

Before M. M. Kumar & T.P.S. Mann, JJ.

PAL SINGH,—Petitioner

versus

UNION OF INDIA AND OTHERS,—Respondents

C.W.P. No.6712-CAT of 2008

4th July, 2011

Constitution of India - Art. 226/227 & 309 - Military Engineering Services (Administrative Officer Grade-II) Recruitment Rules, 1979 - Military Engineering Services (Administrative Officer Grade-I) Recruitment Rules, 1989 - 'Military Engineering Services (Administrative Officer) Recruitment Rules, 1969 - whether promotion can be denied despite fulfilling stipulated benchmark of 'Good' record devised under statutory criteria of 'merit-cum-seniority' in preference to those employees who have superior record - Petitioner challenged award of Chandigarh bench of CAT upholding action of respondent denying petitioner promotion - Held, it is well settled that once benchmark has been fixed then those who fulfill stipulated bench mark would be deemed to have answered the condition for promotion - Petition allowed - Order of Tribunal quashed.

Held, that in the seniority list of Office Superintendent Grade-I all those who fulfilled the benchmark of 'Good' have to be given promotion without further classification on the basis of superior benchmark of 'Very Good', 'Outstanding' or 'Excellent'. This conclusion is inevitable because the respondents 1 to 3 have themselves pleaded that for promotion the benchmark of 'Good' has been kept. Moreover, the instructions dated 27.3.1997 and 6.11.1998 also support the same principle. Accordingly, it has to be concluded that arranging the seniority in accordance with the superior benchmarks like, 'Outstanding', 'Excellent', 'Very Good' and then 'Good' would not be sustainable in the eyes of law.

(Para 17)

Further held, That the writ petition succeeds. The order of the Tribunal, dated 7.9.2007 (P-1) and order dated 1.3.2004 (A-1) are hereby quashed. It is further directed that the official respondents shall prepare a fresh seniority list on the principle that the seniority of the officers in the

grade of Office Superintendent Grade- I shall not be affected as long as they have attained the benchmark of 'Good'.

(Para 17)

Ashok Bhardwaj, Advocate, *for the petitioner.*

Namit Kumar, Advocate for respondent Nos. 1 to 3.

B.B. Sharma, Advocate for respondent No. 4.

M.M. KUMAR, J.

(1) The short issue raised in the instant petition filed under Article 226 of the Constitution is “whether an employee could be denied promotion to a higher post despite fulfilling the stipulated benchmark of ‘Good’ record devised under the statutory criteria of ‘merit-cum-seniority’ in preference to those employees who have superior record of ‘Very-Good’, ‘Excellent’ or ‘Outstanding’?”

(2) The issue has been raised by the unsuccessful petitioner who has challenged the order dated 07.09.2007 rendered by the Chandigarh Bench of the Central Administrative Tribunal (for brevity, ‘the Tribunal’), upholding the action of the respondent whereby he has been denied promotion on the post of Administrative Officer Grade I and II by giving promotion to his junior on the plea of better service record of ‘Very Good’ or ‘Excellent’.

(3) The case has chequered history, therefore, it would first be necessary to state few background facts. The petitioner joined Military Engineering Service as Civilian Store Keeper on 23.12.1959, reclassified as LDC w.e.f. 15.03.1961 and further promoted as UDC w.e.f. 01.12.1969. Under the Rules applicable to service, a UDC is entitled to be considered for promotion in hierarchy of posts in separate higher cadre one after the other. Various channels of promotion are as follows:

- “(a) Officer Superintendent Grade-II,
- (b) Office Superintendent Grade-I,
- (c) Administrative Officer Grade-II,
- (d) Administrative Officer Grade-I,
- (e) Senior Administrative Officer.”

(4) It is not disputed that the petitioner was promoted as Officer Superintendent Grade-II (Selection Post) on 21.04.1981 and further promoted as Office Superintendent Grade-I (Non Selection Post) on 18.04.1984. The petitioner still earned further promotion as Administrative Officer Grade II (Selection Post) and then as a Administrative Officer Grade -I (Selection Post) on 30.12.1995. The aforesaid promotions were result of recommendation made by the Departmental Promotion Committee (for brevity 'DPC') and review DPC. After the review DPC, the petitioner was given notional seniority as Office Superintendent Grade-II w.e.f. 11.12.1975. Accordingly, in All India Seniority List of Office Superintendent Grade-II circulated in October 1996 (A-4), he was shown senior to private respondents.

