

(1980) 04 PAT CK 0011

In the Patna High Court

Case No : Civil Writ Journ. Case No. 317 of 1977 (R)

Harish Tara Refractories Private Ltd., Ranchi

APPELLANT

Vs

State of Bihar and Others

RESPONDENT

Date of Decision : 23-04-1980

Acts Referred:

Mineral Concession Rules, 1960 — Rule 24, 24(1), 24(3), 54
Mines and Minerals (Development and Regulation) Act, 1957 — Section 30

Citation : AIR 1982 Patna 99

Hon'ble Judges : Umesh Chandra Sharma, J; Shivanugrah Narain, J

Bench : Division Bench

Advocate : S.C. Banerjee, Devi Lal, Amareshwar Sahay and Indrani Choudhary, for the Appellant; S.B. Gadodia, Standing Counsel, A.B. Kumar, Jr. Counsel to Standing Counsel (for Nos. 1 and 2), R.N. Sahay Sinha, S.C.C.G and B.S. Lal, Jr. Counsel to S.C.C.G. (for No. 3), for the Respondent

Final Decision : Allowed

Judgement

Shivanugrah Narain, J.—This is an application for quashing the order dated 3-8-1977 of the Central Government, copy whereof is Annexure "11" to this writ application, by which the Central Government has dismissed the revision application filed by the petitioner u/s 30 of the Mines and Minerals (Regulation and Development) Act, 1957 read with Section 54 of the Mineral Concession Rules, 1960 (hereinafter called "the Rules") against the order of the Government of Bihar (hereinafter called "the State Government") rejecting the application of the petitioner for grant of mining lease in respect of certain lands.

2. The relevant facts are these: On 9-5-1969 the petitioner, M/s. Harish Tara Refractories (P.) Ltd., a company incorporated under the Companies Act, 1956, which carries on mining business, filed an application for grant of mining lease for winning fireclay with respect to 250 acres of land in villages Balu Datum and Kuriam Kala within the jurisdiction of Balu Nath Police Station in the district of Palamau. That application was rejected by the State Government. The petitioner

filed revision application against the said order and upon the application of the petitioner, the Central Government set aside the aforesaid order of the State Government, and remanded the case to the State Government for a fresh decision. The application of the petitioner, however, was again rejected by the State Government and the petitioner filed another revision application against the second order of rejection passed by the State Government. By its order dated 25-10-1975 communicated by letter of that date issued under the signature of the Under Secretary, Government of India in the Ministry of Steel and Mines, copy whereof is Annexure "1" to this writ application, the Central Government allowed the aforesaid revision application, set aside the order of the State Government and directed the State Government to pass appropriate and final order on merits of the application of the petitioner for grant of mining lease within 100 days. Though the direction of the Central Government was that the final orders on the application be passed within 100 days, admittedly no orders were passed by the State Government within the period of 100 days. For the purpose of this case, it is not necessary to set out the circumstances in which no orders were passed by the State Government within the period specified by the Central Government. Ultimately, by a letter dated 17-8-1976, a copy of which was forwarded to the petitioner under memo No. 1244 N dated 13-10-1976, addressed by the Additional Secretary to the State Government to the Deputy Commissioner, Palamau, the State Government intimated that as orders on the application of the petitioner could not be passed within the period fixed by the Central Government, the application stood automatically dismissed. In that letter some further objections to the grant of the lease to the petitioner were also set out. A copy of the aforesaid letter is Annexure "8" to this writ application. According to the averments in the petition, which are not controverted, though a counter-affidavit was filed on behalf of respondents Nos. 1 and 2, and therefore, must be accepted, the aforesaid copy of the order was received by the petitioner on 16-10-1976. Thereafter, the petitioner filed a fresh revision application under Rule 54 of the Rules to the Central Government against the order of the State Government communicated to it under the memo dated 13-10-1976 aforesaid. It appears that the said revision application was dated 10-1-1977, but it was received in the office of the Central Government on 14-1-1977. Thereafter, by a letter dated 7-2-1977, copy whereof is Annexure "9" to the writ application, the Central Government called upon the petitioner to show cause why the revision application be not rejected as time-barred by one day as the revision was directed against the order of the State Government dated 13-10-1976 and should have been filed before 13-1-1977 but was received on 14-1-1977 and, therefore, was time-barred by one day. The petitioner filed a petition showing cause stating that the revision application filed was within time as the order of the State Government was communicated to it on 16-10-1976 and revision application was despatched on 10-1-1977 and was received by the office of the Central Government on 14-1-1977 within the period of three months. Thereafter, the Central Government by the impugned order dated 3-8-1977, as already stated, dismissed the revision application filed by the petitioner.

