

(2011) 04 GAU CK 0086

In the Gauhati High Court

Case No : W. A. No's. 1, 2, 3, 4, 6, 7, 8, 10, 11 and 12 of 2011 and 42, 43, 44 and 45 of 2010

State of Tripura and Others

APPELLANT

Vs

Puranjoynath and Others

RESPONDENT

Date of Decision : 29-04-2011

Acts Referred:

Constitution of India, 1950 — Article 14, 16, 162, 311

Citation : (2011) 4 GLT 619

Hon'ble Judges : I.A. Ansari, J;A.C. Upadhyay, J

Bench : Division Bench

Advocate : A. K. Bhowmik, Mr. S. M. Chakraborty, Mr. R. Datta and Mr. S. Bhattacharjee, for the Appellant; S. Chakraborty, Addl. G A., Mr. J. Majumder, D.C. Nath and Mr. B. Datta, for the Respondent

Final Decision : Dismissed

Judgement

A.C. Upadhyay, J.—The batch of writ appeals aforementioned, preferred by the writ petitioners as well as the respondents-State, are directed against the impugned common judgment and order dated 30.07.2010, passed by the learned Single Judge, in the following set of writ petitions i.e. WP (C) 356/2007, WP (C) 339/2007, WP (C) 353/2007, WP (C) 336/2007, WP (C) 341/2007, WP (C) 354/2007, WP (C) 355/2007, WP (C) 357 of 2007 and WP (C) 342/2007. Since the entire batch of writ appeals aforementioned filed by the State as well as the writ petitioners are based on similar set of facts, involving common questions of law, we propose to dispose of these appeals by this common judgment.

2. Briefly stated, the facts giving rise to the aforementioned writ appeals are that writ petitioners (petitioners-appellants hereinafter) were duly appointed, in the year 1990, to the posts of Lower Division Clerk (in short LDC/Store Keeper) on available permanent vacancies in the Social Welfare and Social Education Department, Government of Tripura. Their services were also confirmed, in the year 2000, by the respondents (hereinafter referred to as "State-appellants").

However, by a Memorandum, dated 21.09.2007, issued by the respondent No.2 (Director of Social Welfare & Social Education Department, Government of Tripura), the appointments of 10(ten) persons, including those of the writ petitioners-appellants, were cancelled after seventeen years of continuous service. Being aggrieved by the cancellation of their appointments, long after 17 (seventeen) years of continuous service having been rendered, on permanent employment, the writ petitioners-appellants approached this Court by filing writ petitions.

3. The facts, pleaded in the writ petitions, are not in dispute. The State-appellants contested the aforementioned writ petitions by filing affidavit. Learned Single Judge, by the impugned common judgment and order, allowed all the nine writ petitions aforementioned, set aside and quashed the impugned Memorandum, dated 21.09.2007, with further direction to the State-appellants to reinstate the petitioners-appellants in service immediately. The learned single Judge, by the impugned judgment and order, also directed the State-appellants that the writ petitioners shall be accorded all service benefits including continuity in service and notional fixation of pay, etc., except the back wages, for the period, during which the writ petitioners had remained out of their employment.

4. In this batch of writ appeals i.e. W A. 8,10,11 and 12 filed on behalf of the writ petitioners, it has been submitted that the illegal cancellation of appointments by the State-appellants, after seventeen years of regular service, deprived and prevented the petitioner-appellants from rendering their services from 21.09.07, and, as such, they were entitled to all service benefits, including full back wages, during the period for which they had to remain out of employment due to illegal cancellation of appointments.

5. In the writ appeals filed by the State-appellants, it has been contended that the impugned order of termination of service of the petitioner appellants was lawful, inasmuch as the petitioner-appellants were appointed illegally by ignoring the seniority in the select list

6. The writ petitioners-appellants, in order to substantiate their entitlement to back wages for the period, during which they remained out of employment, contended that though the learned single Judge -, reinstated the petitioner-appellants in service, but back wages, for the period during which they were out of employment were refused, which is impermissible in law. Learned counsel for the petitioners-appellants has also contended that the learned single Judge failed to assign reason as to why such benefit of back-wages should not be extended to the petitioners-appellants. Learned counsel for the petitioners-appellants has further pointed out that the petitioners-appellants served, in regular vacancies, for long seventeen years satisfactorily, by earning annual increments of pay, confirmation in the posts, etc. and, hence, the State-appellants had absolutely no jurisdiction to cancel the appointments of the private appellants by issuing the Memorandum, dated 21.09.2007, aforementioned.