(5) The petitioner made a representation on 30.03.1994 expressing his grievance that some persons junior to him were promoted as Administrative Officer Grade-II, Administrative Officer Grade I and Senior Administrative Officer. His grievance was kept pending by the Chief Engineer (A/F), Allahabad, who was requested by the Headquarters Commander Works Engineer (A/F), Allahabad for redressal of his grievance vide letter dated 06.04.1994 (A-6). It is further appropriate to mention that on 12.07.1996 (A-9), the official respondents further promoted many persons junior to the petitioner as Senior Administrative Officer. This led to the filing of Original Application No. 324/PB/97 before the Tribunal by one Shri Balkrishan Luther and others. The original application was disposed of by the Tribunal with the observations that applicant would make a self-contained representation to respondent No. 2 and on receipt thereof the same was to be decided by speaking order within three months. The petitioner along with many other adversely effected persons again made representation for ignoring him for promotion in preference to his junior. The respondents prepared revised consolidated panels in respect of the Administrative Officer Grade II and I on 12.05.2000. In these revised panels, some persons junior to the petitioner have been shown senior. The petitioner was placed at Sr. No. 130 in the Administrative Officer Grade II and Sr. No. 108 in the panel of Administrative Officer Grade-I. This led to the filing of representation dated 03.07.2000 (Annexure-8) questioning the revised panels.

(6) However, the respondents did not pass any order on the representation made by the petitioner which led to the filing of OA No. 1025/PB/ 2000 before the Tribunal. The OA was disposed of on 12.12.2000 (A-14), with a direction to the respondent to take a decision on the representation dated 03.07.2000. Vide order dated 28.02.2001, the representation made by the petitioner was rejected which became subject matter of challenge in OA No. 359/Ch/2001 preferred by the petitioner before the Tribunal. The aforesaid OA was withdrawn with liberty to file fresh one on the same cause of action because during the pendency of the said OA, some promotions were made which needed to be challenged. Thereafter, the petitioner filed OA No. 502/Ch/2001 along with another persons Shri Malook Chand, who filed OA No. 503/PB/2001. Both these OAs were disposed of by the Tribunal on 18.02.2002 (A- 15). A categorical finding has been recorded by the Tribunal in para 9 of its judgment, which reads as under:

- “9. Even though applicants have been given notional promotion by revising their dates of promotion to the post of Office Superintendent Grade II, Grade I, Administrative Officer Grade II and Grade I but on close examination of Annexure A-5 in the case of Pal Singh, we do find that persons who are junior to these applicants in these various posts, have been given promotion to the next higher post even if that be non-selection post and they have been made senior to the applicants. None of the private respondents is before us to explain the reason as to how they have earned such promotion. Officials respondents though refer to two stages in such promotions happened to be selection posts i.e. promotion to the post of Office Superintendent II, Administrative Officer Grade II, Administrative Officer Grade I and thereafter promotion to the post of Senior Administrative Officer, being selection posts but that has not been stated to be reason for giving promotion to private respondents earlier than the applicants. There is no plea that applicants were superseded on account of the record of the private respondents being better than the applicants. In any case we find that while considering for promotion to the post of Senior Administrative Officer, persons who would be junior to

these applicants on the post of Administrative Officer Grade I are stated to have already been promoted whereas these applicants have not yet been considered for such promotion. We need not go into details of promotion to each of the stages which happened to be Office Superintendent Grade II to Grade I, Administrative Officer II and I. Suffice it so say that we find that respondents have not taken into consideration the points raised by the applicants regarding their becoming senior to private respondents on the basis of Annexure A-8 dated 05.08.2000 in the case of Pal Singh and Annexure -7 dated 07.08.2000, in the case of Malook Chand.”