3. By the aforesaid order, the Central Government held that as the State Government did not pass orders on the revision application "within the statutory period of 100 days, i.e., by 1-2-1976", the orders passed by the State Government on 13-10-1976 were without jurisdiction and a nullity and it set aside the aforesaid order of the State Government. Thereafter, it passed the following order :--

"As the application was deemed to be rejected on 2-2-76, and no revision application had been filed against the deemed rejection, the application was no longer alive at the time of the order by the State Government. No fresh orders of the State Government on the application are therefore necessary."

There can be no doubt that this order is tantamount to an order dismissing the revision application filed before the Central Government by the petitioner. As I have already stated, the present application is directed against the aforesaid order of dismissal.

4. It is clear from the impugned order, the relevant portion of which I have quoted, that the Central Government has refused to consider the revision application filed before it by the petitioner on merits and has in effect declined to entertain it. The reason why it has refused to entertain the revision application are not expressly stated in the impugned order. The fact that the application for grant of the mining lease was no longer alive may justify the conclusion that no fresh orders of the State Government on the application were necessary. But it will not, by itself, justify the action of the Central Government in refusing to deal with the application in exercise of its revisional jurisdiction duly invoked by the petitioner. As pointed out by the Supreme Court in *State of Assam and Others Vs. Om Prakash Mehta and Others*, the fact that the application for grant of mining lease must be deemed to have been refused under Rule 24 (3) of the Rules "does not prohibit the Central Government from passing any order it may deem just and proper". It may, however, be assumed that the Central Government refused to entertain the revision application filed by the petitioner on the ground that the only order of rejection in the eye of law was the deemed order of rejection which must be deemed to have been made on 2-2-1976 after the expiry of the period fixed by it and no revision application had been filed by the petitioner, at least within the prescribed period of limitation, against that order. But then the impugned order refusing to entertain the revision application can be sustained only if the finding that the application for grant of a mining lease filed by the petitioner was not alive as the application must be deemed to have been rejected on 2-2-1976 is correct in law. Sri S. C. Banerjee, Advocate, appearing on behalf of the petitioner contends that it is not. In my opinion, this contention is sound and must be accepted. It is true that the period of 100 days had expired before the State Government passed the order, copy whereof is Annexure "8" to the writ application and which communicated to the petitioner by the memo dated 13-10-1976. The Central Government, however, was clearly in error in treating that period of 100 days as the "statutory period". The

aforesaid period of 100 days was not fixed by any statutory provision. It was fixed by the order of the Central Government passed upon a revision application filed before it u/s 30 of the Mines and Minerals (Regulation and Development) Act, 1957 (hereinafter called the Act) read with Rule 54 of the Mineral Concession Rules, 1960 framed thereunder. A reference to Rules 24 and 54 of the Rules which are the only relevant statutory provisions makes this crystal clear.

5. Chapter IV of the Rules lays down the procedure for grant of mining leases etc. Under Rule 22, the person desirous of obtaining mining lease etc. in respect of land in which minerals vest in the Government is required to file an application, for the same on the prescribed form to the State Government. Rule 23 provides that the receipt of the application shall be acknowledged. Rule 24, so far as is relevant, runs thus:--

"24. Disposal of application for mining lease.-- (1) An application for the grant of a mining lease shall be disposed of within twelve months from the date of its receipt.

(2) xx xx xx (3) If any application is not disposed of within the period specified in Sub-rule (1) it shall be deemed to have been refused :...." Section 30 of the Act confers power on the Central Government to revise any order made by a State Government or other authority in exercise of powers conferred on it by or under this Act, either on its own motion or on application made within the prescribed time. The time is prescribed by Rule 54 of the Rules, which so far as is relevant, runs thus :--

"54. Application for revision.-- (1) Any person aggrieved by any order made by the State Government or other authority in exercise of the powers conferred on it by the Act or these rules may, within three months of the date of communication of the order to him, apply to the Central Government in Triplicate in Form N for revision of the order

Provided that any such application may be entertained after the said period of three months, if the applicant satisfies the Central Government that he had sufficient cause for not making the application within time....."

There is an Explanation to Rule 54 which reads as follows :

"Explanation-- For the purposes of this rule, where a State Government has failed to dispose of an application for the grant or renewal of a prospecting licence or a mining lease within the period specified in respect thereof in these rules, the State Government shall be deemed to have made an order refusing the grant or renewal of such licence or lease on the date on which such period expires."

