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Rubber Board, vs Rubber Board Research Guild

Rubber Board, vs Rubber Board Research Guild

SooperKanoon Citation : sooperkanoon.com/1806408

Court : Kerala

Decided On : Jul-28-2020

Judge : Honourable Mr.Justice a.M.Shaffique,Honourable Mr. Justice Gopinath P.

Appeal No. : WA/1718/2019

Appellant : Rubber Board,

Respondent : Rubber Board Research Guild

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE & THE HONOURABLE MR. JUSTICE GOPINATH P. TUESDAY, THE 28TH DAY OF JULY 2020 / 6TH SRAVANA, 1942 WA.No.1611 OF 2019 AGAINST THE JUDGMENT DATED 27-03-2019 IN WP(C) 19565/2015(U) OF HIGH COURT OF KERALA APPELLANTS/RESPONDENTS 5 & 6 IN W.P.(C):

1 THE CHAIRMAN, RUBBER BOARD,MINISTRY OF COMMERCE AND INDUSTRY, GOVERNMENT OF INDIA, PB NO.1122, SUB JAIL ROAD, KOTTAYAM-686 002, REPRESENTED BY ITS SECRETARY-IN-CHARGE. 2 THE SECRETARY, RUBBER BOARD, SUB JAIL ROAD,

KOTTAYAM-686 002. BY ADVS. SRI.ABRAHAM JOSEPH MARKOS SRI.ISAAC THOMAS SHRI.SHARAD JOSEPH KODANTHARA SRI.P.G.CHANDAPILLAI ABRAHAM SHRI.VIPIN ANTO H.M. SHRI.ALEXANDER JOSEPH MARKOS RESPONDENTS/RESPONDENTS 7-11/RESPONDENTS 1 TO 4 & 7 IN WP(c): 1 DR. C.P.REGHU JOINT DIRECTOR(GERMPLASM), RUBBER RESEARCH INSTITUTE OF INDIA, RUBBER BOARD, KOTTAYAM-2. 2 JACOB MATHEW, JOINT DIRECTOR(MYCOLOGY/PLANT PATHOLOGY), RUBBER RESEARCH INSTITUTE OF INDIA, RUBBER BOARD, KOTTAYAM-2. 3 DR. K.U.THOMAS, JOINT DIRECTOR(LATEX HARVEST TECHNOLOGY), RUBBER RESEARCH INSTITUTE OF INDIA, RUBBER BOARD, KOTTAYAM-2. W.A.N.1611/2019 & connected cases -2- 4 DR. R. KRISHNAKUMAR, JOINT DIRECTOR(CROP PHYSIOLOGY), RUBBER RESEARCH INSTITUTE OF INDIA, RUBBER BOARD, KOTTAYAM-2. 5 DR.KAVITHA MYDIN, JOINT DIRECTOR(CROP IMPROVEMENT), RUBBER RESEARCH INSTITUTE OF INDIA, RUBBER BOARD, KOTTAYAM-2. 6 DR. M.D JESSY, JOINT DIRECTOR(CROP MANAGEMENT), RUBBER RESEARCH INSTITUTE OF INDIA, RUBBER BOARD, KOTTAYAM-2. 7 UNION OF INDIA, REPRESENTED BY SECRETARY TO GOVERNMENT, MINISTRY OF COMMERCE AND INDUSTRY, DEPARTMENT OF COMMERCE, UDYOG BHAVAN, RAFI MARG, NEW DELHI-110001. 8 THE DIRECTOR, GOVERNMENT OF INDIA, MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS, DEPARTMENT OF PERSONNEL AND TRAINING, UDYOG BHAVAN, RAFI MARG, NEW DELHI-110001. 9 THE SECRETARY, GOVERNMENT OF INDIA,DEPARTMENT OF SCIENCE AND TECHNOLOGY, TECHNOLOGY PARK, NEW DELHI-110016. 10 THE DIRECTOR, GOVERNMENT OF INDIA, MINISTRY OF COMMERCE AND INDUSTRY, (DEPARTMENT OF COMMERCE), UDYOG BHAVAN, RAFI MARG, NEW DELHI-110001. 11 PRINCIPAL DIRECTOR OF COMMERCIAL AUDIT AND EX- OFFICIO MEMBER, AUDIT BOARD, 11 LEVEL, I.O.C BHAVAN, 139,MAHATMA GANDHI ROAD,

