

(2011) 11 JH CK 0107
In the Jharkhand High Court
Case No : L.P.A. No. 256 of 2011

Kamal Prasad and Others

APPELLANT

Vs

The State of Jharkhand and Others

RESPONDENT

Date of Decision : 08-11-2011

Acts Referred:

Bihar Reorganisation Act, 2000 — Section 72
Civil Procedure Code, 1908 (CPC) — Order 7 Rule 7
Constitution of India, 1950 — Article 14, 142, 16, 309

Citation : (2011) 11 JH CK 0107

Hon'ble Judges : Prakash Tatia, C.J.;Jaya Roy, J

Bench : Division Bench

Final Decision : Allowed

Judgement

1. Heard learned counsel for the parties.
2. The appellants-writ petitioners are aggrieved against the judgment dated 25th July, 2011 by which the writ petitions of the writ petitioners were dismissed.
3. The facts which are relevant for the purpose of deciding this writ petition are required to be narrated in brief only because there is in fact no dispute with respect to the factual aspect.
4. The petitioners alongwith others were initially appointed on the post of Junior Engineers in the Rural Development Department in the erstwhile State of Bihar, about 30 years ago from now i.e. they were appointed in the year 1981. The petitioners were duly qualified for the post. However, after taking their services for six years as Junior Engineers, the State Government on 27th June, 1987, passed another order and appointed these persons on the posts of Assistant Engineers, temporarily for a period of six months and it is mentioned in the order dated 27th June, 1987 itself that the said appointments are in anticipation to the recommendation which may come from the State Public Service Commission. However, so far as appointment on the post of Junior Engineers was concerned,

that appointment did not require any recommendation from the State Public Service Commission. The petitioners continued and served on the post of Assistant Engineers. The petitioners since were temporarily appointed and were allowed to continue on the post beyond six months period, therefore, they had apprehension every time that their services may be terminated and, therefore, it appears from the facts of the case that in that apprehension when there was advertisement advertised for the post of Assistant Engineers they applied for the post of Assistant Engineer in the year 1985 when advertisement No.13/1985 was advertised by the Government for filling up of the vacancies which were in existence as on 31.12.1987. The petitioners" could not succeed and their names were in the waiting list. However, even after such regular selection and postings in pursuance of advertisement No. 13/1985, the petitioners" services were not terminated or dispensed with obviously because, vacant posts were available. It will be worthwhile to mention here that Union of unemployed graduate engineers preferred three writ petitions before this Court wherein they prayed that 200 posts have been created in Rural Engineering Organisation and have been advertised from the Road Construction Department, and those posts may be included in advertisement No. 13 of 1985. However, this prayer was rejected by the High Court as well as by the Hon"ble Supreme Court. There was one plea of unemployed graduates in the writ petition that less vacancies had been shown by the State Government and this issue was decided in favour of these writ petitioners i.e. unemployed graduate engineers and it was held that the Government had not given out the complete number of vacancies. The Hon"ble Supreme Court upheld that finding of the High Court that the State Government had not given out the complete number of vacancies in the advertisement. One Interlocutory Application was also submitted before the Hon"ble Supreme Court by the ad-hoc employees of the National Rural Employment Programme praying therein that those 200 posts be given to them but that too was rejected by the Hon"ble Supreme Court. Then the process of selection was completed and as we have already noticed, that these writ petitioners alongwith remaining persons who were 42 in total numbers could not succeed in the selection and could not get regular appointments on the post of Assistant Engineers and their names remained in the select list and even after giving appointment to the persons selected regularly under advertisement No. 13/1985, the services of these 42 Assistant Engineers had not been terminated. It will also be worthwhile to mention here that in the year 1996 the petitioners got more opportunity in view of the order passed by the Hon"ble Supreme Court in Civil Appeal No. 7516-17 of 1996 whereby the Hon"ble Supreme Court directed the State Government to give some age relaxation to such ad-hoc employees while considering the appointment on the post of Assistant Engineers. However, the present writ petitioners admittedly did not apply for fresh appointment. The process of selection was completed under the advertisement of 1996 also and that was completed in the year 2002. Again the services of the petitioners were neither terminated nor dispensed with after giving appointments under the advertisement of 1996 and particularly when the age relaxation was granted by

the State Government to the ad-hoc employees, therefore, the petitioners continued on the post even after the second regular selection.