7. The petitioners-appellants submitted that Smt. Mithu Deb, whose appointment was also terminated by the said impugned Memorandum, dated 21.09.2007, had preferred a writ petition being WP (G) No. 223 of 2007, before this Court and the writ petition was allowed directing her reinstatement in service including back wages and, accordingly, Smt. Mithu Deb received her benefits including the back wages and the State respondents did not come forward to prefer any appeal against the aforesaid order.

8. For better appreciation of the arguments advanced by the respective parties, it would be pertinent to take note herein of the noticeable reasons assigned by the learned single Judge for failure of the State Government to rise to the occasion in addressing the issues, in question, raised in the case. The relevant extract of the decision is noted below:

47. As noted above, in the appointment order, it was clearly spelt out that service could be terminated only on one month's notice from either side and that the appointees would be governed by the relevant Service Rules. While at the initial stage of the service, it was a contract according to the terms and conditions indicated in the order, but with efflux of time and in due course, the petitioners derived the status of a confirmed employee and thus their services could not have been dispensed with by a stroke of pen without putting them to any kind of notice and without following the relevant service rules.

48. In the suit filed by Smt. Mithu Deb, the same very respondents which have passed the impugned order, justified their action in appointing the petitioners. In the writ petition filed by Smt. Sutapa Nath also, they took the same stand but in the writ appeal proceeding conveyed the purported decision to cancel the appointments. The respondents could not have made a volte-face and/or resiled back from their earlier stand by way of approbate and reprobate, which if allowed will lead to chaos and uncertainty in administrative action. The respondents are bound by their stand in the aforesaid proceedings and cannot be allowed to take a different stand altogether, which will be iniquitous.

49. For all the aforesaid reasons, I find sufficient force in the case of the petitioners and accordingly the writ petitions are accepted. They are allowed and the impugned Memorandum dated 21.09.2007 stands set aside and quashed. Consequently, all the petitioners shall be reinstated in service immediately. They will be entitled to continuity in service with all service benefits as if the impugned memorandum dated 21.09.2007 did not exist. However, it is made clear that the petitioners will not be entitled to any back wages for the period during which they remained out of employment but they will be entitled to all other service benefits including notional fixation of pay etc.

9. Since the appointments, which were made as per the norms and procedure, continued to be legal and valid for long period of seventeen years and, during the entire period, the writ petitioners, in terms of their respective appointments, enjoyed all service benefits including confirmation in the posts and increments of

salary, etc., on usual course, their appointment can at best be said to be irregular appointments. In this context, the decision of the Supreme Court in Secretary, State of Karnataka and Others Vs. Umadevi and Others, cannot be pressed into service.

10. In Kamal Nayan Mishra Vs. State of Madhya Pradesh and Others, the Supreme Court held that termination without notice or enquiry is not sustainable in law. The relevant extract of the decision of the Supreme Court reads as follows:

23. We also find from an examination of the terms of the attestation form that termination without notice or inquiry was contemplated only in the context of furnishing false information in and around the time of the appointment. Note (1) of the preamble warns that:

that furnishing of false information or suppression of any factual information in the attestation form would be a disqualification and is likely to render the candidate unfit for employment.

Similarly the certificate at the end of the attestation form states that:

I am not aware of any circumstances which might impair my fitness for employment under the Government. I agree that if the above information is found false or incomplete in any material respect, the appointing authority will have a right to terminate my services without giving notice or showing cause.

Be that as it may.

24. The termination of the appellant without an inquiry or hearing was illegal and invalid. In the normal course, we would have set aside the termination and directed reinstatement with consequential benefits, reserving liberty to the employer to initiate disciplinary proceedings. But the peculiar facts of this case require us to adopt a slightly different approach to do complete justice between the parties.

25. We have already pointed out that there are clear indications that the appellant was bona fide under the impression that he was required to give the particulars sought in Column 12 of the form with reference to the date of his appointment. Further, the entire matter relates to an attestation form given in 1994 and the appellant has already been out of service without an inquiry on 07.03.2002. We are therefore of the view that the interests of justice would be served if the appellant is reinstated with continuity of service and other consequential benefits, dispensing with any further disciplinary action. The appellant will not be entitled to any salary for the period 07.03.2002 till today.

