
(2005) 07 PAT CK 0024
In the Patna High Court
Case No : CWJC No. 7116 of 1999

Bihar Veterinary Association and Others	APPELLANT
Vs	
The State of Bihar and Others	RESPONDENT

Date of Decision : 08-07-2005

Acts Referred:

Constitution of India, 1950 — Article 252
Veterinary Council Act, 1984 — Section 29, 30

Citation : (2005) 3 PLJR 430

Hon'ble Judges : V.N. Sinha, J

Bench : Single Bench

Advocate : Y.V. Giri and G.N.P. Singh, for the Appellant; S.J. Rahman and R.P. Bhagat, for the Respondent

Final Decision : Allowed

Judgement

V.N. Sinha, J.—Heard learned counsel for the petitioners and the State. Petitioner No. 1 is a registered Association of the Veterinary Doctors" Employed in the service of Animal Husbandry Department of the State of Bihar. Petitioner Nos. 2. to 9 are the members of the aforesaid Association serving the Animal Husbandry Department of the State of Bihar in different capacities duly indicated in paragraph 6 of the writ petition alongwith the scale of pay in which they drew their salary on the date of filing of this writ petition in the light of the resolution of the State Government dated 8.2.1999, Annexure-4.

2. The grievance of the petitioners raised in this application is that Fitment Committee ignoring the terms of reference, as contained in Resolution of the State Government dated 2.1.1998, Annexure-2, erroneously recommended revised scale of Rs. 6,500-10,500/- for the veterinarians serving in the basic grade of the Bihar Animal Husbandry Service in place of Rs. 8,000-13,500/-. Their further grievance is that the Fitment Committee should have recommended the revised scale of Rs. 10,000-15,200/- and 12,000-16,500/- for the veterinarians serving in the Junior/Senior Selection Grade of the basic (entry

grade). Further prayer of the petitioners is to quash the Resolution of the State Government dated 8.2.1999, Annexure-4 to the extent aforesaid recommendation has been accepted with further prayer to direct the State Government to grant the veterinarians serving in the basic grade of Bihar Animal Husbandry Service revised scale of Rs. 8,000-13,500/- and the scale of Rs. 10,000-15,200/-, 12,000-16,500/- to those serving in Junior/Senior Selection Grade of the Basic Entry Grade.

3. Before I proceed to consider the aforesaid prayer made in the writ petition, it is necessary to indicate a few facts.

4. Petitioner No. 1 is the recognised Association of the Veterinarians serving the State of Bihar. Petitioner Nos. 2 to 9 are the Veterinary Doctors holding Bachelor of Veterinary Science and Animal Husbandry degree from a recognised institution and are registered with Veterinary Council of India and thereby authorised to practise as Veterinary Physician or Surgeon and in recognition of the aforesaid qualification they were duly selected and recommended by the Bihar Public Service Commission for being appointed as Veterinary Officer to serve the Animal Husbandry Department of the State of Bihar as Veterinary Physician/ Surgeon to look after the live stock of the State which is so useful for the development of the agrarian economy of the State.

5. The State Government has been revising the scale payable to its employees from time to time. Last pay revision was effected in the year 1989 in view of the Resolution of the State Government dated 13.2.1989 and 10.5.1989, Annexures-7 and 7A. Perusal of the aforesaid two Resolutions would indicate that the State Government, in consideration of the representations received from the various employees Union and Associations to grant their members Central Pay scale and promotional benefits available to the Central Government employees, agreed in principle, to grant its employees the central pay scale alongwith promotional benefits which is available to Central Government employees, vide aforesaid two Resolutions and constituted Fitment/Pay Revision Committee to achieve the said purpose. In the light of aforesaid Resolutions, members of petitioner No. 1 Association, including petitioner Nos. 2 to 9 and others of Bihar Animal Husbandry Service were allowed the Class I Central scale of Rs. 2200-4,000/- in the basic grade and Rs. 3,000-4,500/-, 3700- 5000/- in the Junior/Senior Selection Grade and Rs. 4,100-5,300/- in the Super Time Selection Grade, vide Resolution of the State Government dated 27.9.1997, Annexure-8B.