5. On 15th November, 2000 the State of Jharkhand was created by bifurcation of the State of Bihar by the Act of Bihar Reorganisation Act, 2000. As per section 72 of the Act of 2000 the persons who were working on the post falling in the territory of the State of Jharkhand was to continue on the post in the State of Jharkhand. There is no dispute that the petitioners continued in the employment in the State of Jharkhand after creation of new State, i.e. State of Jharkhand and serving in the Department of the State of Jharkhand.

6. Thereafter, it appears that in writ petition bearing W.P.(S) No. 1001 of 2010 (Kamal Prasad & Ors. vs. The State of Jharkhand & Ors.) an order was passed by the High Court on 22.03.2010, copy of which is placed on record of the L.P.A. as Annexure-15. Taking help from said order, it appears that the State of Jharkhand unilaterally decided that the appointment of the petitioners were not valid and accordingly it directed that they should go back to the State of Bihar. This order was challenged by the writ petitioners in W.P.(S) No. 1001 of 2010 i.e. in the present writ petitioners writ petition itself and this Court passed order that in view of the decision of this Court delivered in the case of Ram Swarath Prasad vs. State of Jharkhand & Ors. reported in 2002 (1) J.C.R. 106, this power was not available to the State Government i.e., to pass unilateral order directing the employees to go to the State of Bihar. That appears to be in consonance with Section 72 of the Bihar Reorganisation Act, 2000. The learned Single Judge in order dated 22nd March, 2010 also observed that no further action will be taken in pursuance to the repatriation order which is under challenge. However, it will be open to the proper authorities having such power to take a reasoned decision after issuing show-cause notices with regard to the validity of the appointment or with regard to the final allocation of the cadre in accordance with law. It appears that the State Govt. interpreted the order dated 22.03.2010 as direction to State to proceed to terminate services of these employees and the State took a decision to terminate the services of all such engineers including the writ petitioners and for which orders were issued. However, when an Interlocutory Application was filed before the learned Single Judge it was stated on behalf of the State Government that inadvertently that decision was taken and the State Government had no knowledge of the order to maintain status quo dated 09.09.2010 which was passed in W.P.(S) No. 2087 of 2010, copy of which is placed on record as Annexure-18. Finding this situation the State submitted that they are keeping the order of termination of services of the writ petitioners and similar persons in abeyance. However, the State did not withdraw that order. Therefore, all the writ petitioners and other engineers only from 09.09.2010 are continuing in service because of the Stay order passed by this Court. Ultimately, writ petitions of writ petitioners were dismissed by learned Single Judge vide impugned judgment dated 25.07.2011 and the present appellants preferred this L.P.A. on 02.08.2011. During pendency of present L.P.A. the State Government rejected the writ petitioners representations and terminated services of all such

employees vide separate but similar orders dated 24.08.2011.

7. The writ petitioners-appellants, therefore, have submitted an Interlocutory Application before this Court questioning the propriety and legality of the orders dated 24.08.2011 and the action taken by the State. In this Letters Patent Appeal on 13.09.2011 an interim order was passed to maintain status-quo and the petitioners were allowed to work on the post.

8. The contention of the learned counsel for the appellants before this Court is that the writ petitioners were appointed as back as in the year 1981 on the post of Junior Engineers which was not illegal or even irregular and they are qualified persons and eligible to hold the post. Their services were good and satisfactory and they were appointed on the post of Assistant Engineers by order of the Government dated 27.06.1987 and continued till the order of termination passed on 24.08.2011, that too during pendency of this Letters Patent Appeal. The appellants are in service without help of any interim order passed by any Court. The State Government was in need of the Junior Engineers, therefore, the State Government took the services of the writ petitioners on the post then the State Government decided to appoint the writ petitioners on the post of Assistant Engineers and the State Government was under the impression and hope that the names of these writ petitioners will be recommended by the Public Service Commission. That since 1987 till 2011 when the order of termination of services was passed they continued in service and they were paid their salary, their regular other service benefits, increments and they were duly transferred here and there in the State of Jharkhand and they were treated as regular appointees. It is submitted that after creation of the State of Jharkhand also, State did not objected to the continuance of the services of the petitioners in the employment of the State of Jharkhand and simply because the officers of the State wrongly interpreted the order passed by the High Court which is not correct, the State Government wants to dispense with the services of these engineers.