26. We accordingly allow this appeal, set aside the judgments of the learned Single Judge and the Division Bench. The writ petition filed by the appellant before the High Court is allowed, setting aside the termination order dated 07.03.2002. The respondents are directed to reinstate the appellant with

continuity of service and other consequential reliefs (except salary for the period 07.03.2002 till date.)

11. Learned counsel for the State appellants, by producing the relevant files pertaining to the issue of cancellation of appointments has contended that letters of appointments were issued in violation of Article 14 and 16 of the Constitution of India and, as such, recalling of these appointments were just, proper and valid in the eyes of law. By indicating the anomalies in issuing the appointment letters, it has been contended, on behalf of the State respondent, that the whole process was vitiated, and, as such, the appointments made without following the procedure under the rules and/or Government circular would be illegal and unconstitutional.

12. Learned counsel for the State appellants, by placing the relevant Government files relating to cancellation of appointments of the petitioner-appellants has contended that show cause notices were issued to the petitioners-appellants before cancellation of their appointments and, hence, the question of violation of the principles of natural justice did not arise, when full opportunity had been given to the writ petitioners-appellants to show cause, if any, before issuance of the impugned Memorandum.

13. Learned counsel for the State appellants has contended that except in the case of Smt Mithu Deb, which was confirmed by the Department on the basis of the order passed by the Court, appointment letters, in all other cases, were issued in violation of Articles 14 and 16 of the Constitution of India warranting cancellation of their appointments. Learned counsel for the State appellants has also contended that since the appointments of the petitioners-appellants were made without following proper procedure as provided under rules and/or Government circulars, such appointments are not sustainable in the eyes of law and, as such, any sympathy for the persons, who were illegally appointed, would be a misplaced sympathy.

14. Learned counsel for the State appellants submitted that since the appointments, given to the petitioners, were not legal and valid in the eyes of law, the Memorandum, issued by the State Government, cancelling their appointments did not warrant any interference by the writ Court.

15. Learned counsel for the State appellants has also submitted that as per decision arrived at the highest level to cancel the appointments of the petitioner-appellant, the show cause notices were issued asking them as to why the offers of appointment should not be terminated and declared void ab initio. Therefore, it is contended, on behalf of the State appellants, that there was no necessity of fresh show cause notice to the persons including the petitioner-appellants.

However, issuance of a notice to the employees concerned in such circumstances is not an empty formality. The reply to the show cause must be considered in right perspective. Tone and tenor of the affidavit filed by the State-appellant depicts, as if the decision to cancel the appointment was already taken by the

authority concerned and asking for a show cause from the petitioner-appellants was an eye wash.

16. Learned counsel for the petitioners-appellants vehemently submitted that there is nothing to indicate that the impugned memorandum has been issued pursuant to the aforesaid show cause notices and the replies thereto. At the same time, as rightly observed by the learned Single Judge, this position is also amply evident on a bare reading of the impugned order that there is no semblance of any reference to the said show cause notices and the replies thereto. Therefore, no nexus can be gathered and discerned between the show cause notices and the impugned memorandum.

17. What is more evident from the above observation is that the State appellants cancelled the appointments of the petitioners-appellants, without putting them to any kind of notice indicating therein specifically the cause and the reasons for intended termination of services of the writ petitioner-appellants. Since all the writ petitioners were selected and appointed on regular basis and subsequently confirmed in service, their termination in the aforesaid circumstances, without proper notice, apparently, is in gross violation of the principles of natural justice.

18. The State respondents cannot be permitted to conveniently choose to turn around to take the stand after a lapse of seventeen years that it had issued illegal appointment letters and that too in respect of those employees, who were selected on regular basis after due advertisement. Such voltafacie, on the part of the State, cannot be accepted to be a fair and equitable proposition. State, as an ideal employer, is not expected to cancel the appointments of its own employees without valid reasons.