NUNGAMBAKKAM, CHENNAI-600 034. R1-6 BY ADV. SRI.JOHN VARGHESE R7-10 BY SMT.H.SUBHALEKSHMI, CGC R11 BY ADV. SRI.K.I.MAYANKUTTY MATHER OTHER PRESENT: SRI. JOSEPH KODIANTHARA-SR. THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 09-07-2020, ALONG WITH WA.1667/2019 AND CONNECTED CASES, THE COURT ON 28-07-2020 DELIVERED THE FOLLOWING: W.A.N.1611/2019 & connected cases -3-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE & THE HONOURABLE MR. JUSTICE GOPINATH P. TUESDAY, THE 28TH DAY OF JULY 2020 / 6TH SRAVANA, 1942 WA.No.1667 OF 2019 AGAINST THE JUDGMENT DATED 27-03-2020 IN WP(C) 24586/2016(W) OF HIGH COURT OF KERALA APPELLANTS/RESPNDENTS NO.5 TO 8 IN WPC: 1 SPICES BOARD, REPRESENTED BY ITS SECRETARY, SUGANDHA BHAVAN, PALARIVATTOM, KOCHI - 682025. 2 CHAIRMAN SPICES BOARD, SUGANDHA BHAVAN, PALARIVATTOM BY PASS ROAD, KOCHI - 682025. 3 SECRETARY SPICES BOARD, SUGANDHA BHAVAN, PALARIVATTOM BY PASS ROAD, KOCHI - 682025.

4 DIRECTOR INDIAN CARDAMOM RESEARCH INSTITUTE (ICRI), MYLADUMPARA, KAILASANADU P. O., IDUKKI DISTRICT - 685 553. BY ADVS. SMT.K.RADHAMANI AMMA ANTONY MUKKATH, SC, SPICES BOARD, INDIA RESPONDENTS/PETITIONERS 1 TO 5 AND RESPONDENTS 1 TO 4 IN WPC: 1 DR.Y.S.RAO, SCIENTIST D AND HOD (RETIRED), CROP IMPROVEMENT DIVISION, INDIAN CARDAMOM RESEARCH INSTITUTE (ICRI SPICES BOARD), MYLADUMPARA, KAILASANADU P. O., IDUKKI DISTRICT - 685553. 2 DR. A. K. VIJAYAN SCIENTIST D AND HOD, PLANT PATHOLOGY DIVISION, INDIAN CARDAMOM RESEARCH INSTITUTE (ICRI SPICES BOARD), MYLADUMPARA, KAILASANADU P. O., IDUKKI DISTRICT - 685553. W.A.N.1611/2019 & connected cases -4- 3 DR. MARY MATHEW K. SCIENTIST D AND HOD, BIOTECHNOLOGY DIVISION, INDIAN CARDAMOM RESEARCH INSTITUTE (ICRI SPICES BOARD), MYLADUMPARA, KAILASANADU P. O.,