(7) After the aforesaid findings, the Tribunal proceeded to issue direction to the respondent to prepare a fresh seniority list as per the seniority to be assigned to the petitioner as well as to Shri Malook Chand. It has been categorically found that the seniority list has to be prepared on the basis of order 05.08.2007 (A-7), passed by the Chief Engineer, Western Command. It implies that the petitioner as Office Superintendent Grade-I was given notional promotion w.e.f. 30.09.1983 i.e. date of original panel of Office Superintendent Grade-I. The aforesaid exercise was undertaken on account of directions issued by various benches of the Tribunal at New Bombay, Chennai and Chandigarh. He was also treated to be notionally promoted as AO-II w.e.f. 18.6.1984, which is provisional date of promotion. Likewise he was notionally considered to be promoted as AO-I w.e.f. 07.08.1987. It was on the basis of the aforesaid notional dates of promotion given by the Chief Engineer in his aforesaid order that seniority was required to be re-determined in All India Seniority List viz-a-viz the placement of the private respondents. If the petitioner was to become senior then according to further direction respondents were held to a review DPC for promotional posts and they become senior for promotion to the next higher grade. The directions issued by the Tribunal in para 10, 11 and 12 reads as under:

“10. The present O.As are, therefore, disposed of with a direction to respondents to prepare fresh seniority lists as per the seniority to be assigned to both these applicants on the basis of annexures A-8 (Pal Singh) and A-7 (Malook Chand) in All India Seniority list particularly with reference to the placement of the private respondents in these two cases and if applicants become senior,

hold review DPCs for the posts they become senior for promotion to the next higher grade. If they are so promoted prior to the private respondents by orders of re-fixation of their notional dates of promotion, same shall be incorporated in the record of the respondents particularly the seniority lists and necessary orders passed for promotion to the concerned post.

11. We further direct that both these applicants be considered for promotion to the post of Senior Administrative Officer under the relevant rules and if found fit and suitable, be given benefit of such promotion w.e.f. the dates their immediate juniors have been given such promotion. Respondents will take into consideration the averments made in these two O.As while conducting the review DPC.
12. We have been informed that the applicant Pal Singh has retired from service. In case above benefits are extended to Pal Singh with change in date of promotion and he is given promotion to the post of Senior Administrative Officer w.e.f. the date which happens to be prior to the date of his retirement, respondents shall pass necessary orders for revising the pensionary benefits including his PPO. The above given directions be complied with by the respondents within a period of six months from the date of receipt of copy of this order. No costs.”

(8) One of the basic reasons for the Tribunal to take the view in the aforesaid judgment was that on facts no plea was set up by the respondents that supersession of the petitioner for promotion was not on account of better record of his juniors who are private respondent. The basic reason was that no such plea set up by the petitioner.

(9) The directions issued by the Tribunal were challenged by the respondents in this Court in CWP No. 11997-CAT of 2003, which was dismissed on 20.12.2003. Even a Special Leave Petition was filed and the respondents failed to secure any relief from Hon’ble the Supreme Court. After the legal battle was over, the respondents proceeded to consider the case of the petitioner vis-a-vis his juniors as per the direction issued by the Tribunal. Accordingly, they passed impugned orders dated 01.03.2004 (A-1) and 27.02.2004 (A-2) and affirmed their previous revised panels.

They claimed that respondents have re-assessed the character rolls of the petitioner and pointed out that the persons junior to him along with his colleagues Shri Malook Chand were promoted because they were assessed higher in merit.

(10) Feeling aggrieved, the orders passed by the Review DPC on 01.03.2004 and 27.02.2004 were challenged by the petitioner in OA No. 716-PB-2004 before the Tribunal. The aforesaid OA filed by the petitioner has been dismissed on 07.09.2007 (P-1). The Tribunal has held that promotion from the post of Office Superintendent Grade-I to AO-II and onwards are selection based and even a junior could be promoted superseding his senior on account of low ranking of his ACRs. The Tribunal did not refer to any rules required to be followed by the Regular DPC and review DPC nor did it examine the question that once the petitioner fulfilled the required bench mark of 'Good' then a junior with better record cannot supersede him.

(11) The undisputed factual position which emerges is that promotion to the posts of Office Superintendent Grade-II, Administrative Officer Grade-II, Administrative Officer Grade-I and Senior Administrative Officer are selection posts whereas the posts of office Superintendent Grade-I is non selection post. The petitioner was promoted as Office Superintendent Grade-II firstly w.e.f. 21.04.1981 and notional seniority was given to him w.e.f. 11.12.1975. Likewise, he was given notional promotion as Office Superintendent Grade-I w.e.f. 30.09.1983. The promotion of the petitioner from Office Superintendent Grade-II to Office Superintendent Grade-I has remained undisputed. It is thus, evident that the petitioner has been ranking senior to the private respondents Shri Pal Singh has been shown senior to Prem Sagar etc. Likewise, in the cadre of Office Superintendent Grade-I, the name of the petitioner appears at Sr. No. 84 and those of the respondents at far lower position. However, while preparing the seniority list of Administrative Officer Grade-II, the petitioner has been superseded by his juniors as would be evident from para 9 and 10 of the order, which reads thus:-

