

(2023) 05 OHC CK 0284
In the Orissa High Court
Case No : Writ Petition (C) No.27484 Of 2022

Biswajit Panigrahi

APPELLANT

Vs

State Of Odisha & Others

RESPONDENT

Date of Decision : 19-05-2023

Acts Referred:

Constitution of India, 1950 — Article 226, 227

Citation : (2023) 05 OHC CK 0284

Hon'ble Judges : A.K. Mohapatra, J

Bench : Single Bench

Advocate : S.K. Sarangi, A.K. Nayak, Saswat Das

Final Decision : Allowed

Judgement

A.K. Mohapatra, J

1. The above noted Writ Petition has been filed by the Petitioner assailing the order of dismissal dated 27.05.2021 under Annexure-7 as well as order dated 20.09.2021 under Annexure-8 converting the order of dismissal to one of compulsory retirement from service by the appellate authority. Further, a prayer has also been made to provide an opportunity of hearing before passing any final order against the Petitioner in District Proceeding No.31 of 2020.

2. The factual background of the preset case in brief is that the Petitioner joined in Police service on 12.12.1991. While discharging his duties, the Petitioner was promoted to the post of A.S.I. of Police. When the Petitioner was posted at Jharsuguda, on the basis of m allegation, Jharsuguda District Proceeding No.16 of 2016 was initiated against him for violation of norms and conditions contained in Rule 3(b) of Odisha Government Servant's Conduct Rule, 1959. However, the proceeding was concluded finding the Petitioner guilty of misconduct and black marks were awarded vide order dated 05.11.2020.

3. Prior to the aforesaid Jharsuguda District Proceeding No.16 of 2016 the Petitioner was being proceeded against another Jharsuguda Proceeding No.12 of

2015 on the allegation of negligence and dereliction in his duty. The aforesaid Jharsuguda District Proceeding No.12 of 2015 was terminated by holding the Petitioner guilty of dereliction in duty and accordingly awarded punishment of withholding of increment for a period of six months without cumulative effect equivalent to one black mark vide order dated 04.04.2018.

4. Similarly while the Petitioner was posted at Kisinda Police Station, Sambalpur on some allegation Sambalpur District Proceeding No.11 dated 12.07.2019 was initiated against the Petitioner. Eventually the Petitioner was found guilty of the charges alleged against him and accordingly he was awarded with punishment of one black mark with the suspension period to be treated as such vide order dated 05.11.2020.

5. While the matter stood thus on 04.04.2018 another order was passed by the Superintendent of Police, Jharsuguda in District Proceeding No.13 of 2015 on the allegation that he had managed to refer a case directly to the V.S.S.Medical College & Hospital, Burla instead of District H.Qrs Hospital, Jharsuguda. Accordingly, he was also found guilty by the Superintendent of Police, Jharsuguda and a punishment of withholding of increment of six months without cumulative effect equivalent to one black mark was imposed on the Petitioner.

6. While the Petitioner was posted at Kisinda Police Station, another proceeding was initiated against him on the allegation of demanding money from the complainant to resolve a pending dispute. After enquiry the Petitioner was also found guilty in the said District Proceeding and was awarded one black mark vide order dated 19.03.2020 as a result the order dated 19.03.2020 reveals that the total black mark came to six as against the Petitioner.

7. On perusal of the Writ Petition, it was also observed that while the Petitioner was posted at Jharsuguda Outpost, near Gandhi Chowk an allegation was made that he fell down from the motorcycle due to excess consumption of alcohol. After due enquiry, the Petitioner was awarded with two black marks vide order dated 10.09.2020. As such the total black marks against the Petitioner came to eight. Finally, while the Petitioner was facing a proceeding, Sambalpur Police H.Qrs directed to proceed to Dhenkanal for law and order duty in connection with Gaja Laxmi Puja. However, the Petitioner willfully challenged the said order stating that he is not getting his salary. Thus, treating the same as disobedience, the Petitioner once again awarded one black mark taking his total black mark nine vide order dated 15.09.2020 with accumulation of nine black mark to his discredit, the Petitioner was proceeded against in Sambalpur District Proceeding No.31 of 2020. The said District Proceeding was terminated with the recommendation of the Superintendent of Police, Sambalpur to one punishment of dismissal from service vide order dated 05.11.2020.