19. Learned counsel for the writ petitioners pointed out that in the suit filed by one Smt. Mithu Deb, the State Government, in their written statement, supported the selection and the appointments made thereafter. Unfortunately, the same State Government took altogether a different stand in the aforementioned writ appeal No. 83 of 2001. It may be mentioned here that a writ petition being Civil Rule No. 196 of 1994 was filed by one Smt. Sutapa Nath. In the writ petition, the respondent State Government justified their action towards appointments of the petitioners. As regards the allegation made that some of the petitioners had been appointed without adhering to the merit position in the select list, the contention of the State Government was that some of them had been appointed pursuant to an earlier selection/examination. The respondents had only opposed the appointment of the petitioner, Smt. Sutapa Nath. The said writ petition was allowed by a judgment and order, dated 16.03.2001, directing appointment of Smt. Sutapa Nath as LDC. The order, passed by the learned single Judge, was carried on an appeal by the State by way of Writ Appeal No. 83 of 2001. The said writ appeal was disposed of by a judgment and order, dated 08.03.2007, allowing the same. The appeal was allowed primarily on the ground that merely on the basis of selection, no right had accrued to the petitioner for appointment and, thus, it would not be proper for a Court to direct appointment

only on the basis of a selection.

20. On careful perusal of the show cause notices and the impugned memorandum, dated 21.09.2007, it appears that in the show cause notices, it has been contended that the merit position, in the select list, did not permit appointments of the writ petitioners and that the seniority positions in the merit list and the recommendation of the Selection Committee had not been adhered to. The impugned memorandum also refers to the judgment and order, dated 08.03.2007, passed in the Writ Appeal No. 83 of 2001. As rightly observed by the learned single Judge, apart from an omnibus statement of vague allegation of the selection process itself being void, there, is no material or particulars mentioned in the impugned memorandum on the basis of which a ground for cancellation of appointments can be discerned. The observations made by the learned single Judge, in the context, are reproduced herein below:

32. The impugned memorandum also refers to the judgment and order dated 08.03.2007 passed in the aforementioned writ appeal No. 83/2001. Thus, apart from an omnibus statement with vague allegations of the selection process itself being void and conveying the decision of the Government to cancel the appointments, there is no material particulars in the impugned memorandum on the basis of which the grounds of cancellation of appointments can be discerned. It gives an impression that the authority was guided by the observations made in the judgment in the aforementioned writ appeal that:

We must not also be unmindful of the legal position that merely on the basis of a selection, no right accrues for appointment and it would be improper for a Court to direct appointment only on the basis of a selection.

Another observation made in the impugned memorandum is that:

After considering relevant issues Hon''ble Court endorsed Government's decision to cancel the appointment of all 10 (ten) LDCs.

33. Both the aforementioned grounds are not at all sustainable and/or applicable to the case of the petitioners. First of all, the aforementioned quoted portions are the observation in respect of the general proposition of law that mere empanelment does not give indefeasible right of appointment to the empanelled candidate. The said principle was reiterated only in the case of the petitioner involved in the said proceeding i.e. Smt. Sutapa Nath and in the context of her right to get appointment after long 17 years. Secondly, the Court in the aforementioned judgment and order never endorsed the position of the Government to cancel the appointment of 10 (ten) LDCs. Such an endorsement cannot be made in a proceeding in which the persons likely to be affected are not party respondents. What was recorded by the Division Bench is the plea of the State respondents that the Government had decided to cancel the appointments of 10 LDCs. Such observation and that too when the petitioners were not party to the said proceedings, cannot cloth the state respondents and/or empower them even to the extent of cancelling the appointments of the confirmed services of

the petitioners.

34. The aforementioned position which has emerged from the impugned memorandum will also go to show that the particular position was taken by the State respondents behind the back of the petitioners and in the process the barest minimum requirement of putting them to a notice before cancellation of appointment was also abandoned. The State Government was under the impression that their stand in the matter having been made known to this Court and this Court having recorded such stand in the judgment and order passed in the writ appeal, it was empowered to play with the appointments of the petitioners which were made way back in 1990 and by the time the impugned memorandum was issued, long 17 years had elapsed.

21. Learned counsel for the petitioners-appellants, during their elaborate submissions, contended that confirmed services of the petitioners could not have been terminated after a long 17 years by a stroke of pen. In AIR 1998 SC 3268: Roshni Devi & Ors. Vs State of Haryana & Ors. Hon''ble Supreme Court, taking notice of the fact of appointment of the candidates, which were made and continued by allowing them to remain in service for more than nine years, protected their services, although they might not have been appointed strictly in accordance with law.

22. In M.P. State Coop. Bank Ltd., Bhopal Vs. Nanuram Yadav and Others, on which the learned State counsel has, placed reliance, the Supreme Court, while laying down the guidelines in the matter of public appointment, emphasized on adhering to the principles underlined in Article 14 and 16 of the Constitution of India. But unlike in the case of Jagadish Chopra (supra), in the instsnt case, grounds assigned by the State respondents in the impugned memorandum are not at all sustainable in law.