IDUKKI DISTRICT - 685553. 4 B.A.VADIRAJ SCIENTIST D AND HOD, AGRONOMY AND SOIL SCIENCE DIVISION, INDIAN CARDAMOM RESEARCH INSTITUTE (ICRI SPICES BOARD), MYLADUMPARA, KAILASANADU P. O., IDUKKI DISTRICT - 685553. 5 DR. K. DHANAPAL SCIENTIST D , PLANT PATHOLOGY AND SCIENTIST IN CHARGE ICRI, REGIONAL RESEARCH STATION (RRS) TADONG, SIKKIM, PRESENTLY WORKING UNDER ICRI, MYLADUMPARA, IDUKKI - 685553. 6 UNION OF INDIA REPRESENTED BY THE SECRETARY TO GOVERNMENT, MINISTRY OF COMMERCE AND INDUSTRY, UDYOG BHAVAN, RAFI MARG, NEW DELHI - 110 101. 7 SECRETARY TO GOVERNMENT MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS, DEPARTMENT OF PERSONNEL AND TRAINING, (DOPT), GOVERNMENT OF INDIA, UDYOG BHAVAN, RAFI MARG, NEW DELHI - 110 001. 8 DEPARTMENT OF COMMERCE MINISTRY OF COMMERCE AND INDUSTRY, GOVERNMENT OF INDIA, UDYOG BHAWAN, NEW DELHI - 110 107. REPRESENTED BY ITS SECRETARY 9 THE COMPTROLLER AND AUDITOR GENERAL OF INDIA POCKET - 9, DEEN DAYAL UPADHYAYA MARG, NEW DELHI - 110 124. R1-5 BY ADV. SRI.ABRAHAM MATHEW (VETTOOR) R6-9 BY SRI.B.RAMACHANDRAN, CGC SRI. ANTONY MUKKATH -SC THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 09-07-2020, ALONG WITH WA.1611/2019 AND CONNECTED CASES, THE COURT ON 28-072020 DELIVERED THE FOLLOWING: W.A.N.1611/2019 & connected cases -5-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE & THE HONOURABLE MR. JUSTICE GOPINATH P. TUESDAY, THE 28TH DAY OF JULY 2020 / 6TH SRAVANA, 1942 WA.No.1669 OF 2019 AGAINST THE JUDGMENT DATED 27-03-2020 IN WP(C) 28348/2016(W) OF HIGH COURT OF KERALA APPELLANTS/RESPONDENT NO.5 AND 6 IN WPC: 1 SPICES BOARD, REPRESENTED BY ITS SECRETARY, SUGANDHA BHAVAN, N.H.BY-PASS, PB NO.2277, PALARIVATTOM, KOCHI-682025 2 CHAIRMAN SPICES BOARD, SUGANDHA BHAVAN, N.H.BY-PASS, PB NO.2277, PALARIVATTOM,

KOCHI-682025 BY ADVS. SMT.K.RADHAMANI AMMA ANTONY MUKKATH, SC, SPICES BOARD, INDIA RESPONDENTS/PETITIONERS 1 TO 5 AND RESPONDENTS 1 TO 4 IN WPC: 1 DR.B.GOPAKUMAR INDIAN CARDAMOM RESEARCH INSTITUTE, MYLADUMPARA, KAILASANADU.P.O., IDUKKI DISTRICT-685553, NOW RESIDING AT T.C.28/593, 'GAYA', NALUMUKKU, KAITHAMUKKU, PETTAH.P.O., THIRUVANANTHAPURAM-695024 2 DR.S.VARADARSAN INDIAN CARDAMOM RESEARCH INSTITUTE, MYLADUMPARA, KAILASANADU.P.O., IDUKKI DISTRICT-685553, NOW RESIDING AT 1-1-26, CHOKKALINGANAGAR, 1ST STREET, KOODAL NAGAR, MADURAI-685018. 3 DR.K.M.KURUVILLA INDIAN CARDAMOM RESEARCH INSTITUTE, MYLADUMPARA, KAILASANADU.P.O., IDUKKI DISTRICT-685553, NOW RESIDING AT PADINGARAKARIKARA, 'TOM VILLA', THALAYAR, KUTTOOR.P.O., THIRUVALLA-689106 W.A.N.1611/2019 & connected cases -6- 4 DR.AJITH KUMAR BISWAS, INDIAN CARDAMOM RESEARCH INSTITUTE, REGIONAL STATION, REGONG.P.O., GANGTOK SIKKIM, NOW RESIDING AT 40/4, PIKHANA ROAD BERHAMPORE, WEST BENGAL-742101 5 DR.UTPAL GUPTA, INDIAN CARDAMOM RESEARCH INSTITUTE, REGIONAL STATION, TADONG.P.O., GANTOK, SIKKIM, NOW RESIDING AT SATADHA APARTMENT, 210G, BAGHAJATIN, FLAT NO.2, KOLKATA-700086 6 UNION OF INDIA REPRESENTED BY THE SECRETARY TO GOVERNMENT MINISTRY OF COMMERCE AND INDUSTRY, UDYOG BHAVAN, RAFI MARG, NEW DELHI-110101. 7 THE DIRECTOR, GOVERNMENT OF INDIA, MINISTRY OF PERSONNEL, PUBLIC GRIEVANCE AND PENSIONS, DEPARTMENT OF PERSONNEL AND TRAINING, UDYOG BHAVAN, RAFI MARG, NEW DELHI-110001.