9. It is submitted that in the case of Secretary, State of Karnataka and Others - vs.- Umadevi & Others, as reported in (2006) 4 S.C.C. 7, in para 53 the Hon''ble Supreme Court has clearly held that, if a person has served for 10 years or more years then it is the duty of the State Government to consider his case for regularisation and so has been held even after considering the Article 309, 14, 16 of the Constitution of India. The Umadevi's judgement was considered by the Hon''ble Supreme Court in the subsequent judgements delivered in the case of State of Karnataka and Others Vs. M.L. Kesari and Others, . The Hon''ble Supreme Court clearly held that the case of Umadevi cast a duty upon the Government to take steps to regularise the services of those irregularised appointees who had served for more than 10 years without the benefit or protection of any interim order. The Hon''ble Supreme Court further declared that in the case of Umadevi it has been clearly ordered that one time settlement/measure should be taken within six months i.e. from 10th April, 2006. Learned counsel for the writ petitioners-appellants vehemently submitted that in view of

Article 142 of the Constitution of India everyone is required to act in furtherance and to see that the order of the Hon'ble Supreme Court be respected and implemented in true meaning and spirit. Therefore, it was the duty of the State Government to immediately regularise the services of the writ petitioners-appellants even in the year 2006-2007 itself. However, the State failed to do so for another long four years and is and has abused its power by taking such a decision of termination of services of the employees for no rhyme and reason, the service which the State of Bihar before creation of Jharkhand never intended to terminate nor the Jharkhand State intended to terminate even after creation of this State for 10 years.

10. It is submitted that it was a fit case of regularisation of these persons. The learned counsel for the appellants also submitted that the persons who were appointed with the writ petitioners are continuing in service in the State of Bihar and they became unfortunate only because of the creation of the State of Jharkhand, over which the writ petitioners had no control and could not have prevented creation of the State of Jharkhand and because of that reason only one State cannot take a different stand with respect to the employees appointed by same process and same order and will try to throw these persons jobless after 30 years of their service so as to render them of no use for their family so far as earnings for the family is concerned.

11. Learned counsel for the writ petitioners-appellants vehemently submitted that the show-cause notice issued by the State Government to show cause that petitioners service was illegal and they be sent to State of Bihar was wholly without jurisdiction because of the reason that in the order passed by this Court dated 22.03.2010 in W.P.(S) No. 1001 of 2010 this Court has held that the State Government cannot take unilateral decision and restrained the State Government from taking any further action in pursuance to the repatriation order. In the same order this Court specifically observed that "proper authorities" having such power can take a decision. According to the learned counsel for the writ petitioners-appellants, therefore, the decision could have been taken only by the State of Jharkhand and the State of Bihar and if needed with the help of Central Government. In this case the order sought to be passed and which has been passed is passed by the State of Jharkhand alone, therefore, even issuance of show cause notice by one State to repatriate employees is wholly without jurisdiction.

12. Learned counsel for the writ petitioners-appellants vehemently submitted that in fact Annexure-1 is not the show-cause notice but in fact is an order and a decision and asking for the show-cause is nothing but a camouflage which is clear from noting made in the file and is obvious from subsequent decision of the State to terminate the services of the petitioners during pendency of the writ petition which was passed even in violation to the order of this Court and was not withdrawn but was kept in abeyance only.

13. Learned counsel for the appellants submitted that the Government has

already taken final decision to terminate the services of the writ petitioners which is clear from the note Annexure-16, therefore, in fact nothing remains to be decided under the alleged show-cause notice dated 20.04.2010 and this has been fortified by the subsequent decision made by the State Government and that too which was taken after dismissal of the writ petition but during the pendency of the Letters Patent Appeal, therefore, the show-cause notice dated 20.04.2010 is only for post facto hearing hence, deserves to be set aside.

14. Learned Advocate General, vehemently submitted that the petitioners' appointment was illegal and not regular and therefore, the petitioners' services cannot be regularised in view of the judgement of the Hon'ble Supreme Court delivered in the case of Secretary, State of Karnataka and Others - vs.- Umadevi & Others, as reported in (2006) 4 S.C.C. 7, as well as in view of the decision delivered in the case of Govt. of A.P. and Others Vs. K. Brahmanandam and Others, and another in the case of State of Karnataka and Others Vs. Sri G.V. Chandrashekar, wherein the illegal appointments even after passing of more than 10 years have not been regularised.