6. While the veterinarians serving the State of Bihar were drawing salary in the aforesaid scale, the State Government issued Resolution dated 2.1.1998, Annexure-2, whereunder it again agreed in principle to allow central pay scale alongwith Central Service Conditions to its employees as to that effect an agreement was already signed between the State Government and Gazetted Officers Federation and State Secretariat employees representatives and accordingly constituted a Fitment Committee to make recommendations for revision of scale of the State Government employees at par with the Central

Government Employees whose pay was revised on the basis of recommendations of Fifth Central Pay Commission with effect from 1.1.1996. It was specifically clarified in the Resolution that the Fitment Committee while considering the case of the State Government employees getting higher/lower scale than their Central counter part should recommend similar scale, which is recommended to their central counter part.

7. The Fitment Committee considered the claim of the petitioners and recommended the scale of Rs. 6500-10,500/- for the basic/entry grade of the Bihar Animal Husbandry Service. Aforesaid recommendation according to the petitioners is contrary to the recommendations of the Fifth Central Pay Commission which recommended grant of the higher scale of Rs. 8,000-13,500/- to the veterinarians of the Indian Veterinary Service in the basic grade as would appear from paragraph 55.29 of Central Pay Commission Report, volume II as contained in Annexure-11 and Gazette of India dated 30.9.1997 1st Schedule part Ka Entry 15, S-15, as contained in Annexure-12. The Fitment Committee while making the aforesaid recommendation for the basic grade recommended the promotional pay scales of Rs. 10,000-15,200/-, Rs. 12,000-16,500/- and Rs. 14,300-18,300/- respectively for the promotional post of Deputy/Joint Director and Director in the Bihar Animal Husbandry Service as was recommended in the Fifth Central Pay Commission for the veterinarians of Indian Veterinary Service which would appear from the extract of the Fifth Central Pay Commission Report, volume II, Annexure-11 and Gazette of India dated 30.9.1997, 1st Schedule part Ka, Entry 19, S-19, Entry 21, S-21 and Entry 24, S-24.

8. The Fitment Committee, in paragraph 2.2.6 of its report noticed that the recommendation of the Fifth Central Pay Commission to grant higher scale of Rs. 2200-4,000/- to the entry grade of U.T. Civil/ Police Services has not been accepted by the Govt, of India and then observed that had it been accepted, it would have been shot in the arm for the Bihar Administrative/ Police Service to strive for grant of replacement scale of Rs. 8,000-13,500/- in the basic entry grade of the two services.

9. The Fitment Committee, in paragraphs 2.2.10 and 2.8.1 of its Report recommended the lower scale of Rs. 6500-10,500/- for the basic/entry grade of the Bihar Animal Husbandry Service as the said service, on comparison, was found similar to the other State Services notified under Resolution of the State Government dated 28.2.1989.

10. It further appears from the report of the Fitment Committee that Fitment Committee was of the view that the Animal Husbandry Service as also the other State Services notified under Resolution dated 28.2.1989 of the State are similar to Group "B" Central Service and thus they should be allowed the same scale which is recommended for the Group "B" service in the Fifth Central Pay Commission Report.

11. It further appears from paragraph 2.3.5 of the report of the Fitment

Committee that while considering the equivalence of the State Services with their Central counter part, the Fitment Committee observed that the State Government has done little to organize State Services/Cadres on the line of the Central Government. This inaction or inability of the State Government has led to inappropriate demands of such badly organized services.

12. Learned counsel for the petitioners has assailed the recommendation of the Fitment Committee as contrary to the terms of reference incorporated in the Resolution of the State Government constituting the Fitment Committee whereunder the Fitment Committee was called upon to recommend exactly the similar scale which was recommended to the Central counter part of the State Service(s) in the Fifth Central Pay Commission Report. According to the learned counsel for the petitioners, counter part of the Bihar Animal Husbandry Service is the Indian Veterinary Service and in the Fifth Central Pay Commission Report, the revised scale recommended for the entry grade of the Indian Veterinary Service being Rs. 8,000-13,500/-the same scale should have been recommended for the entry/basic grade of Bihar Animal Husbandry Service in view of Sections 29 and 30 of the Indian Veterinary Council Act, 1984 which has been enacted by the Parliament of India pursuant to the resolutions having been passed by the State of Bihar and other States as would appear from the preamble of the said Act.