8. During the pendency of Sambalpur District Proceeding No.31 of 2020, the Petitioner was issued with a second show cause notice for imposition of punishment. However, the Petitioner sought for 15 days time for filing of show

cause. The Disciplinary Authority rejected the prayer of the Petitioner and without considering the views/stand of the Petitioner to the second show cause notice, the proceeding was disposed of imposing the punishment of dismissal from service. Such imposition of dismissal from service was affirmed by the Superintendent of Police vide order dated 27.05.2021.

9. Being aggrieved by the order passed by the Disciplinary Authority in Sambalpur district Proceeding No.31 of 2020 the Petitioner preferred an appeal before the I.G. of Prisons and the appellate authority after considering the case of the Petitioner, converted the punishment of dismissal from service to one of compulsory retirement from service.

10. It has also been pleaded in the Writ Petition that the Sambalpur District Proceeding No.31 dated 05.11.2020 was initiated on the ground that the Petitioner has accumulated nine black marks and accordingly, he is liable to be dismissed from service. Pursuant to such allegation the enquiry was held. However, from the enquiry report it would reveal that the order which was passed against the Petitioner was washed out by virtue of the fact that the award of black mark was not permanent in nature, rather was conditional to the extent that the punishment of withholding of increment for a period of six months without cumulative effect which is equivalent to one black mark. Similarly, punishments were imposed in Jharsuguda District Proceeding Nos. 12 of 2015 and 13 of 2015. Thus, on expiry of six months from the date of imposition of such punishment i.e. 04.04.2018. Both the black marks awarded against the Petitioner have lost their relevance and not to be taken into consideration while initiating the proceeding No.31 of 05.11.2020. Therefore, it has been stated in the Writ Petition that the initiation of Sambalpur District Proceeding No.31 of 2020 is unsustainable in law and as consequence thereof, the order of punishment of dismissal from service is completely arbitrary, erroneous and illegal as at the time of proceeding No.31 of 2020 was initiated, the Petitioner had effectively 7 (seven) black marks against him. In such view of the matter the imposition of penalty of dismissal from service is unsustainable in law in view of the provisions contained in Odisha Police Rule 834 and 835.

11. On the contrary, a Counter Affidavit has been filed on behalf of the State- Opposite Parties. At the outset, the Opposite Parties have denied every averments and contentions of the Petitioner in the Writ Petition and they have also questioned the maintainability of the Writ Petition. In the Counter Affidavit, it has been stated that in view of the provisions contained in P.M.Rule-836, whenever any members of the Police service below the rank of Deputy Superintendent of Police, have been awarded nine black marks, proceeding shall be drawn up against him to impose a punishment like reduction in rank or compulsory retirement or removal/dismissal from service. Accordingly, it was submitted that in obedience to the aforesaid Rule and since the Petitioner has nine black marks to his discredit, Sambalpur District Proceeding No.31 of 2020 was rightly and legally initiated against the Petitioner.

12. It has also been contended in the Counter Affidavit that after acquiring six black marks to his discredit, the Petitioner was given a warning vide letter dated 19.03.2020 to the extent that on his earning three more black marks, he shall be dismissed as per PMR Rule 837. It has also been stated that after acquiring nine black marks with the termination of Sambalpur District Proceeding No.1 dated 23.01.2020 the total number of black mark earned by the Petitioner went up to nine. Accordingly, Sambalpur Proceeding No.31 of 2020 was initiated against the Petitioner. It has also been stated in the Counter Affidavit, that a due enquiry was conducted by the Enquiry Officer, namely Amaresh Panda, the then Additional S.P., Sambalpur. After completion of enquiry, the Enquiry Officer submitted his finding holding that the Petitioner is guilty of the charges. Thereafter, after observance of the principle of natural justice, the Petitioner was awarded with punishment of dismissal from service vide order dated 27.05.2021. As such, it has been stated that there is no irregularities in counting of black marks. In support of their contentions that the Petitioner has acquired nine black marks the opposite Parties have annexed the punishment order under Annexure-A/3 to G/3.

13. It has also been stated in the Counter Affidavit that black marks are permanently on record and shall be taken into consideration in deciding the nature and extent of subsequent punishment as contemplated in PMR 837(1). Further, by referring to PMR-837(2), it has been stated in the Counter Affidavit that the order awarding black marks shall specify the number of black marks outstanding against the delinquent and when the imposition of two more black marks may result in reduction in rank of compulsory retirement or removal or dismissal or one more black mark may result in his reduction in rank or loss of increment under those Rules, the order shall contain one warning to that effect.