15. It has also been submitted that regularisation were allowed only in those cases where the appointments could have been made without the recommendation of the Public Service Commission and in view of Article 309 and Article 16 of the Constitution of India no appointment could have been given by the State Government to any employee in violation to the Rules and therefore, these illegal appointments cannot be regularised.

16. Learned counsel for the State vehemently submitted that subsequent to the dismissal of the writ petition of the writ petitioners the orders of termination of services have been passed by the State Government and those orders have not been challenged, therefore, the petitioners are not in service and consequentially their appointments cannot be regularised.

17. It has also been submitted that the jurisdiction of this Court in Letters Patent Appeal is limited to the extent of the scope of writ and cannot be enlarged.

18. It has also been submitted that the writ petitioners" have not prayed for regularisation of their services, therefore, they are not entitled to any relief and the learned Single Judge was right in dismissing the writ petition.

19. Learned counsel for the State also vehemently submitted that the writ petitioners had several opportunities and even this Court and the Hon'ble Supreme Court has passed the order permitting them to compete with others and in the first round they in fact appeared for selection and they failed to get the appointment and in the second round in the year 1996 they voluntarily did not apply for the post because they were knowing that they cannot compete. In view of the above, the conduct of the writ petitioners be taken into account and the petitioners are not entitled to any relief.

20. According to the learned counsel for the State the Rule of fair play requires a

fair competition and Constitution mandates and requires equal opportunity to all in the matter of appointment. If these appointments are continued and regularised then the others will be discriminated.

21. We have considered the submissions of the learned counsel for the parties and perused the facts of the case. We need not to reiterate the facts in detail except the fact that the petitioners were appointed by the State Government on the post of Junior Engineers in the year 1981 and that post was not the post for which any recommendation of the Public Service Commission was required is the admitted case. The petitioners were then given appointment on the post of Assistant Engineers by the State Government in the year 1987, though on ad-hoc basis as well as this appointment was temporary and further more was for six months but the State Government for more than about 29 years from first appointment on the post of Junior Engineers and 23 years from the appointment on the post of Assistant Engineers had no intention to dispense with the services of these employees and, therefore, took no steps to dispense with the services of these employees.

22. The core question involved in this case was whether in the above fact and circumstance, the petitioners' services should have been considered for regularisation by the State Government? The ancillary fact which diverts the main question is that the petitioners during this period got the opportunity of appointment on the same and post under regular selection through the Public Service Commission wherein once they failed and on second occasion they did not participate. Whether a person who did not accept any other appointment during the period of his ad-hoc and temporary appointment and served for more than 10 years (in the case for more than 20 years) stand disqualified from regularisation of his service on account that he did not participate in any other appointment process. Learned Advocate General, vehemently submitted that this reflects towards the conduct of the writ petitioners and, therefore, there cannot be any reason for sympathy and regularisation of their services.

23. We are not in agreement with the view expressed by the learned Advocate General because of the reason that a person who was in temporary or adhoc service and had opportunity to get another appointment in regular selection where in either he failed or did not participate itself may not be ground to refuse consideration of regularisation of his service when even after failing or not availing such opportunity the employer did not chose to dispense with the services of such person without any restraint order of Court and continued such persons in employment voluntarily for more than ten or more years from such persons failure to get appointment in regular process. The Principle laid down in Umadevi's case fully applies to such adhoc temporary employees because of simple reason that such employees was continued in service voluntarily by the employer for such long period.

24. The petitioners had apprehension because of publication of other advertisement for recruitment on the post of Assistant Engineer and that was