8 DEPARTMENT OF COMMERCE INDUSTRY UDYOG BHAWAN, RAFI MARG, NEW DELHI 110001 REPRESENTED BY ITS SECRETARY. 9 TH COMPTROLLER AND AUDITOR GENERAL OF INDIA POCKER-9, DEEN DAYAL UPADHYAYA MARG, NEW DELHI-110124. R1-5 BY ADV. SRI.JOHN VARGHESE R1-5 BY ADV. SRI.A.L.GEORGE R6-8 BY ADV. SRI.JAISHANKAR V.NAIR SRI. ANTONY MUKKATH -SC

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 09-07-2020, ALONG WITH WA.1611/2019 AND CONNECTED CASES, THE COURT ON 28-072020 DELIVERED THE FOLLOWING: W.A.N.1611/2019 & connected cases -7-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE & THE HONOURABLE MR. JUSTICE GOPINATH P. TUESDAY, THE 28TH DAY OF JULY 2020 / 6TH SRAVANA, 1942 WA.No.1670 OF 2019 AGAINST THE JUDGMENT DATED 27-03-2020 IN WP(C) 38524/2018(M) OF HIGH COURT OF KERALA APPELLANTS/RESPONDENTS NO.4 AND 5 IN WPC: 1 SPICES BOARD, REPRESENTED BY ITS SECRETARY, SUGANDHA BHAVAN, N. H. BY PASS, PB NO.2277, PALARIVATTOM, KOCHI - 682025. 2 CHAIRMAN SPICES BOARD, SUGANDHA BHAVAN, N. H. BY PASS, PB NO.2277, PALARIVATTOM, KOCHI - 682025. BY ADVS. SMT.K.RADHAMANI AMMA SRI.ANTONY MUKKATH RESPONDENTS/PETITIONERS 1 T 5 AND RESPONDENTS 1 TO 3 IN WPC: 1 DR.B.GOPAKUMAR, NOW RESIDING AT T. C. 28/593, 'GAYA', NADUMUKKU, KAITHAMUKKU, PETTAH P. O., THIRUVANANTHAPURAM - 695 024. 2 DR. S. VARADARASAN NOW RESIDING AT 1-1-26, CHOKKALINGANAGAR, IST STREET, KOODAL NAGAR, MADURAI - 685018. 3 DR. K. M. KURUVILLA NOW RESIDING AT 'TOMS VILLA', THALAYAR, KUTTOOR P. O., THIRUVALLA - 689106. 4 DR. AJITH KUMAR BISWAS NOW RESIDING AT 40/4, PILKHANA ROAD, BERHAMPORE, WEST BENGAL - 742101. W.A.N.1611/2019 & connected cases -8- 5 DR. UTPAL GUPTA NOW RESIDING AT SATADHA APARTMENT, 210 G, BAGHAJATIN, FLAT NO.3, KOLKATA - 700086. 6 UNION OF INDIA REPRESENTED BY THE SECRETARY TO GOVERNMENT, MINISTRY OF COMMERCE AND INDUSTRY, UDYOG BHAVAN, RAFI MARG, NEW DELHI - 110 101.

7 THE SECRETARY TO GOVERNMENT OF INDIA DEPARTMENT OF COMMERCE INDUSTRY, UDYOG BHAVAN, RAFI MARG, NEW DELHI - 110 001. 8 THE COMPTROLLER AND AUDITOR GENERAL OF INDIA POCKET -9, DEEN DAYAL UPADHYAYA MARG, NEW DELHI - 110 124. R1-5 BY ADV. SRI.JOHN VARGHESE R1-5 BY ADV. SRI.A.L.GEORGE R6-7 BY

SMT.O.M.SHALINA, CGC SRI. ANTONY MUKKATH- SC

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 09-07-2020, ALONG WITH WA.1611/2019 AND CONNECTED CASES, THE COURT ON 28-072020 DELIVERED THE FOLLOWING: W.A.N.1611/2019 & connected cases -9-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE & THE HONOURABLE MR. JUSTICE GOPINATH P. TUESDAY, THE 28TH DAY OF JULY 2020 / 6TH SRAVANA, 1942 WA.No.1700 OF 2019 AGAINST THE JUDGMENT DATED 27-03-2020 IN WP(C) 20621/2016(C) OF HIGH COURT OF KERALA APPELLANTS/4TH TO 6TH RESPONDENTS IN WPC: 1 THE RUBBER BOARD, KEEZHUKUNNU, COLLECTORATE P.O., KOTTAYAM 686 002, REPRESENTED BY ITS SECRETARY. 2 THE CHAIRMAN THE RUBBER BOARD, KEEZHUKUNNU, COLLECTORATE P.O., KOTTAYAM 686 002. 3 THE DIRECTOR, RUBBER RESEARCH INSTITUTE OF INDIA, RUBBER BOARD P.O., KOTTAYAM 686 009.