23. In another decision relied on by the learned counsel for the State appellant, reported in State of Bihar Vs. Upendra Narayan Singh and Others, it was observed that persons, appointed by backdoor methods or as a result of favouritism, nepotism or corruption, are not entitled to unwarranted sympathy. In the said decision, the Supreme Court upheld the termination of illegal appointments considering the facts of the case, where large scale appointments were made to Class-Hi and IV posts without following the recruitment process. However, in the instant case, unlike in Upendra Narayan Singh (supra), the petitioners-appellants were appointed in regular permanent posts after due selection. Therefore, the ratio of the conclusion, arrived at in the Upendra Narayan Singh (supra) cannot be applied to the cases at hand.

24. In the present cases, there was selection and preparation of merit list, but in the show cause notices, the contention was that the merit positions were not adhered to, while making the appointments. On the other hand, in the impugned memorandum, the recitation is that the selection process itself was void and that mere empanelment did not give any right to receive appointment.

25. In the case of Karnataka State Road Tpt. Corporation and Another Vs. S. Manjunath, the Supreme Court, while considering the case of an employee deemed to have been confirmed in service, held that his services could not have been terminated except by means of disciplinary proceedings after following mandatory requirements of law. The Apex Court, in the case of Moti Ram Deka etc. Vs. General Manager, N.E.F. Railways, Maligaon, Pandu, etc., held that adherence to the procedure, laid down in Article 311 of the Constitution of India, is a sine qua non for termination of the services of a permanent employee. In the case of Nazira Begum Lashkar Vs. State of Assam : AIR 2001 SC 102, the Apex Court, noticing large scale illegal appointments made having been made of teachers, while upholding the termination of service pursuant to an enquiry conducted as per the direction of the Court, took note of the fact that the appointees were at least put to notices providing them a reasonable opportunity of being heard before termination of their services. In the instant case, not to speak of following the procedure laid down in Article 311 of the Constitution of India or the provisions of CCS (CC&A) Rules, the petitioners were not even informed, by issuing any appropriate notice, regarding the remiss committed by them or the illegality that occurred in their appointments, warranting termination of their services after seventeen years.

26. In Canara Bank and Others Vs. Shri Debasis Das and Others, the Apex Court, underlying the principle of audi-alte-partem, observed that rule of fair play must precede the adverse order, which must be clear and precise, so as to appraise the party determinatively of the case he has to meet. Similarly, in A.P. Aggarwal Vs. Govt. of N.C.T. of Delhi and Another, it was observed that State action, in order to be valid, must not be susceptible to vice of arbitrariness. In Dipti Prakash Banerjee Vs. Satvendra Nath Bose National center for Basic Sciences, Calcutta and Others, the Supreme Court, dealing with the termination of services of a probationer and discussing the principles underlying "foundation" and "motive" of termination, found fault with the same, as no enquiry was conducted. It was further observed that in the matter of termination, punitive or simpliciter, stigma may be inferable either from the order or from the references quoted in the termination order. In such a situation, absence of any regular enquiry was held to be fatal and accordingly, the termination order was interfered with.

27. It is not disputed that the petitioners duly participated in the selection process and a merit list was also prepared. The State respondents, who, now oppose the appointments of the petitioners, however, admittedly defended such appointments in the Title Suit filed by Smt. Mintu Deb, one of the selectees. With the change in situation, they took altogether a different stand, so as to contend that there was illegality in appointing the petitioners. However, in the show cause notices referred to above, the respondents pointed out irregularity in the matter of appointment, but in the impugned memorandum, they indicated altogether a different ground by stating therein that the selection process itself is void and mere inclusion of the name, in the panel, did not confer any right on the

petitioners to be appointed way back in 1990. The State respondents justified the impugned order in appointing the petitioners in the suit filed by Smt. Mithu Deb. In the writ petition, filed by Smt. Sutapa Nath, too, the State respondents took the same stand. The learned single Judge took the view that the respondents are bound by their stand in the aforesaid proceedings and cannot be allowed to take a different stand altogether, when dealing with similarly situated candidates. Certainly such a volta facie in state action would be iniquitous.