14. The Counter Affidavit further reveals that the Petitioner was given due warning as per PMR-837 vide letter dated 19.03.2020 which was received and acknowledged by the Petitioner on 20.03.2020, but he failed to mend his attitude and further displayed his indiscipline attitude. It has also been stated that the Petitioner did not prefer any appeal regarding violation of PMR- 834 and 835 nor did he approach the competent authority in this regard. It has also been stated that the black marks are permanent in nature and shall remain in service record permanently till the same is set aside by the appellate authority.

15. With regard to observance of the principle of natural justice, it has been stated in the Counter Affidavit that the Enquiry Officer while conducting enquiry in the Sambalpur district Proceeding No.31 of 2020 has given adequate opportunity to the Petitioner to defend himself. Further, the Petitioner has been given two show cause notices to explain his position. So far as second show cause notice is concerned, it has been stated in the Counter affidavit that the Petitioner asked for some time which was rejected as the ground taken in the time petition was not logical. Accordingly, the Petitioner was awarded the punishment of dismissal from service for his grave misconduct and unsatisfactory

work. However, on an appeal filed by the Petitioner, the punishment of dismissal from service has been converted to one of compulsory retirement from service by the appellate authority. It has also been stated that although the Petitioner challenged the Jharsuguda District Proceeding No.04 of 2016, Sambalpur District Proceeding No.11 of 2019 Prog. No.12 of 2019 and Prog. No.01 of 2020 by preferring an appeal before the appellate authority. However, the appellate authority has rejected the appeal on the ground that the same are devoid of merit. In such view of the matter, it has been pleaded by the Opposite Parties that the Writ Petition is devoid of merit and accordingly the same should be dismissed.

16. Heard Mr.S.K.Sarangi, learned senior Advocate for the Petitioner as well Sri Das, learned Additional Government Advocate. Perused the pleadings of the parties as well as the documents annexed to the Writ Petition.

17. Mr.S.K.Sarangi, learned senior counsel appearing for the Petitioner at the outset submitted that in view of the provisions contained in Rule-836 of the Police Manual accumulation of nine black marks shall entail reduction in rank or compulsory retirement or removed or dismissal. The same also provides that whenever any member of the Police below the rank of Deputy Superintendent of Police, has been awarded nine black marks, proceeding shall be drawn up against him with a view to awarding any of the above punishments. By referring to the aforesaid Rule-836, it is further contended by the learned counsel for the Petitioner that the Petitioner has been awarded nine back marks, however two black marks had already been washed out after lapse of six months from the date of passing of the orders on 04.04.2018. Therefore, Mr.Sarangi, learned senior counsel for the Petitioner contended that in effect only seven black marks are left out against the Petitioner. In such view of the matter, learned senior counsel appearing for the Petitioner submitted that drawing proceeding bearing Sambalpur District Proceeding No.31 of 2020 on the basis of Rule-836 is illegal and arbitrary.

18. In course of his argument, learned senior counsel appearing for the Petitioner referring to the order of the learned Orissa Administrative Tribunal dated 18.05.2012 in Sankarsan Dalai-Vs.-Director General of Police, Odisha and others in O.A.No.2723(C) of 2008 submitted before this Court that the Full Bench of the Tribunal was required to interpret the Rule-835(1) which does not have the effect after expiry of period for which the reduction or forfeiture or withholding of increment has been imposed In such case the black mark shall not remain permanently under Rule 837(1). Further, it has been held that the black mark shall remain permanently under Rule 837 if the same is awarded separately as punishment provided in Clause (f) of Rue 824. The aforesaid order of the learned Tribunal dated 18.05.2012 in O.A.No.2733(C) of 2008 was challenged before this Court in W.P.(C) No.13624 of 2014 by the State. A Division bench of this Court vide order dated 01.03.2017 dismissed the Writ Petition and the order passed by the learned Tribunal referred to herein above was affirmed.