BY ADVS. SRI.ABRAHAM JOSEPH MARKOS SRI.V.ABRAHAM MARKOS SRI.ISAAC THOMAS SHRI.ALEXANDER JOSEPH MARKOS SHRI.SHARAD JOSEPH KODANTHARA RESPONDENTS 1 TO 5/PETITIONERS 1 &2 & RESPONDENTS 1-3 IN WPC: 1 DR.SIBY VARGHESE, JOINT DIRECTOR (TECHNICAL CONSULTANCY), TECHNICAL CONSULTANCY DIVISION, RUBBER RESEARCH INSTITUTE OF INDIA, RUBBER BOARD P.O., KOTTAYAM 686 009.

2 DR. JACOB K. VARKEY, SCIENTIST, D/ PRINCIPAL SCIENTIST, RUBBER RESEARCH INSTITUTE OF INDIA, RUBBER BOARD P.O., KOTTAYAM 686009. W.A.N.1611/2019 & connected cases -10- 3 UNION OF INDIA REPRESENTED BY THE SECRETARY, MINISTRY OF COMMERCE AND INDUSTRY, UDYOG BHAVAN, NEW DELHI 110 011. 4 THE SECRETRY, MINISTRY OF FINANCE, DEPARTMENT OF EXPENDITURE, GOVERNMENT OF INDIA, NEW DELHI 110 011.

5 THE SECRETARY, MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS, DEPARTMENT OF PERSONNEL AND TRAINING, GOVERNMENT OF INDIA, NEW DELHI 110 011. R1-2 BY ADV. SRI.S.P.ARAVINDAKSHAN PILLAY (B/O) R1-2 BY ADV. SMT.N.SANTHA R1-2 BY ADV. SRI.V.VARGHESE R1-2 BY ADV. SRI.PETER JOSE CHRISTO R1-2 BY ADV. SRI.S.A.ANAND R1-2 BY ADV. SMT.L.ANNAPOORNA R3-5 BY ADV. ASSISTANT SOLICITOR GENERAL (B/O THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 09-07-2020, ALONG WITH WA.1611/2019 AND CONNECTED CASES, THE COURT ON 28-072020 DELIVERED THE FOLLOWING: W.A.N.1611/2019 & connected cases -11-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE & THE HONOURABLE MR. JUSTICE GOPINATH P. TUESDAY, THE 28TH DAY OF JULY 2020 / 6TH SRAVANA, 1942 WA.No.1718 OF 2019 AGAINST THE JUDGMENT DATED 27-03-2020 IN WP(C) 22929/2016(M) OF HIGH COURT OF KERALA APPELLANTS/ 5TH TO 8TH RESPONDENTS IN WPC: 1 RUBBER BOARD, SUB JAIL ROAD, KOTTAYAM 686002,KERALA REPRESENTED BY ITS CHAIRMAN. 2 THE CHAIRMAN, RUBBER BOARD, SUBJAIL ROAD, KOTTAYAM-686002 3 THE SECRETARY, RUBBER BOARD,SUB JAIL ROAD,KOTTAYAM-686002. 4 THE DIRECTOR, RUBBER RESEARCH INSTITUTE OF INDIA, RUBBER BOARD.P.O,KOTTAYAM-686009.

BY ADVS. SRI.V.ABRAHAM MARKOS SRI.ABRAHAM JOSEPH MARKOS SRI.ISAAC THOMAS SHRI.ALEXANDER JOSEPH MARKOS SHRI.SHARAD JOSEPH KODANTHARA RESPONDENTS 1 TO 31 /WRIT PETITIONER/RESPONDENTS 1-4 IN WPC: 1 RUBBER BOARD RESEARCH GUILD (AN APPROVED ORGANIZATION OF SCIENTISTS IN RUBBER BOARD)RUBBER BOARD PO., KOTTAYAMPIN-686602, REPRESENTED BY ITS SECRETARY.