28. In *M.P. State Coop. Bank Ltd., Bhopal Vs. Nanuram Yadav and Others*, the Supreme Court, dealing with similar question of law as well as facts, held that termination of services of confirmed employees merely on the basis of the report of Lokayukt did not render the appointment invalid, because the candidates, whose appointments were questioned in the complaints, were not given the opportunity to defend themselves before the inquiry.

29. In *M. P. State Coop. Bank Ltd., Bhopal (supra)*, the Supreme Court culled out the principles, which are required to be followed in the matter of public appointments. These principles are as follows:

24. It is clear that in the matter of public appointments, the following principles are to be followed:

(1) The appointments made without following the appropriate procedure under the Rules/Government Circulars and without advertisement or inviting applications from the open market would amount to breach of Articles 14 & 16 of the Constitution of India.

(2) Regularisation cannot be a mode of appointment.

(3) An appointment made in violation of the mandatory provisions of the statute and in particular, ignoring the minimum educational qualification and other essential qualification would be wholly illegal. Such illegality cannot be cured by taking recourse to regularisation.

(4) Those who come by back door should go through that door.

(5) No regularization is permissible in exercise of the statutory power conferred under Article 162 of the Constitution of India if the appointments have been made in contravention of the statutory Rules.

(6) The Court should not exercise its jurisdiction on misplaced sympathy.

(7) If the mischief played so widespread and all pervasive, affecting the result, so as to make it difficult to pick out the persons who have been unlawfully benefited or wrongfully deprived of their selection, it will neither be possible nor necessary to issue individual show-cause notice to each selectee. The only way out would be to cancel the whole selection.

(8) When the entire selection is stinking, conceived in fraud and delivered in deceit, individual innocence has no place and the entire selection has to be set

aside.

30. The principles, as aforesaid, laid down by the Supreme Court, in M.P. State Coop. Bank Ltd. Bhopal (*supra*), may have been relevant, had such principles been taken into consideration, after giving an opportunity to the writ petitioners-appellants of being heard. After a long lapse of seventeen years, the State respondent is not expected to deprive its regularly selected and appointed employees from employment in an irregular manner. Exercise of power to terminate employment by the State has to be rational and equitable and such exercise of power should not be at the cost of violation of the principle of natural justice. Therefore, the impugned Memorandum issued by the State respondent to cancel its own order of appointment after seventeen years, in the facts and circumstances discussed above, do not appear to be sustainable in law.

31. In the set of writ appeals, i.e. W. A. 8, 10, 11 and 12 the petitioner-appellants challenged the judgment of the learned single Judge mainly on the ground that they would be entitled to back wages for the period during which they remained out of employment. Learned counsel for the writ petitioners contended in the appeals aforenoted that the learned single Judge, after having found sufficient force in the case of the writ petitioners, accepted and allowed the writ petitions and set aside and quashed the impugned memorandum by directing the reinstatement of the writ petitioners in their services and also held that the writ petitioners are entitled in their services with all service benefits, but refused to entertain the writ petitioners to take the back wages, for the period during which the writ petitioners were out of employment. It has been submitted, on behalf of the petitioner-appellants, that the learned single Judge, while taking the decision to disentitle the writ petitioners from receiving the back wages, showed on ground whatsoever.

32. Learned counsel for the petitioners-appellants have submitted that since the cancellation of the appointments was illegal and arbitrary, the writ petitioners-appellants had to remain out of employment, therefore the learned single Judge ought to have allowed the back wages to the writ petitioners-respondents for the period, during which they were illegally prevented from rendering service. Learned counsel for the writ petitioners-appellants has further pointed out that since no case was made out by the respondents for cancellation of the appointments of the writ petitioners after seventeen years, the writ petitioners are entitled to full back wages for the period during which they were prevented from rendering services. Though learned counsel for the petitioners-appellants has contended that the State appellant is legally bound to pay the back wages to the writ petitioners during the aforesaid period, the fact remains that the writ petitioners may be, for a temporary period, were out of employment and did not render any services during the period. Nonetheless, in Kamal Nayan Mishra (*supra*) also the Supreme Court took a similar view and granted consequential relief, except back wages claimed. We do not notice any irrationality in the decision of the learned Single Judge in the impugned judgment, warranting

interference of this Court.

33. Considering the entire facts and circumstances discussed above, we do not find any significant ground to interfere with the reasoning given by the learned Single Judge in the impugned judgment and order rendered passed in the writ petition.

34. Consequently, the writ appeals filed by the State-appellants as well as the writ petitioners-appellants stand dismissed.