19. While dismissing the Writ Petition preferred by the State-Opposite Parties, A division Bench of this Court has observed that pursuant to the pursuant to the divergent orders passed in different Original Applications, the matter was referred to the larger Bench of the Orissa Administrative Tribunal in O.A.No.2723 (C) of 2008 to answer the reference " as to whether in case of penalty of reduction, ,forfeiture or withholding of increments having value of black mark as prescribed in Rule-835 of Orissa Police Rules shall remain permanently in accordance with Rule 837(1) or shall cease after expiry of period of reduction, forfeiture or withholding of increments."

The Division Bench of this Court while considering the aforesaid issue has also taken note of the observation of the Tribunal to the effect that black mark value which is in Rule 835(1) does not have effect after expiry of period for which the reduction, forfeiture or withholding of increment has been imposed. In such case, the black mark shall not remain permanently under Rule 837(1). Further the black mark shall be permanently under Rule 837 if it is awarded separately as punishment prescribed in clause (f) of Rule-824..

The order dated 01.03.2017 passed in W.P(C) No.13624 of 2014 was assailed before the Hon'ble Supreme Court by filing SLP Diary No.23651 of 2018 by the State-Opposite Parties vide order dated 13.09.2019 the aforesaid SLP was dismissed on the ground of delay. Thus, the order passed by the learned Tribunal has attained finality in the meantime.

20. To analyze the provisions contained in Rules 834, 835 836 and 837 the same has been quoted herein below:

834.(a) Imposition of black marks: Black marks may be awarded alone or in addition to other punishments enumerated alone or in addition to other punishment enumerated in Rule 824 except dismissal or removal, to al officers of and below the rank of Inspector No more than one black mark shall be awarded or any one offence except when moral turpitude can reasonably be inferred.

(b) Three black marks shall ordinarily entail reduction or forfeiture or withholding of an increment, the period of which shall be specified in the order and, after the period is over the officer will be restored to his former position. Such reduction or forfeiture or withholding of increment shall not carry any black mark value.

(c) It shall be left to the discretion of the Officer awarding the third black mark to waive the penalty noted in Clause (b) in exercising this option, he shall consider-

- i) The officers for which the previous back marks were awarded.
- ii) The length of time that has elapsed since they were awarded,
- iii) Any good service the defaulter may have to his credit.

835. (i) Effect of black marks:- A reduction or forfeiture or withholding of increment for specific offence shall carry the following black mark value

Black marks

A reduction etc. up to six months	1
Ditto twelve months	2
Ditto for longer than twelve months	3

836. Effect of nine black marks – Nine black marks shall entail reduction in rank or compulsory retirement or removed or dismissal. Whenever any Member of the Police below the rank of Deputy Superintendent of Police, has been awarded nine black marks, proceedings shall be drawn up against him with a view to awarding any of the above punishments.

837.(1) General Rules as to black marks – (1) Black marks shall remain permanently on record and be taken into consideration in deciding the nature and extent of subsequent punishments:

Provided that the due allowances shall be made for good service marks and any other recognition of good work on record in the delinquent's favour.

(2) The order awarding black marks shall specify the number of black marks outstanding against the delinquent, and when the imposition of two more blank marks may result in reduction in rank or compulsory retirement or removal or dismissal, or one more black mark may result in his reduction in rank or loss of increment under these rules, the order shall contain a warning to that effect."

21. A perusal of the aforesaid Rule Chapter XXV of Orissa Police Rule deals with punishments so far Rule 824 is concerned. The same provides for punishment that can be inflicted in a Disciplinary Proceeding on a police Officer below the rank of Deputy Superintendent of Police. Clause(f) of Rule 824 provides black mark or marks is a majour punishment. Further, such major punishment and censure shall be entered in the Service Book and other minor punishment may be entered if the officer awarding punishment so directs. Similarly Rule 834 provides imposition of black mark. Rule 834(a) enumerates that the black marks may be awarded alone or in addition to other punishments enumerated in Rule 824 except dismissal or removal. Such provision qualifies by the condition that no more than one black mark shall be awarded or any one offence except when moral turpitude can reasonably be inferred. Clause(b) of Rule 834 provides three black marks shall ordinarily entail reduction or forfeiture or withholding of an increment. The period of which shall be specified in order and if the period is over the answer will be restored to his former position. Such reduction, forfeiture or withholding of increment shall not carry any black mark value Clause(c) of Rule 834 further provides that it is left to the discretion of the officer awarding the third black mark to waive the penalty referred to in Clause(b) in exercise of his option under three contingencies which have been mentioned in the said sub-clause.