13. Learned counsel for the petitioners further contended that the Fitment Committee recommended the revised scale for the promotional post of Deputy/Joint Director and Director in the Bihar Animal Husbandry Service exactly the same scale which was recommended in the Fifth Central Pay Commission Report for Indian Veterinary Service i.e. Rs. 10,000-15,200/-, Rs. 12,000-16,500/- and Rs. 14,300-18,300/- and on that ground itself the Fitment Committee should have recommended Rs. 8,000-13,500/- for the basic/entry grade of the Bihar Animal Husbandry Service which was the recommendation for the basic/entry grade of Indian Veterinary Service. As per the terms of reference the Fitment Committee was obliged to recommend the exactly similar scale which was recommended in the Fifth Central Pay Commission Report to the counter part of the State Service(s).

14. Learned counsel for the petitioners also submitted that the Fitment Committee, while recommending scale of Rs. 6,500-10,500/- for the basic/entry grade of the Bihar Animal Husbandry Service, grouped Bihar Animal Husbandry Service together with Bihar Administrative Service and Bihar Police Service and thereby equated the Bihar Animal Husbandry Service with two State Services which admittedly has Group A Central Service in the Indian Administrative Service and Indian Police Service which is contrary to the terms of reference of the fitment Committee as contained in Resolution of the Government dated 2.1.1998, Annexure-2.

15. Learned counsel for the petitioners further submitted that the classification of the State Services under Resolution dated 28.2.1989 referred to in paragraph

2.3.1 of the Fitment Committee Report was only for the purpose to evolve the methodology to consider promotion in different grades of the State Services included in the said resolution. The said Resolution does not indicate that the Services classified as State Services in the resolution are either Group A or Group B service and thus according to the learned counsel for the petitioners, Fitment Committee ought not to have relied on the said resolution to conclude that all services included therein are Group B or Class II service when admittedly members of the Bihar Animal Husbandry Service and the Indian Veterinary Services are governed by The Indian Veterinary Council Act, 1984 enacted by the Parliament, pursuant to the resolution of the different State Government .as per Clause (1) of Article 252 of the Constitution of India and the minimum educational qualification, method/level of recruitment, the hierarchy of service, avenue of promotion, the nature of duties and responsibilities of the two services are similar.

16. In support of the aforesaid contention, learned counsel for the petitioners had relied on the case laws which is discussed below:-

(1) In the case of Bihar State+2 Lecturers Association vs. The State of Bihar & Ors., reported in 2004(2) PLJR 251, a Division Bench of this Court relying on a Supreme Court judgment in the case of State Bank of India and Others Vs. K.P. Subbaiah and Others, observed that revision of pay is executive function and the writ Court while exercising the power of judicial review should be slow in interfering with the recommendations of the pay Revision Committee, but in the said case Division Bench of this court taking into account the recommendations of the Fitment Appellate Committee presided over by a sitting Judge of this Court directed that untrained teachers should also be given the same scale which is given to the trained teachers as there was no distinction in qualification at the time of initial appointment and at a subsequent stage untrained teachers cannot be put in a different scale than the scale provided to the trained teachers when the pre-revised scale of both trained and untrained teachers was the same.

(2) In the case of Chandraprakash Madhavrao Dadwa and Others Vs. Union of India and Others, Hon"ble Supreme Court observed that Data Processing Assistants who were already confirmed over their posts in the year 1989 could not be redesignated as Data Operators in the scale of Rs. 1350-2000/- or 1400-2300/- by concession of counsel on the basis of new qualification provided for the post of Data Processing Assistant in 1990 or 1998.

(3) In the case of Chief Secretary to Government of Andhra Pradesh and another Vs. V.J. Cornelius and others, , Hon"ble Supreme Court observed that the judgment declaring Sub-rule (2) of Rule 5 of the Andhra Pradesh Revised Pay Rules, 1969 as ultra vires having become final the State Govt, was not well advised to fix lower pay in the selection grade resorting to the provisions of the said Rule and then calling upon the Supreme Court to determine the validity and the extent of its powers to fix salary in the selection grade as remedy of the State Government was to assail the Judgment of the High Court declaring the

Rule to be ultra vires.