2 DR.MOHAMED SATHIK, SCIENTIST D, BOTANY DIVISIONRUBBER RESEARCH INSTITUTE OF INDIA, RUBBER BOARD,KOTTAYAM, PIN-686602.

W.A.N.1611/2019 & connected cases -12- 3 DR.SHAMMI RAJ, SCIENTIST D,RUBBER RESEARCH INSTITUTE OF INDIA, RUBBER BOARD,KOTTAYAM, PIN-686602. 4 DR.SREELATHA.S, SCIENTIST D,RUBBER RESEARCH INSTITUTE OF INDIA, RUBBER BOARD,KOTTAYAM, PIN-686602. 5 DR.SHAJI PHILIP, SCIENTIST D,PATHOLOGY DIVISIONRUBBER RESEARCH INSTITUTE OF INDIA, RUBBER BOARD, KOTTAYAM, PIN-686602. 6 DR.ANNAKKUTTY JOSEPH, SCIENTIST D, PATHOLOGY DIVISION,RUBBER RESEARCH INSTITUTE OF INDIA, RUBBER BOARD, KOTTAYAM, PIN-686602. 7 DR.VINOTH THOMAS, SCIENTIST D,BOTANY DIVISION RUBBER RESEARCH INSTITUTE OF INDIA, RUBBER BOARD, KOTTAYAM, PIN-686602 8 DR.KOCHUTHRESIAMMA JOSEPH, SCIENTIST D,PATHOLOGY DIVISIONRUBBER RESEARCH INSTITUTE OF INDIA, RUBBER BOARD, KOTTAYAM, PIN-686602.

9 DR.MERCYKUTTY JOSEPH, SCIENTIST D, AGRONOMY /SOILS FERTILIZER ADVISORY GROUP DIVISION SCIENTIST D, RUBBER RESEARCH INSTITUTE OF INDIA, RUBBER BOARD, KOTTAYAM, PIN-686602

10 DR.SHERIN GEORGE, SCIENTIST D, AGRONOMY/SOILS DIVISION RUBBER RESEARCH INSTITUTE OF INDIA, RUBBER BOARD, KOTTAYAM, PIN-686602. 11 MR.K.N.MADHUSOODANAN, SECIENTIST D, RCPT DIVISION,RUBBER RESEARCH INSTITUTE OF INDIA, RUBBER BOARD, KOTTAYAM, PIN-686602. 12 DR.S.K.DEVY, SECIENTIST D,, RUBBER RESEARCH INSTITUTE OF INDIA, RUBBER BOARD, KOTTAYAM, PIN-686602.

13 DR.RADHA LAXAMAN, SECIENTIST D,REFGGIONAL RESEARCH STATION PADIYOOR UNDER RUBBER RESEARCH INSTITUTE OF INDIA, RUBBER BOARD,KOTTAYAM, PIN-686602.

W.A.N.1611/2019 & connected cases -13- 14 DR.JAYASHREE MADHAVAN, SECIENTIST D, GERM PLASM DIVISION, RUBBER RESEARCH INSTITUTE OF INDIA, RUBBER BOARD,KOTTAYAM, PIN-686602. 15 DR.JOSGYA ABRAHAM, SECIENTIST C, AGRONOMY/SOILS DIVISION, RUBBER RESEARCH INSTITUTE OF INDIA, RUBBER BOARD, KOTTAYAM, PIN-686602. 16 DR.BENNY GEORGE, SECIENTIST C, RCPT DIVISION, RUBBER RESEARCH