valid and just apprehension that this fresh selection may affect their jobs and their services may be dispensed. Therefore, some of the unemployed persons sought relief for themselves in the writ petitions which was refused by the Court and that is not relevant for deciding these L.P.As. Another fact which is relevant is, that an Interlocutory Application was submitted before the Hon'ble Supreme Court where in an order to relax the age for adhoc / temporary employees was passed and the State, in fact, relaxed the limit for in service adhoc / temporary employees and the petitioners did not apply under this fresh advertisement. In our opinion, if the State would have taken a decision to dispense with the services of these employees immediately thereafter on account of availability of regularly selected candidates, the action of the State may have been legal but such plea is not available to the State after delay of 10 years is not the plea of the State even today and only plea of the State is that appointment given about 24 years (from 1987) was illegal. But that was only an apprehension and that apprehension was cleared by the State Government when the State Government in reply to the Interlocutory Application filed in W.P.(S) No. 7082 /2005, Mod Narayan Jha -vs.- State clearly indicated that the apprehension of such employees has no basis. 25. Be that as it may, the State either Bihar or Jharkhand never intended and never showed its intention to dispense with the services of the writ petitioners for almost 30 years and the petitioners are qualified persons, given appointment by the State Government initially on the post of Junior Engineer for which no recommendation of the Public Service Commission was required and then they were given appointment by the State Government on the post of Assistant Engineers. These persons continued in service for almost 30 years by the State Government (Bihar and Jharkhand both) not under any stay order passed by any Court and these employees, after 30 years of their service how can be rendered jobless when not only their life but life of their entire family is dependent upon this job. It is submitted that these employees should compete with other eligible persons and may get the job and in some of the cases Courts directed and the State Governments relaxed the age. Question arises is; Whether such plea is available to employer after taking services of employees for 20-30 years? Another question relevant to answer first question would be; whether asking a qualified person of 20-30 years ago to compete with freshers and that to give examination or face the interview and questions of present day after leaving studies 20-30 years ago is a competition among unequals what to say of fair competition. Whether academic excellence will prevail over actual practical excellence of 20-30 years. In our humble opinion answer will be in favour of actual experience in such special circumstance although this principle cannot be applied to justify the service of any employee who lacks basic educational qualification and could get the appointment and served in technical field. If in the present fact of the case State is permitted to dispense with the services of such employees then it will be permission to give employer benefit of their own wrong and irreparable loss to employees who did not commit any wrong in the last about thirty years of service and reached a stage from where they can be a jobless-breadless person in a State who should

be model employer as well as a Welfare State. The fact must remain in mind that in this case employees were continued in service, voluntarily by the State and not because of any compulsion upon the State to keep these employees in service. If the State is permitted to remove such employees then it is recognising right of employer State to "use and through the employees", which we cannot recognise.

26. The contention raised by the learned Advocate General was that yet there is no precedent wherein any regularization has been ordered on the post for which recommendation of the Public Service Commission was required and therefore, the petitioners who are seeking regularisation on the post, for which recommendation of Public Service Commission is required cannot be given, would appear to be attractive but we are not impressed. State Public Service Commission examine suitability of eligible candidates for the post and recommends the names of suitable candidates for appointment and this case is not the case of the State that these employees who are eligible to hold post and rendered service on the post are not suitable persons to hold post. Even if, any recommendation of Public Service cannot be dispensed with even then suitability as one time measure, can be examined by the Public Service Commission without asking the employees to compete with the freshers of the present day. It is suffice to state that Law is for equality of justice and where equity and justice are pitted against the technicalities then equity and justice are required to be given precedence over the technicalities. In a case where regularisation is required to be made in peculiar circumstances that Government's case is not that posts are not available it is also not the case that work is not and posts though are available, the Government voluntarily kept the employees in employment for about 30 years without compulsion or order of Court, employees were paid not only regular salary but increments also consequential there is minimal financial burden. Government never wanted to remove these employees and sole reason given for present removal is that appointment given by the Government to these employees is now treated as illegal and the Government has power to terminate the services of these employees therefore, State is terminating service. In such facts the State's first duty in consonance with Uma Devi's case would have been to find out a way to make the appointment regular instead of taking help of technicalities of law only in one way which is not expected of a model employer and a Welfare State. It will be worthwhile to notice here that as back as in the year 1986 an Act "The Bihar Gazetted Officers (Ad-hoc Appointments Regulations) Act 1987" was enacted to regularise the services of the persons whose appointments could have been given only on the recommendation of the Public Service Commission. By that act such employees who were appointed up to 30th June, 1986, their services were regularised on the posts which could have been filled on recommendation of Public Service Commission and these petitioners are appointees of the year 1987. If these petitioners' services could have been regularised by enacting such Act as again one time measure which was required to be taken by the State Government in

compliance of the direction given by the Hon''ble Supreme Court in Umadevi's case and accepted in the case of M.L.Kesari & Ors.