6. It will thus be seen that under Sub-rule (3) of Rule 24 an application for the grant of mining lease shall be deemed to have been refused only if the application is not disposed of "within the period specified in Sub-rule (1)", that is

to say, "within 12 months from the date of its receipt" The Explanation to Rule 54 does not in terms specify the period during which if the State Government fails to dispose of the application for grant of the mining lease etc., it shall be deemed to have made an order refusing the grant etc. of the mining lease on the date on which such period expires. The period is indicated by the expression "the period specified in respect of the disposal of an application for grant of a mining lease etc. The only period specified in the rules for disposal of an application for the grant of a mining lease is the. period specified by Rule 24 (1). If, therefore, Rule 24 and the Explanation to Rule 54 are read together, it is manifest, that according to the statutory provision, i. e., the Rules, an application for grant of a mining lease "shall be deemed to have been refused" or the State Government "shall be deemed to have made an order refusing the grant thereof only if the application, is not disposed of "within the period specified in Sub-rule (1)" of Rule 24. Can it be said that the period specified in the order (Annexure "1") of the Central Government for disposal of the application by the State Government on remand is the period specified in Sub-rule (1) of Rule 24 of the Rules. In my opinion, there can be no doubt that it is not. The expression "the period specified in Sub-rule (1)" is as clear, specific, plain and unambiguous and admits of only one meaning, viz., the period laid down or contained in Sub-rule (1). The use of the word "specified" only reinforces the conclusion. No period can be said to be specified in Sub-rule (1) if it is not contained in Sub-rule (1) or cannot be ascertained precisely by reference of the provisions of Sub-rule (1) alone. The only period for disposal of the application for grant of mining licence specified or contained in Sub-rule (1) of Rule 24 is the period of 12 months from the date of its receipt. It is, therefore, manifest that "the period specified in Sub-rule (1)" occurring in Sub-rule (3) of Rule 24 means "the period of 12 months from the date of its receipt, i. e., the receipt of the application for the grant of the mining lease". The period specified in the order (Annexure "1") of the Central Government is the period of 100 days and not 12 months and it has to be computed either from the date of the said order or the date of its receipt by the State Government. The period of 12 months from the date of the receipt of the application had expired much before 2-2-1976 the date of expiry of the period of 100 days and indeed even before 25-10-1975 when the order contained in Annexure "1" was passed by the Central Government. "The expression "date of its receipt" construed according to its plain meaning and with reference to the context means the date on which the application for grant of the mining lease is first received by the State Government from the applicant." It must be remembered that the expression "the date of its receipt" occurs in Rule 24 which follows Rules 22 and 23 which provide for an application for grant of mining lease etc. and for acknowledgment of its receipt after such an application is received from the applicant.

7. Even if the view is taken that the expression "date of its receipt includes the date or dates on which an application for grant of mining lease is received by the State Government after the case is remarked to it by the Central Government

after setting aside the previous order of the State Government passed on the application for grant of a mining lease, the period of 100 days expiring on 1-2-1976 the period prescribed by the aforesaid order cannot be regarded as the period of the Central Government is 100 days while the period specified in Sub-rule (1) of Rule 24 is twelve months. On either interpretation of the expression "date of its receipt" in Rule 24 (1) the period of 100 days expiring on 1-2-1976 specified in the order of the Central Government as contained in Annexure "1" to the writ application, cannot be regarded as the period specified in Sub-rule (1) to Rule 24. And, therefore, the application of the petitioner for grant of a mining lease cannot be deemed to have been refused by virtue of Sub-rule (3) to Rule 24 on the expiry of the period specified in the order of the Central Government. As I have pointed out Sub-rule (1) of Rule 24 is the only provision specifying a period for disposal of the application for grant of a mining lease. Therefore, it follows that if the period specified in the order of the Central Government for disposal of the application for grant of a mining lease is not the period specified in Sub-rule (1) to Rule 24, the failure to dispose of the application for grant of the mining lease within that period cannot be regarded as failure to dispose of an application for the grant of mining lease within the period "specified in respect thereof in these rules" within the meaning of the expression as contained in the Explanation to Rule 54. And, therefore, the application cannot, on the expiry of the aforesaid period be deemed to have been refused by the State Government, by virtue of the Explanation to Rule 54.