“9. It is undisputed that seniority of the applicant as Office Superintendent Gr. II was revised by the respondents pursuant to orders passed by various Benches of the Tribunal and the

applicant was given the notional seniority of AO I w.e.f. 7th August, 1987 whereas he had officiated w.e.f. 30th December, 1995 only. It is undisputed that promotion from office Superintendent Grade- I to AO II and onwards, is based on selection as per the recruitment rules. Learned counsel for the applicant submits that this plea was taken by the respondents even before the Hon'ble High Court of Punjab & Haryana in challenge to the decision rendered by this Tribunal in O.A. filed by the applicant, but it was not accepted and the writ petition was dismissed. However, we find that the short issue involved in the earlier case filed by the applicant was as to whether applicant was entitled to seniority on the basis of his officiation or not. Obviously, the benefit of officiating service towards seniority would be of help to the applicant or others only for promotion upto the post of Office Superintendent Gr. I. From OS Gr I onwards, even if one is senior but has lower ACR grading, he will have to give way to his junior who may be having higher grading in his ACRs as element of selection comes into play.

10. It is specific stand of the respondents, which has not been rebutted by the applicant by filing any rejoinder, that review DPC meetings were held for promotion from the post of OS Gr. I to AO Gr. II in respect of the applicant on 26.2.2004 and as per recommendations of the DPC, the competent authority did not find any change in the seniority position already assigned to the applicant inasmuch as the applicant was found low in the CR gradings as compared to his alleged juniors. We also find support from O.A. No. 564/201, Prakash Chand Vs. Union of India & others, decided on 26.2.2003, wherein it has been held that promotion from AO Gr. I to SAO is on selection basis and in that case since the applicant had lower grading compared to his juniors and as such it was held that he could be superseded and there is no fault in such course of action. In view of these facts, the plea of the applicant that juniors to him could not steal a march over him and promotions had to be made on the basis of seniority only is misconceived. The persons who superseded him while getting promotion as AO Gr-II or

AO Gr. I, cannot be sad to be junior to him. Once element of selection comes into play, a junior can supersede his senior. In the earlier O.A. the Bench had specifically noticed that it was not explained by anybody that alleged junior to be applicant had been given promotion earlier than the applicants on the ground of it being a selection based promotions. It was also recorded that there is no plea that applicants were superseded on account of the record of the private respondents being better than the applicants". That question now stands explained in this case. In this O.A. the respondents have taken a specific plea, which has gone unrebutted, that the applicant was superseded because of his low ranking in the ACRs and as such we do not find any case made out for interference of this Tribunal in the impugned order."

(12) Mr. Ashok Bhardwaj, learned counsel for the petitioner has vehemently argued that promotion to the post of Administrative Officer Grade-II is governed by Military Engineering Services (Administrative Officer Grade-II) Recruitment Rules, 1979 (for brevity 'the 1979 Rules') and that of Grade-I is governed by Military Engineering Services (Administrative Officer Grade-I) Recruitment Rules, 1989 (for brevity 'the 1989 Rules'). He has further submitted that another set of statutory rules known as 'Military Engineering Services (Administrative Officer) Recruitment Rules, 1969' (for brevity 'the 1969 Rules') governed the promotion to the post of Senior Administrative Officer. According to the learned counsel, it is conceded case of the parties that for promotion to the post of Administrative Officer Grade-II, Grade-I and Senior Administrative Officer, the bench mark kept is 'Good'. He has maintained that the petitioner has achieved the bench mark 'Good' and he cannot be superseded by his juniors merely because they have secured better benchmark in their ACRs. Mr. Bhardwaj, learned counsel has argued that if an employee fulfilled the bench mark then his juniors cannot supersede him who might have secured better bench mark. Where the bench mark has been fixed by the DPC then the merit stands determined and the principle of seniority thereafter would apply. In support of his submission, learned counsel placed reliance on the observations made by Hon'ble the Supreme Court rendered in the case of **B.V. Sivaiah versus K. Addanki Babu (1)**.