17. On the other hand, learned State Counsel submitted that prayer made in the writ petition is wholly misconceived and writ Court should not find fault with the recommendations made by the Fitment Committee which is an expert body, the terms of reference itself permitted enough elbow room/discretion with the committee to reduce the scale of the State Govt, employee if they were receiving emolument higher than the one received by the Central Government employee. The Committee having considered the representation of the members of the Bihar Animal Husbandry Service, including the petitioners referred to in paragraph 35.8.1 of its report, refused to grant them parity with the veterinarians of the Indian Veterinary Service in the matters of pay scale in the basic/entry grade and recommended grant of one scale of Rs. 6500-10,500/- for the basic/entry grade for all the State services, including Bihar Animal Husbandry Service and other services notified under Resolution dated 28.2.1989. In this connection, committee in paragraphs 35.8.2 and 35.8.6 observed as follows:

"The scale demanded above are on the basis of paragraph 55.291 and Annexure-55.9. Incidentally the post of Deputy Director General and Director General and Animal Husbandry Commissioner have not been created in the State with the same nomenclature and in fact the Joint Director in the Centre is in the scale of Rs. 3700-5000 whereas in Bihar the Joint Director is in the scale of Rs. 4100-5300 and some Deputy Directors in Dept. of Animal Husbandry and Fishery are in the scale of Rs. 3000-4500 as in this State. Selection grade posts were worked out by the Animal Husbandry Department without obtaining the sanction of the Finance Department though it did not have powers to abrogate to itself to declare which posts are to be included in a particular service."

18. Learned counsel for the State further pointed out that the Fitment Committee in order to buttress its aforesaid finding further observed in paragraph 66 of Chapter 41 as follows:

"In this State we cannot blindly adopt the Central Pattern, as we have discussed in Chapter-11. Even in regard to promotions, the picture is not very clear in this State, as we have mentioned earlier, service after service has requested that it should correspond to those available to the Bihar Judicial Service and the Bihar Administrative Service. Those services, that want parity with the Judicial and Administrative Services have always been in lower scales, even the fourth Central Pay Commission has not even attempted putting them on par with other services. We recommend that the existing parity should continue."

19. In this connection learned counsel for the State further submitted that during the last pay revision grant of Class I scale of Rs. 2200-4,000/- for the basic/entry grade of the State Services was itself aberrations as the State Services being similar to Class II Central Services should not have been granted the higher Class I scale of Rs. 2200-4,000/- and the fitment Committee having appreciated the aforesaid anomaly rightly recommended grant of lower scale of

Rs. 6500-10,500/- for the basic/ entry grade of the State Services.

20. Learned State Counsel while supporting the recommendations of the Fitment Committee, further relied on the observations of the Fitment Appellate Committee recorded in paragraph 41.8 of its report whereunder it observed as follows:

"This Committee feels that successive pay Revision Committees have clearly identified the State Services as a Class II Service. The super imposition of the Class I scale of Rs. 2200-4000 for the basic grade of the Class II Services was in fact an aberration introduced by Government not based on any logic or objective criteria and quite clearly as a result of organized pressure from the organized services. In any case a scale of pay can in no way change the basic Constitution of the Services. The State Services have always been and remain to be a Class II service. Therefore, the equivalence of the State Service with the Class II Service of Government of India has very rightly been drawn by the Fitment Committee."

21. While concluding his submission, learned State Counsel pointed out that the similar prayer of the Deputy Collectors who belong to Bihar Administrative Service has already been rejected by this Court under orders dated 8.8.2002, passed in C.W.J.C. No. 8741 of 2002 and this Court should also dismiss the present writ application for the reasons recorded in the aforesaid order.

22. In support of the aforesaid contention, learned State Counsel relied on the case of State Bank of India and Others Vs. K.P. Subbaiah and Others, and the case of Union of India (UOI) Vs. Tarit Ranjan Das, . Besides in the notes of argument, learned State Counsel further relied upon the case of Shambhu Nath Kunwar @ Shambhu Nath Singh and Another Vs. The State of Bihar and Others, and the case of State of Tamil Nadu and Another Vs. M.R. Alagappan and Others, etc., to submit that writ court should be slow in interfering with the recommendations of an expert body in the matters of revision of pay scales as similarity in duties and responsibilities and interchangeability of post do not necessarily attract the principle of equal pay for equal work. With Reference to the case of M.P. Rural Agriculture Extension Officers Association Vs. State of M.P. and Another, , learned State Counsel submitted that pay revision is essentially an executive function and is closely interlinked with evaluation of duties and responsibilities attached to the post and while revising the pay the expert body should keep in mind the several factors, namely, method of recruitment, level at which recruitment is made. In the case of State Bank of India and Ors. vs. K.P. Subbaiah (supra) the Hon''ble Supreme Court considered the Fitment of the Military personnel in the light of the Pay protection admissible to them and in that connection observed in paragraph 14 of the said judgment that the fitment into a particular scale has to be considered in the back ground of the policy decision to ensure the payment of an amount not less than the last pay drawn by the military personnel while serving the military. In the case of Union of India vs. Tarit Ranjan Das (supra) the High Court overruled that stand of the Union of India that Stenographer Grade II working in the Zoological Survey of India are