27. We are also not impressed by the arguments of the learned Advocate General that the appointment of the writ petitioners will deprive any other person from the employment. It is worthwhile to mention here that normally a plea of discrimination and violation of Article 14 & 16 is raised even in a matter where employees have served for about 10, 15 and even 20 years and even more but ignoring this fact that even if service of such employees are terminated after 10, 15, 20 or 30 years whether we are giving the opportunity to those persons who were eligible 10, 15, 20 or 30 years ago. Therefore, after lapse of this much of period it is doubtful whether the employer particularly the State and particularly the welfare State can raise such plea so as to deny the employment and law can be interpreted in a manner so as to give all the benefits to the wrong doers in a case where large number of engineers have been given appointment consciously and there is no allegation of unfairness in appointment and the appointment which can be said to be tainted and is not out of result of any favoritism.

28. In fact the judgement of the Hon''ble Supreme Court are normally interpreted by the employer and the State Government in a fashion that what ever wrong they may have committed for decades they got the right to throw away poor persons or make a well settled person a poor unemployed person. In fact the Umadevi's case which has been considered by the Hon''ble Supreme Court in subsequent judgement of State of Karnataka and Others Vs. M.L. Kesari and Others, it has been held by the Hon''ble Supreme Court that the Umadevi's case cast a duty upon the Government or institution concerned to take steps for regularisation of the services of those employees who have served for more than ten years without the benefit of direction of any interim order by the Court as one time measure. In this case it has been clearly held that Umadevi's case directed that such one time measure must be taken within six months from the date of its decision rendered on 10th April 2006. The welfare State could find fault in the service of these poor persons but could not read the directions of the Hon''ble Supreme Court delivered in the case of Umadevi (Supra) as well as in the case of M.L.Kesari & Ors. (Supra).

29. The State by passing the pre-decided order of termination of services of these employees is projecting itself to be a law abiding State and projecting that it is obeying the Supreme Court and this Court's decision whereas, in fact, wants to take benefit of one event of the creation of the State of Jharkhand. At the cost of the repetition we may mention here that the writ petitioners' eligibility at the time of appointment is not in question nor the conduct of these writ petitioners was questioned for more than 25 years by the State Government then simply because that there is some indication in the order that competent authorities may pass any order in relation to the services of the writ petitioners, the State Government proceeded to issue show-cause notice and then passed the order of termination of services of these employees, which cannot be justified.

30. The contention of the learned Advocate General that the show-cause notice is not without jurisdiction or it is not passed by the authority having no power are absolutely misplaced arguments in as much as that the State wanted to take a decision to dispense with the services of the writ petitioners then the State should have applied its mind and should have looked into all aspects including why their services are sought to be terminated / dispensed with after 30 years of their services from the time Of their appointment on the post of Junior Engineers and why their services cannot be regularised and who has created this irreversible situation ?

31. The technicalities cannot come in the way of writ petitioners and the contention of the Advocate General that the order of termination of services has not been challenged cannot be entertained in view of the fact that even if, provision of CPC is not applicable to the writ proceedings yet principles of CPC are well applied in the procedure for writ petitions and Order 7 Rule 7 C.P.C. empowers Courts to take note of subsequent events and mold the relief accordingly. The writ jurisdiction also empowers the Court to take note of subsequent events and grant the relief in accordance to the changed circumstances. The petitioners in the writ petition in para -"C" clearly prayed for regularisation of their services and clearly stated that in the State of Bihar in which State the petitioners were appointed, the similarly situated employees are continuing in service, therefore, the relief seeking continuation in service clearly take care of all the hurdles coming in the way of the writ petitioners and when we are of the considered opinion that the petitioners" services should have been regularised then any hurdle coming in the way of the petitioners" created by the respondent during pendency of this L.P.A. cannot stand and come in the way of relief, therefore, we exercising our supervisory jurisdiction quash and set aside the order of termination of the services of the appellants dated 24th August, 2011.

32. The learned Single Judge was impressed by the arguments of the State that the petitioners got opportunity of appointment twice on earlier occasions but we are of the considered opinion that, that fact was not relevant in the facts and circumstances of the case which we have already explained above, therefore, the order of the learned Single Judge cannot be sustained.

33. In view of the reasons mentioned above, the L.P.A. is allowed and impugned order dated 25.07.2011 is set aside. Interlocutory Application No. 3223/2011 is allowed and the order of termination of services of the writ petitioners and the show-cause notice are quashed and the petitioners shall be entitled to all the consequential benefits also.