(1) (1998) 6 SCC 720

(13) Mr. Bhardwaj, has also placed reliance on the office memo dated 27.03.1997 issued by the Department of Personnel and Trading, Government of India and office memo dated 06.11.1998. He has maintained that criteria for promotion is selection-cum-seniority for All India Group-C, Group-B and Group-A which are below the level of '3700-5000 (pre-revised scale). The post of Administrative Officer Grade-II and Grade-I as well as the post of Senior Administrative Officer are Group-B posts and all these posts carry the pay scale less than '3700-5000 as would be patent from the perusal of schedule appended to MES (AO-I) Recruitment Rules, 1989 (for brevity 'the 1989 Rules') which shows that the post of AO-I is in the pay scale of '2375-3500. The instructions would further show that the employee with grading 'Good' are included in the panel in order of their seniority in the lower grade subject to availability of the vacancy. Accordingly, it has been claimed that the petitioner being senior deserves to be placed above his juniors, in the select panels of AO-II, AO-I and Sr. AO. Mr. Bhardwaj has further argued that the petitioner has clean service record throughout his service career although he has retired. There is no single adverse remark conveyed to him.

(14) Mr. Namit Kumar, learned counsel for respondent Nos. 1 to 3 has placed reliance on the oral instructions dated 16.05.1957 which postulate that the procedure has been given for making promotion to the selection post then the officer should be classified as 'Outstanding' 'Very Good' and 'Good' on the basis of merit as determined by respective record of service. The select list is required to be prepared by placing the names in the order of those three categories without disturbing the seniority inter se within each category. According to the learned counsel, refers to the office memo dated 10.04.1989, which is relied upon by the other side is not applicable because in the present case vacancy year is 1983 and the office memo has been issued 10.04.1989. In support of his submission learned counsel has placed reliance on the judgment of Hon'ble the Supreme Court rendered in the case of **State of U.P. versus Jalal Uddin (2)**. Learned counsel has maintained that principle of merit-cum-seniority is an approved method of selection and the promotion to the selection post is not automatic on the basis of ranking in the gradation list.

(15) In order to find answer to the question posed in the first para of the judgment, it would first be necessary to read the statutory rules governing promotion to the posts of Administrative Officer Grade-II, Administrative Officer Grade-I and Senior Administrative Officer. As noticed in preceding para 12, the statutory rules framed under proviso to Article 309 of the Constitution applicable for promotion to the post of Administrative Officer Grade-II are known as 'Military Engineering Services (Administrative Officer Grade-II) Recruitment Rules, 1979'. Likewise, promotion to the post of Administrative Officer Grade-I is regulated by the rules known as 'Military Engineering Services (Administrative Officer Grade-I) Recruitment Rules, 1989 and that of Senior Administrative Officer is governed by the 'Military Engineering Services (Administrative Officer) Recruitment Rules, 1969'. It has not been disputed before us and, in fact, is pleaded case of the respondents that benchmark for the post of Administrative Officer Grade-II, Grade-I and that of Senior Administrative Officer is stipulated to be 'Good'. The aforesaid benchmark appears to have been fixed in view of the administrative instructions issued by the Department of Personnel on 27.3.1997 and 6.11.1998. A part of those instructions as cited in Swamy's Handbook-2000 reads as under:-

“7. Benchmark, Grading and Preparation of Select List :

Category of officers	Benchmark	Grading to be given by	Preparation of Select List DPC
(a) Selection-cum-Seniority			
1. For all Group 'C', Group 'B' and Group 'A' posts below the level of Rs. 3,700-5,000 (pre-revised scale) except promotion for induction to Group 'A' from lower groups	Good	(i) Good (ii) Average and (iii) Unfit	Those with grading 'Good' included in the panel in the order of their seniority in the lower grade subject to availability of vacancies.

2. For Group 'A' services/ posts filled by promotion from lower groups	Good	(i) Outstanding (ii) Very Good (iii) Good (iv) Average and (v) Unfit	Officers graded 'Outstanding' included on top followed by 'Very Good' and then 'Good' in the order of inter se seniority up to the number of vacancies.
3. For Group 'A' posts of the level of Rs. 3,700-5,000 (pre-revised scale) and above	Very Good	(i) Outstanding (ii) Very Good (iii) Good (iv) Average & (v) Unfit	Officers graded 'Outstanding' included on top followed by 'Very Good' in the order of their inter se seniority. Officers graded less than 'Very Good' will not be included."