classified as Grade C and Stenographer Grade C working in the Central Secretariat belong to Grade B allowed the claim of the Stenographer Grade II working in the office of Zoological Survey of India seeking parity of pay scale with the Stenographer Grade C of the Central Secretariat. Hon''ble Supreme Court in the said judgment, however, overruled the tribunal and the High Court and observed that equality in the matters of pay is not based on designation or the nature of work alone. There are several other factors like responsibilities, reliabilities, experiences, confidentiality involved functional need and requirements commensurate with the position in the hierarchy qualification required for the posts etc., which the pay Commission has to bear in mind while making recommendation. The Pay Commission being the expert body conclusions reached by it is not subject to appeal before any Court.

23. Having heard counsel for the parties and having perused the pleadings filed by them together with the documents appended thereto including the extracts from the report of the Fitment Committee and the Fitment Appellate Committee, this Court is of the view that officers of the Bihar Animal Husbandry Service including members of petitioner No. 1 Association are veterinary Doctors having Bachelor of Veterinary Science and Animal Husbandry degree from a recognised institution and are registered with the Veterinary Council of India as also governed by the provisions of the Indian Veterinary Council Act, 1984. They have similar duties and responsibilities as that of members of the Indian Veterinary Service, as members of both the services are looking after live stock, in recognition of which fact during the last pay revision itself in terms of resolution dated 13.2.1989, 10.5.1989, Annexures-7, 7A members of the Bihar Animal Husbandry Service were allowed Class I Central pay scale of Rs. 2200-4,000/- with effect from 1.1.1986, vide Resolution dated 27.9.1997, Annexure-8B. While members of the Bihar Animal Husbandry Service continued to draw the Central scale of Rs. 2200-4,000 in the basic/entry grade the State Government again reiterated its resolve to grant revised Central pay scale in terms of Fifth Central Pay Revision Recommendations and for that purpose constituted Fitment Committee under Resolution dated 2.1.1998, Annexure-2. Perusal of paragraph 55.291 of the Report of the Fifth Central Pay Commission indicates that the Central Commission recommended similar pay scale for the veterinarians and Medical/Dental Officers with complete parity including grant of similar non-practising allowances to each of them. In the light of the said recommendations, the veterinarians in the basic/entry grade of the Central Service were given the scale of Rs. 8,000/-13,500/-, the scale given to other Group A Service. In view of the terms of reference of the Fitment Committee dated 2.1.1998, Annexure-2, exactly similar scale which was allowed to the veterinarians of the Central Service should have been recommended/given to the veterinarians of the Bihar Animal Husbandry Service also and in the opinion of this Court grant of lower scale of Rs. 6500-10,500/- to the veterinarians of the Bihar Animal Husbandry Service is contrary to the terms of reference, Annexure-2 which in mandatory terms called upon the Fitment Committee to recommend similar scale which was

recommended to the counter part of the State Service in the Central Pay Commission Report. Discretion of the Fitment Committee to recommend different scale than the one which was recommended to the counter part of the State Service in the Fifth Central Pay Commission Report was confined only to such State services which does not have corresponding Group A and B service at the Central level.

24. In the opinion of this Court classification of Bihar Animal Husbandry Service as a Class II Group B Service together with the Bihar Administrative/Police Service tantamounts to Classifying the Bihar Animal Husbandry Service as a Class II Group B Service even when the Bihar Animal Husbandry Service is a service which can be compared only with Indian Veterinary Service and no other State Service as members of both the services are governed by the provisions of the Indian Veterinary Council Act, 1984 and they have similar duties and responsibilities to look after the live stock at the Central/State level which is so useful for supplementing the agrarian economy of the State/Country and the observations of the Fitment Committee in paragraphs 35.8.2 and 35.8.6 that post of Deputy Director General, Director General and Animal Husbandry Commissioner have not been created ii the State and further selection grade posts were worked out without obtaining sanction of the Finance Department can hardly be a ground to refuse recommendation of the higher scale of Rs. 8,000-13,500 in the basic grade of the Bihar Animal Husbandry Service, which was recommended for the veterinarians of the Indian Veterinary Service. The observations of the Fitment Committee in paragraph 66 of Chapter 41 that in this State the Committee cannot adopt the Central pattern is contrary to the terms of reference as contained in Resolution of the State Government dated 2.1.1998, Annexure-2.