8. Sri Ram Nandan Sahay Sinha, Standing Counsel for the Central Government appearing for respondent No. 3 and Sri Gadodia Standing Counsel for the State Government appearing for respondents Nos. 1 and 2 strenuously contend that the period fixed by the Central Government for disposal of the application for grant of mining lease by the State Government in, exercise of its revisional jurisdiction u/s 30 of the Act read with Rule 54, must be regarded as "the period specified in respect thereof (i. e. for disposal of an application for grant of mining lease etc.) in these rules" within the meaning of the expression as occurring in the Explanation to Rule 54 because the period has been fixed by the Central Government in exercise of the powers conferred by the rules I will assume that the period of 100 days specified in the order was specified by the Central Government in exercise of powers conferred by these rules and not by the Act, but still the contention must fail. The period, "specified in an order passed in exercise of powers conferred by these rules" cannot be equated with or be included within the ambit of the expression "the period specified..... in these rules" used in the Explanation to Rule 54. The period specified by an order passed in exercise of the powers conferred by these rules cannot be regarded as "the period specified in these rules" which as expression, as I have already stated, construed with reference to its context clearly and plainly means the period which is contained in these rules and can be ascertained by reference to the rules alone or is laid down by the rules themselves directly without the intervention of any other agency. To hold that the period specified in an order

passed in exercise if powers conferred by these rules is included within the ambit of the expression "the period specified in these rules, would amount to reading into the Explanation words like or the period specified in any order passed in exercise of the powers conferred by these rules", words which are not there. In *Thompson v. Goold and Co.* 1910 AC 409 Lord Mersey said "It is a strong thing to read into an Act of Parliament words which are not there and in the absence of a clear necessity it is a wrong thing to do". And those observations are opposite in connection with the interpretation of a rule like this rule framed in exercise of power conferred by a legislative enactment for the rules of interpretation for both are the same. I can see no clear necessity to read into the Explanation the words "or by an order passed in exercise of the powers conferred by these rules" or some similar words. As Rule 24 (1) specifies the period for disposal of the application for grant of mining lease etc., the expression "the period specified in these rules" can be given a meaningful interpretation even without adding any words thereto. Further, it cannot be said that the object of the Explanation to Rule 54 would not be effectuated, or effectuated very imperfectly, if the words "or by an order passed in exercise of the power conferred by these rules" are not read into the Explanation. The object of the statutory fiction of deemed rejection of the application for grant of mining lease etc. If the application is not disposed of by the State Government within the period specified by the Rules created by Rule 24 (3) or the Explanation to Rule 54 clearly is to facilitate the exercise of the right of the applicant to approach the Central Government for the grant of mining lease etc. in exercise of its revisional jurisdiction. Because of the statutory fiction of deemed rejection the right of the applicant for grant of a mining lease etc. to invoke the revisional jurisdiction of the Central Government cannot be unduly delayed and thus defeated either by the inaction of the State Government or by its design to prevent the applicant from "approaching the Central Government by the simple expedient of refusing to pass final orders on his application. That object is completely achieved by interpreting "the period specified in these rules" literally without adding any words thereto as meaning the period contained in these rules or the period which can be ascertained by reference merely to the rules. The rules specify the period of 12 months during Which, if the application is not disposed of, it is deemed to be rejected and the right of the applicant to invoke the revision at once accrues. There is, therefore, nothing either in the context or the object of the Explanation which requires us to depart from the plain, literal meaning of the expression "specified in these rules" and to add thereto the words "or in any order passed in exercise of the power conferred by these rules" or any similar words.

9. On the contrary, it seems difficult to Imagine that the rule-making authority intended that the aforesaid words be read into the Explanation. It must be remembered that Sub-rule (3) to Rule 24 and the Explanation to Rule 54 are extraordinary provisions, which by creating a statutory fiction bring about the serious consequence of dismissal of the application for grant of a mining lease

etc. even though the application has not actually been rejected. In the absence of statutory provision to that effect, an application is not deemed to be rejected or granted because of the expiry of any period from time of receipt of that application by the authority empowered to grant or refuse an application. The dismissal of the application being a serious matter, it is difficult to believe that the rule-making authority would lay down the consequence of rejection of an application for failure to dispose of the same within a period which was to be fixed by another authority subsequently and of the duration of which it had no idea. It seems reasonable to conclude that the consequence of deemed rejection of the application on the expiry of a certain period without its disposal has been laid down only if the application is not disposed of within the period of which the rule-making authority was fully aware and which it had itself laid down in the rules. The plain literal meaning of the expression "the period specified in respect thereof in these rules" without reading any further words the rule is, therefore, in accord with the object of the provision and also its context and there is absolutely no necessity for reading into the Explanation the words "or in any order passed in exercise of the powers conferred by these rules" or any similar words. I am, therefore, clearly of the opinion that the expression "specified in respect thereof in these rules" means, so far as it relates to an application for grant of mining lease, the period specified in respect of the disposal of the application for mining lease in Rule 24 (1) i. e., the period of twelve months from the date of its receipt and does not include the period specified for fresh disposal of the application for grant of mining lease, in the order of the Central Government passed is exercise of its revisional jurisdiction.