(16) A perusal of the aforesaid instructions would show that in cases where promotion is based on selection then the benchmark of 'Good' has been provided which is probably the basis for the stand taken by the respondents. It has also been noticed from the instructions that where criteria for promotion is 'selection-cum-seniority' for all Group 'C', Group-'B' and Group-'A' posts carrying the pre-revised pay scale of '3700-5000 then the benchmark of 'Good' has to apply. It is not disputed that the petitioner alongwith the private respondents have been working in the pre-revised pay scale of '3700-5000. It has also not been disputed that on the basis of higher grading over and above the grading of 'Good', persons junior to the petitioner have been shown his senior in the cadre of Administrative Officer Grade-II, as is evident from the perusal of letter dated 1.3.2004

(Annexure A-1 at pages 166 and 168-169 of the paper book). The petitioner has been shown at Sr. No. 130 whereas his juniors like Sarvshri Charan Dass (respondent No. 16), N. Mahadevan (respondent No. 5) and P. Sethu Madhavan (respondent No. 7) have been shown at Sr. Nos. 54, 66 and 67 respectively. It appears to have happened on the ground that junior to the petitioner had secured higher benchmark of 'Very Good' or 'Excellent'. Therefore, the question posed in the first para of the judgment has emerged for consideration.

(17) It is well settled that once the benchmark has been fixed then all those who fulfilled the stipulated benchmark would be deemed to have answered the condition for promotion. Once it is admitted that the petitioner has 'Good' record then no doubt is left that he has answered the benchmark and was entitled to be given promotion without affecting his seniority. In other words, in the seniority list of Office Superintendent Grade-I all those who fulfilled the benchmark of 'Good' have to be given promotion without further classification on the basis of superior benchmark of 'Very Good', 'Outstanding' or 'Excellent'. This conclusion is inevitable because the respondents 1 to 3 have themselves pleaded that for promotion the benchmark of 'Good' has been kept. Moreover, the instructions dated 27.3.1997 and 6.11.1998 also support the same principle. Accordingly, it has to be concluded that arranging the seniority in accordance with the superior benchmarks like, 'Outstanding', 'Excellent', 'Very Good' and then 'Good' would not be sustainable in the eyes of law. Accordingly, the petitioner is entitled to placement of his seniority in the cadre of Administrative Officer Grade-II in accordance with the aforesaid principle and then further promotion and seniority to the posts of Administrative Officer Grade-I and Senior Administrative Officer. Moreover, it is stated before us that the petitioner as well as private respondents have retired from service. It would only earn him the benefits of higher scale if the petitioner is given promotion to the post of Senior Administrative Officer.

(18) Mr. Namit Kumar, learned counsel for the respondents has argued that in accordance with the instructions of Government of India, Department of Personnel, dated 30.12.1976 and 11.1.1977, the Departmental Promotion Committee is required to be composed and for selection post

Union Public Service Commission (UPSC) is to be associated in respect of all posts belonging to the Central Civil Services in Group 'A', if promotion is based on the principle of selection. The aforesaid argument is wholly misconceived because at no stage of promotion, UPSC was associated, which imply that promotion to the posts of Administrative Officer Grade-II, Grade-I and Senior Administrative Officer has never been treated as selection post. The instructions to which reference has been made could have been applied by the official respondents. However, no such effort was made. Once the official respondents themselves have not followed the instructions nor they are as such applicable, it is too late in the day to argue that the instructions would apply and the UPSC should have been associated with the selection process. It is an argument of frustration and whole process could not now turn topsy-turvy. Therefore, we find no substance in the aforesaid argument and reject the same.

(19) In view of the above, the writ petition succeeds. The order of the Tribunal, dated 7.9.2007 (P-1) and order dated 1.3.2004 (A-1) are hereby quashed. It is further directed that the official respondents shall prepare a fresh seniority list on the principle that the seniority of the officers in the grade of Office Superintendent Grade-I shall not be affected as long as they have attained the benchmark of 'Good'. In other words, further classification on the basis of benchmark of 'Very Good', 'Excellent' and 'Outstanding' shall not be given effect because it lacks any statutory flavour. The official respondents are also directed to treat the private respondents as junior to the petitioner and consider the case of the petitioner for promotion to the post of Senior Administrative Officer from the date any person junior to him was promoted. The official respondent Nos. 1 to 3 shall also re-fix the pay of the petitioner, release and give him all consequential benefits including arrears by re-computing the pension or other pensionary benefits. All the aforesaid directions shall be carried within a period of three months from the date of receipt of a copy of this order.

A. AGGARWAL