22. On a careful reading of Rule 835 which deals with effect of black marks, it

appears that reduction or forfeiture or withholding of increment for subsequent offence shall carry the following black mark value.

Black marks

Reduction etc upto six months	1
Reduction etc. upto 12 months	2
Reduction etc. upto more than 12 months	3

Similarly Rule 836 provides for effect of nine black marks. It lays down if a Police officer acquired nine black marks then proceeding shall be drawn up against him with a view to award punishment of reduction in rank/compulsory retirement/removal/dismissal from service.

24. Mr.Sarangi, learned counsel for the Petitioner appearing for the Petitioner referring to the order of the Tribunal in O.A. No.2723(C) of 2008 submitted that on a conjoint reading of Rule 824 and 835 reveals that three black marks shall entail reduction or forfeiture or withholding of an increment whereas, contrary thereto Rule 835 says that for withholding of increment for 12 months will carry value of two black marks and more than 12 months will carry value of three black marks. He further submitted that the note appended to Rule-832 provides that in giving effect to an order of punishment, care must be taken to prevent the officer being doubly punished. Therefore, he submitted that as provided in Rule-834 that punishment of black mark can be awarded or in addition to other penalties. Thus, he submitted that withholding of increment for a particular period having value of black mark, if the black mark would remain as black mark permanently under Rule-837, then the same would amount to imposing two punishments (i) withholding of increment as prescribed punishment under clause (e) of Rule 824 and (ii) black mark prescribed in Clause (f) of Rule 824. In this context, learned senior counsel further submitted before this Court that at least in two proceedings i.e. Jharsuguda District Proceeding No.13 of 2015 and Jharsuguda District Proceeding No.12 of 2015. The punishment awarded vide order dated 04.04.2018 was withholding of increment for a period of six months without cumulative effect which is equivalent to one black mark. He further submitted that since the increment has been withheld for a period of six months in both the proceedings the authorities should not have taken into consideration the punishment, which is equivalent to one black mark. Accordingly, he further submitted that the imposition of one black mark which was in aforesaid two proceedings which have been specifically stated in the punishment would be equivalent to the punishment which the Petitioner has already suffered, if given effect to, would amount to double punishment, so far as the present Petitioner is concerned. Accordingly, it was contended before this Court that the Petitioner having seven black marks to his discredit, the Sambalpur District Proceeding No.31 of 2020 under Rule 836 is unsustainable in law.

25. Mr.Sarangi, learned Senior counsel appearing for the Petitioner challenged

the impugned order of dismissal from service which was subsequently modified and converted to one compulsory retirement by the appellate authority on the ground that the original r of punishment was passed without following the principle of natural justice. So far the observance of the principle of natural justice is concerned, it is submitted that in a case where a major punishment is being imposed the authorities are bound to follow the principle of natural justice, which is otherwise also a mandates of the Rules. With regard to violation of natural justice, learned counsel for the Petitioner submitted that the second show cause notice was issued to the petitioner. The Petitioner sought for 15 days time to submit his reply. However, the Disciplinary Authority rejected the application seeking time and passed the impugned order. He also assailed the impugned order on the ground that the punishment imposed under Rule-836 is equally disproportionate which is although Rule 836 provides for punishment for reduction in rank, the Disciplinary Authority imposed the harsh punishment of dismissal from service. Although the appellate authority subsequently modified the same and converted it to a compulsory retirement, the same is also disproportionate considering the serious allegations against the Petitioner. Accordingly, it was prayed that the impugned order under Annexures-7 and 8 are unsustainable in law and therefore the same should be quashed.

26. Learned Additional Government Advocate per contra, supported the impugned order under Annexure-7 and 8. It was submitted by the learned Additional Government Advocate that since the Petitioner had acquired seven black marks, the authorities have rightly initiated a proceeding under Rule-836 in the shape of Sambalpur District Proceeding No.31 of 2020. Accordingly, by following the due procedure of law, orders have been passed by the Disciplinary Authority in consonance with the Orissa Police Rules. Therefore, no fault can be found with the Opposite Parties in passing the impugned order under Annexure-7 and 8.