10. The decisions of the Andhra Pradesh High Court in *M. Seshanna Vs. Union Government of India Ministry of Steel and Mines and Others*, and of the Supreme Court in *Dharam Chand Jain Vs. The State of Bihar*, relied upon by the learned Standing Counsel for the Central Government, in my opinion, have no bearing on the interpretation of the expression "the period specified in respect thereof in these rules" in the Explanation to Rule 54 or "the period specified in Sub-rule (1) occurring in Sub-rule (3) of Rule 24". In the Supreme Court case, the State Government failed to pass any final orders on the application for grant of a mining lease and, thereupon, the Central Government in a revision application preferred before it directed the State Government to grant the mining lease and when the petitioner went up in revision before the Central Government, the Central Government rejected the revision application of the appellant before the Supreme Court by its order dated 17-2-1968. When the matter came up the Supreme Court on appeal, it set aside the order of the Central Government holding that the State Government was bound to implement the order passed by the Central Government on the previous revision application and the Central Government could not revise its earlier order at least in the absence of some fresh grounds which warranted reconsideration of the earlier order. In the Andhra Pradesh Case (*supra*) the decision of the Central Government was challenged before the Andhra Pradesh High Court on the ground that the re-Vision petition

before the Central Government was filed far beyond the period of limitation inasmuch as the order of rejection of the application for grant of mining lease must be deemed to have been passed by the State Government on an earlier date and if the limitation was computed from that date and not from the date of the passing of the order by the State Government, the revision petition was beyond time. The argument was rejected by stating that the petitioner had filed a revision petition earlier asking the Central Government to direct the State Government to extend the period for disposal of his application. The Andhra Pradesh High Court held that the validity of the extension of time for disposal of the application by the Central Government could not be questioned. No question arose whether a period for disposal of the application for mining lease fixed by the Central Government in exercise of its revisional jurisdiction must be regarded as the period specified in these rules.

11. It, therefore, follows that the period of 100 days specified by the order of the Central Government dated 28-5-1975 for the disposal of the application by the State Government on remand cannot be regarded "as the period specified in Sub-rule (1) of Rule 24 of the Rules" or "the period specified in respect thereof in these rules" within the meaning of the expression as used in the Explanation to Rule 54 of the Rules, and the application of the petitioner for grant of a mining lease cannot be deemed to have been refused by virtue of either Rule 24 (3) or the Explanation to Rule 54 of the Rules. And there is no other statutory provision.

12. Can it be said that even apart from any statutory provision, by virtue of the order of the Central Government contained in Annexure "1" upon the failure of the State Government to dispose of the application within the period specified in the order the application of the petitioner must be deemed to have been rejected by the State Government. The answer is clearly in the negative. The operative portion of the order dated 25-10-1975 of the Central Government (Annexure "8") runs, as follows :--

"The Central Govt., therefore, in exercise of their powers under Rule 55 of MCR 1960 all other enabling powers in that behalf hereby set aside the impugned order of the State Government and direct the State Government to pass appropriate and final orders on merits on the M. L. application of the petitioner within 100 days."

13. It is clear that the Central Government had not passed a specific order to the effect that if the State Government did not pass any final orders on merits of the application of the petitioner within the period fixed, the application of the petitioner shall stand dismissed or shall be deemed to have been rejected. Nor can such an order be read into the aforesaid order of the Central Government on any legal principle. When a Court or Tribunal intends that a serious consequence like that of dismissal of an application shall follow automatically without further reference of the matter to it, it says so expressly and clearly. See the peremptory orders passed by this Court. It is the usual practice of Courts and Tribunals that if an order passed by them is not complied with, and the order is silent about the