25. The reliance placed by the Fitment Committee over Resolution dated 28.2.1989 for grouping the Bihar Animal Husbandry Service with other State Services is also misconceived as perusal of the said Resolution would itself indicate that the said Resolution was issued providing for the methodology to consider promotion in the different grades of the State Services included in the Resolution and the said Resolution does not indicate that the State Services included in the said Resolution are either Class I Group A or Class II Group B service.

26. The observations of the Fitment Appellate Committee in paragraph 41.8. of its report that all the State Services have all along been identified as Class II Group B Services and it was only an aberration on account of organised pressure mounted by the State Services that during the last revision the State services were allowed the scale of Rs. 2200-4,000/- in the basic/ entry grade, appears to be correct in regard to the Bihar Administrative/Police Service and other State services as their counter part U.T. Civil/Police Service were never allowed the scale of Rs. 2200-4,000/-, but the said observation has no application to the members of Bihar Animal Husbandry Service as the Bihar Animal Husbandry

Service is comparable to Indian Veterinary Service on account of the provisions contained in the Indian Veterinary Council Act, 1984 and the State authorities having themselves resolved to grant central pay scales to its employees under Resolution dated 13.2.1989 and 10.5.1989, Annexures-7 and 7A, the members of the Bihar Animal Husbandry Services were rightly allowed the Central pay scale of Rs. 2200-4,000/- with effect from 1.1.1986 under Resolution dated 27.9.1997, Annexure-8B and now when the State Government has again reiterated its resolve to grant similar scale to State service(s) as has been recommended to its central counter part under the Fifth Central Pay Commission vide Resolution dated 2.1.1998, Annexure-2 then in the light of the said Resolution, the Fitment Committee ought to have recommended scale of Rs. 8,000-13,500/- for the basic/entry grade of the Bihar Animal Husbandry Service which is the scale allowed to the Veterinarians of the Indian Veterinary Service, the counter part of Bihar Animal Husbandry Service.

27. The stand of the State Respondents that this writ application should be dismissed in the light of the orders of this Court dated 8.8.2002, passed in C.W.J.C. No. 8741 of 2002 whereunder similar prayer of the Deputy Collectors who belong to Bihar Administrative Service has been rejected, shall also not persuade this Court to dismiss the present writ application as from the reasons indicated in paragraphs above, it would appear that the Bihar Animal Husbandry Service cannot be compared with the Bihar Administrative Service. The case law relied upon by the State Counsel has no applications to the facts of this case as in view of the terms of reference contained in Resolution dated 2.1.1998, Annexure-2, the Fitment Committee was under legal obligation to recommend exactly the similar scale which was recommended in the 5th Pay Revision Report to the counter part of the State Service.

28. In view of the discussions above, this Court concludes that the Fitment Committee should have recommended the scale of Rs. 8,000-13,500/- for the basic/entry grade of the Bihar Animal Husbandry Service and the Resolution of the State Government dated 8.2.1999, Annexure-4 is modified to that extent. The prayer of the petitioners to grant the scale of Rs. 10,000-15,200, 12,000-16,500 to those serving in Junior/Senior selection grade of the basic/entry grade of the Bihar Animal Husbandry Service, however, cannot be allowed as after adoption of the service conditions admissible to the Central Government employees the provision for grant of junior/ senior selection grade stood abolished with effect from 1.1.1996 and the members of the Bihar Animal Husbandry Service serving in the junior/senior selection grade of the basic/entry grade until 31.12.1995 should also be fitted/adjusted in the scale of Rs. 8,000-13,500/- after granting them pay protection in the light of the stipulations made in paragraph 11 of the Resolution dated 8.2.1999, Annexure-4. In the result, this application is allowed to the extent indicated above. No cost.