) of paragraph 7 of the scheme, and appointment on ad hoc basis is not permissible in terms of paragraphs 7(c) and 19(b)(vii) thereof. The petitioner's appointment, therefore, could not have been ad hoc. To this extent, the Director seems to have committed an error law in not construing the relevant provisions of the scheme in the proper perspective and the relevant clause in the offer of appointment being clearly contrary to the scheme must be and is held to be void and inoperative.

38. It is true that compassionate appointment is an exception to the Constitutional safeguards of equality in the matter of public employment. However, once the dependent of a deceased employee is found suitable in terms of the scheme for appointment and is ultimately appointed, and starts discharging the duty entrusted to him/her, the source of appointment becomes redundant and the compassionate appointee is entitled to similar benefits which appointees from regular sources are entitled and no differentiation in relation to treatment would ordinarily be permissible. Mr. Mantha's submission that the petitioner received a handsome amount as arrears on revision of pension and that is a further ground for terminating her appointment, is one made in desperation. If the argument that the appointee has overcome the initial crisis and is no longer in penury or a destitute and, therefore, not entitled to continue in service were accepted, it would defeat the object of compassionate appointment which flowed as a condition of service of the petitioner's husband. Besides, an appointment cannot be terminated for a fortuitous circumstance over which the appointee has no control. It is also not the respondents' case that the petitioner was singled out for special treatment. Once in service, the appointee is governed by the terms and conditions of his/her service, which could be deciphered from the offer of appointment, or the relevant service rules. If termination has to be brought about, it must be in conformity therewith. Termination of a compassionate appointee in terms of the scheme is regulated by paragraph 17 thereof. There has neither been any allegation of the petitioner contravening or not complying with any condition stated in the offer, nor any provision of the service rules by which she was governed. Besides, no notice to show cause (a requirement in terms of paragraph 17) was issued. The termination could not have been brought about except in accordance with paragraph 17 and the same is manifestly indefensible.

39. A comment or two about the respondents' understanding of the concept of compassionate appointment has to be made to prevent recurrence of similar arbitrary, illegal and unreasonable orders of termination. As referred to above, the respondents consider the aim of appointment on compassionate ground "at providing temporary succour to the family of a deceased employee to save them from destitution and penury". The impugned order of termination stems from the fallacy that is too evident from such statement. An artificial distinction based on source of appointment of the petitioner and benefits received by her post-

appointment appears to have been made while dealing with her case. The scheme does not talk of providing temporary succour; in preference to others waiting in the queue for appointment through the front door, the scheme talks of assistance by way of appointment to mitigate the financial hardship that is suddenly caused to the deceased employee's family due to his untimely and unexpected death and to alleviate the distress the family finds itself in. The scheme nowhere provides that if, over the years, the family of the deceased employee tides over such hardship and distress by reason of appointment of one of his dependents on grounds of compassion, the appointment could be withdrawn at the sweet will of the employer and that too without any reason/notice. The presumption that high ranking officers would not act arbitrarily or capriciously is thoroughly belied in this case. This Bench is constrained to observe that the outlook of the people at the helm of affairs at the NIH ought to change or else they would find themselves involved in much more unnecessary litigation like the present one.

40. Before parting, one other aspect needs notice. It is clear from the contents of the further affidavit of the respondents that the petitioner must have put in more than 240 days of work every year in the aggregate since her appointment. A sense of security of service must have engulfed her over the years, prompting her to think big. Having resided in a rental accommodation, she thought of purchasing a flat of her own. She is in the midst of liquidating her debt. She has ensured, despite passing through difficult times, adequate education for her children and there is every possibility of them turning out to be responsible citizens of the country in future. This Bench is sure that with a sense of gratitude they would remember, for the rest of their lives, how their mother and this great nation looked after them in their hours of crises and to give something in return to the nation. The respondents could also have taken credit that they had contributed significantly to the growth and development of the petitioner's children by rising to the occasion at the right time. Unfortunately, the beneficial effects of the compassion that was shown has been sought to be undone for no better reason than that certain power charged officers felt the necessity to invoke a void clause in the offer of appointment. Be that as it may, the impugned termination order amounts to retrenchment of the petitioner from service and she being a workman within the meaning of the Industrial Disputes Act, 1947, such termination without payment of retrenchment compensation is not sustainable having regard to the provisions thereof.

41. For the foregoing reasons, the impugned order of termination is not legally sustainable and hence stands set aside.

42. Now the extent of relief that ought to be extended to the petitioner requires consideration. The pleading of the respondents that the petitioner had on more than one occasion stated that she was not in need of the employment in the NIT and that she was self-sufficient is not supported by any document and, therefore, lacks credence. Also, the respondents have failed to prove that the petitioner was

gainfully employed after termination of her service. She has been prevented from discharging her duty since the impugned order was issued and there is no reason as to why she should not be entitled to reinstatement with full benefits. It is ordered that the petitioner be reinstated in service immediately on service of a certified copy of this judgment and order, and upon such reinstatement and resumption of duty, she shall be treated to be in continuous service. The arrears of financial benefits shall be computed and paid to the petitioner within a reasonable period (say a month) from date of service such certified copy.

43. The writ petition stands allowed with costs, assessed at Rs. 51,000/- to be paid to the petitioner by the respondents within the aforesaid time limit.

Urgent photostat certified copy of this judgment, if applied for, be furnished to the applicant within 4 days from date of putting in requisites therefor.