consequence of non-compliance with that order, the matter is again placed for orders before the Court or Tribunal unless the consequence of non-compliance is prescribed by a statutory provision. A serious consequence like dismissal of the application for non-compliance with it cannot be read into the order by implication. It must be remembered that the petitioners whose application was remitted to the State Government for disposal within the time prescribed had no control over the State Government and could not compel it to dispose of the application within the period prescribed and that the period of 100 days was a period prescribed for performance of a duty by the State Government viz. the duty of passing orders upon application duly filed before it. It would be highly unjust that the application of the petitioner which had been remitted to the State Government by the Central Government after setting aside its previous order of rejection should be dismissed without consideration of its merits and without any fault on the part of the petitioners, because the State Government did not comply with the direction of the superior Tribunal which had set aside its earlier order on the subject. In that event, the State Government would be vested with a power to have its order which had been set aside restored because by the simple expedient of not passing any orders on the application, within the period specified, it could have the application which it had rejected earlier, rejected once again. Such an intention, unless plainly and explicitly expressed may not be imputed to the Central Government. It seems reasonable to conclude that by prescribing a time limit for passing orders on the application which it had remitted to the State Government for fresh decision, the Central Government intended that the State Government shall pass orders on the petition expeditiously and not that the order passed by it beyond the time limited by the order would be null and void. At best it only intended that if it failed to do so, the State Government should seek its instruction on the matter whereupon the Central Government would either extend the time limit or withdraw the case to itself for disposal. I may mention that a statutory provision prescribing a time limit for performance of an official duty without indicating the consequence of non-performance of the duty within the time prescribed is generally regarded as directory only and not involving -the nullification of the act done beyond the time prescribed. In Maxwell on Interpretation of Statutes, 11th Edition, Page 369 occurs this passage which was quoted with approval by a Full Bench of this Court in Shiveshwar Prasad Sinha Vs. The District Magistrate of Monghyr and Another, :--

"It has often been held, for instance, when an Act ordered a thing to be done by a public body or public officers and pointed out the specific time when it was to be done, that the Act was directory only and might be complied with after the prescribed time." This is on the principle that "the provisions of a statute relate to the performance of a public duty and to hold null and void acts done in neglect of this duty would work serious general inconvenience, or injustice to persons who have no control over those entrusted with the duty, and at the same time not promote the main object of the Legislature". It is, therefore, manifest

that the direction that if the State Government fails to dispose of the application within the specified period, the application shall stand dismissed cannot be read into the order of the Central Government by necessary implication. The decision of the Central Government that the application for grant of mining lease of the petitioner which was remanded to the State Government for fresh decision must be deemed to have been rejected on 2-2-1976 after the expiry of the period of 100 days specified in the order is, therefore, clearly erroneous in law.

14. And if it is held that the application could not be deemed to have been rejected on 2-2-1976, it is manifest that the petitioner could not have filed a revision application immediately after 2-2-1976 and before the passing of the order communicated to it by memo dated 13-10-1976, copy whereof is Annexure "8" to the writ application. Admittedly, the petitioner filed a revision application before the Central Government against that order and the Central Government has not considered that application on merits under the erroneous assumption that the application of the petitioner for grant of a mining lease must be deemed to have been rejected on 2-2-1976 and no revision application had been filed against the deemed rejection, I may state that it has not been contended before us that the revision application filed against the order dated 13-10-1976 of the State Government was not filed within the time allowed by law. Indeed, it could not have been so contended because the period of limitation prescribed is three months from the date of the communication of the order which event took place on 16-10-1976 and the revision application was received by the Central Government on 14-1-1977 within the aforesaid period of three months.

15. Upon these findings, the revision application must be allowed and it is not necessary to consider whether the revision application filed could also be deemed to be a revision application filed against the deemed rejection and was in time. I may only state that while it was argued on behalf of the respondents that the revision application against the deemed order of rejection filed on 14-1-1977 would be barred by limitation and reliance was placed in support of this argument on the decision of this Court in C. W. J. C. No. 592 of 1978 (P) and C. W. J. C. No. 393 of 1979 (R) : (both disposed of on 23-1-1980), this argument was controverted on behalf of the petitioner with reference to the decision of this Court reported in 1976 BBCJ (HC) 448. It is not necessary to pronounce upon these rival contentions in view of the finding arrived at by me.

16. I would, accordingly, allow the application, set aside the order dated 3-8-1977 of the Central Government, copy whereof is Annexure "11" to the writ application, and direct the Central Government to dispose of the revision application filed by the petitioner in accordance with law. The petitioner will be entitled to his costs of this application. Hearing fee of Rs. 200/- only.

Umesh Chandra Sharma, J.

17. I agree.