27. In reply to the argument advanced by Mr.Sarangi, learned Senior Counsel for the Petitioner with regard to double punishment imposed on the Petitioner i.e., stoppage of increment for six months without cumulative effect in two D.Ps as well as imposition of one black mark, it was submitted that while imposing such punishment the authorities have acted in terms of the Rule. Since the Rule provides that imposition of punishment in the shape of reduction etc. to a particular period would have equivalent to certain number of black marks as has been enumerated in Rule 835, the authorities while imposing such punishment have taken into consideration the black marks which are equivalent to such punishment. Accordingly, the total number of black marks have been calculated and a proceeding shall be initiated under Rule 836 for dismissal of Petitioner from service. In such view of the matter, learned Additional Government Advocate submitted that the authorities have not committed any mistake in calculation of nine black marks to initiate a proceeding under the Rule-836 of the Orissa Police Rule against the Petitioner. In such view of the matter, learned Additional Government Advocate submitted that the Writ Petition is devoid of merit and

accordingly the same should be dismissed.

28. Having heard learned counsel for the respective parties and upon a careful consideration of the respective pleadings, this Court is of the view that the question that falls for determination in the present Writ Petition is similar to that one which was being considered by the Tribunal i.e., as to whether in case of penalty of reduction, forfeiture or withholding of increment having value of black mark as prescribed in Rule 835 of Orissa Police Rules shall remain permanent in accordance with Rule 837(1) or shall ceased after penalty of reduction, forfeiture or withholding of increment is answered to the aforesaid question by the Full Bench of the Orissa Administrative Tribunal having been confirmed by a Division Bench of this Court and the SLP preferred by the State-Opposite Parties having been dismissed on the ground of delay, this Court has no hesitation to come to a conclusion that the finding of the Tribunal that the black mark value contained in Rule 835(1) does not have effect after expiry of period for which reduction, forfeiture or withholding has been imposed, has attained finality. On an analysis of legal position, this Court is also of the same view that has been expressed by the Tribunal which was upheld by the Division Bench of this Court otherwise in other interpretation of Rule 835 would amount to double punishment for the same offence which has been prohibited in note appended to Rue-832.

29. Applying the aforesaid legal position to the fact of the present case, this Court on a careful scrutiny of the orders passed in the District Proceeding Nos.12 of 2015 and 13 of 2015 of Jharsuguda district by the S.P. of Jharusugda found that punishment of withholding of increment for a period of six months without cumulative effect equivalent to one black mark has been imposed. Further, the petitioner having suffered punishment of withholding of increment for a period of six months without cumulative effect on both the occasions, equivalency thereof of one black mark if taken into consideration shall amount to imposing double punishment on the Petitioner. Therefore, while calculating nine black marks for the purpose of Rule 836, the Opposite parties should not have included the imposition of black marks in District Proceeding No.12 of 2015 and 13 of 2015 of Jharsuguda district. Moreover, the imposition of black mark it is being a punishment under 824(f), the same cannot be equated with a punishment under Rule 824(e). So Clause (f) is to be taken into consideration.

30. Since the Petitioner has already suffered the punishment under 824(e) the imposition of punishment under Clause (f) of Rule 824 would be in addition to the punishment in Clause (e) of Rule 824. Therefore, this Court is of the considered view that the same would amount to imposing of double punishment for the self same offence. Accordingly, this Court is of the firm view that the two black marks should not have been taken into consideration for the purpose of a proceeding under Rule 836. The argument advanced by the leaned Additional Government Advocate renders contrary to the findings of the Tribunal which was confirmed by a Division Bench of this Court. Therefore, the contentions raised to the contrary by the learned Additional Government Advocate is hereby rejected.

31. In view of the aforesaid analysis of law as well as the facts, this Court has no hesitation in holding that the authorities have committed an error in calculating nine black marks for initiation of a proceeding against the Petitioner under Rule-836. In fact the Petitioner had accumulated seven black marks to his discredit. Moreover, this Court is of the view that the authorities have not fully complied with the principle of natural justice by rejecting the time petition and not allowing the Petitioner to file reply to the second show cause notice considering the seriousness and gravity of the punishment, as such the consequential imposition of punishment would not be unsustainable in law. On both the counts the impugned order under Annexure-7 and 8 are unsustainable in law. Accordingly, the same are hereby quashed. It is further directed that the Petitioner be reinstated in service with all consequential and service benefits.

32. Accordingly, the Writ Petition is allowed. There shall no order as to cost.

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