INSTITUTE OF INDIA, RUBBER BOARD, KOTTAYAM, PIN-686602. 17 DR.JAYASHREE.R, SCIENTIST C, BIOTECHNOLOGY DIVISION ,RUBBER RESEARCH INSTITUTE OF INDIA, RUBBER BOARD, KOTTAYAM, PIN-686602 18 DR.G.PRABHAKARA RAO, SECIENTIST C, GERM PLASM DIVISION, RUBBER RESEARCH INSTITUTE OF INDIA, RUBBER BOARD, KOTTAYAM, PIN-686602. 19 DR.M.A.MERCY, SECIENTIST C,GERM PLASM DIVISION,RUBBER RESEARCH INSTITUTE OF INDIA, RUBBER BOARD,KOTTAYAM, PIN-686602. 20 DR.PRASANNAKUMARI.P, SECIENTIST C,AGRONOMY/SOILS DIVISION, RUBBER RESEARCH INSTITUTE OF INDIA, RUBBER BOARD, KOTTAYAM, PIN-686602. 21 DR.V.K.SYAMALA, SECIENTIST C,AGRONOMY/SOILS DIVISION,RUBBER RESEARCH INSTITUTE OF INDIA, RUBBER BOARD, KOTTAYAM, PIN-686602. 22 DR.ANNIE PHILIP, SECIENTIST C,AGRONOMY/SOILS DIVISION,RUBBER RESEARCH INSTITUTE OF INDIA, RUBBER BOARD, KOTTAYAM, PIN-686602. 23 DR.JAYASREE, SECIENTIST C,PLANT PHYSIOLOGY DIVISION,RUBBER RESEARCH INSTITUTE OF INDIA, RUBBER BOARD,KOTTAYAM, PIN-686602. W.A.N.1611/2019 & connected cases -14- 24 DR.SAILAJA DEVI.T, SECIENTIST C,AGRONOMY/SOILS DIVISION, RUBBER RESEARCH INSTITUTE OF INDIA, RUBBER BOARD, KOTTAYAM, PIN-686602.

25 DR.THAKURDAS SAHA, S/O. JANARDEHAN SAHA, AGED 57 YEARS, SCIENTIST D, GENOME DIVISION RUBBER RESEARCH INSTITUTE OF INDIA, RUBBER BOARD,KOTTAYAM, PIN-686602. 26 DR.KALA R.G, W/O. SAJEEVALAL.G , AGED 48, SCIENTIST D, BIOTECHNOLOGY DIVISION RUBBER RESEARCH INSTITUTE OF INDIA, RUBBER BOARD,KOTTAYAM, PIN-686602 27 DR.MERCYKUTTY.V.G, W/O . CYRIAC KURIAKOSE, AGED 61, PARAMBATH HOUSE,MANGANAM PO., KOTTAYAM. PIN-686018. 28 UNION OF INDIA,REPRESENTED BY THE SECRETARY TO GOVERNMENT,MINISTRY OF COMMERCE AND INDUSTRY, UDYOGBHAVAN, RAFI MARG,NEW DELHI 110001. 29 SECRETARY TO GOVERNMENT, MINISTRY OF PERSONAL,PUBLIC GRIEVANCES AND PENSIONSDEPARTMENT OF PERSONAL AND TRAINING, GOVERNMENT OF INDIA, UDYO BHAVAN, RAFI MARG, NEW DELHI.110001. 30 DEPARTMENT OIF COMMERCE, MINISTRY OF COMMERCEAND INDUSTRY, GOVERNMENT OF INDIA, UDYOG BHAWAN,

NEW DELHI 110107 REPRESENTED BY ITS SECRETARY. 31 THE COMPTROLLER AND AUDITOR GENERAL OF INDIA, POCKET-9 DEEN DAYAL UPADHYAYA MARG, NEW DELHI-110124. R2-7, R9-23, R25-27 BY ADV. SRI.T.SANJAY R2-7, R9-23, R25-27 BY ADV. SRI.R.REJI KUMAR R8 BY ADV. SRI.ABRAHAM MATHEW (VETTOOR) THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 09-07-2020, ALONG WITH WA.1611/2019 AND CONNECTED CASES, THE COURT ON 28-072020 DELIVERED THE FOLLOWING: W.A.N.1611/2019 & connected cases -15-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE & THE HONOURABLE MR. JUSTICE GOPINATH P. TUESDAY, THE 28TH DAY OF JULY 2020 / 6TH SRAVANA, 1942 WA.No.1727 OF 2019 AGAINST THE JUDGMENT DATED 27-03-2020 IN WP(C) 4804/2016(A) OF HIGH COURT OF KERALA APPELLANTS/2ND, 3RD AND 5TH RESPONDENTS IN WPC: 1 THE RUBBER BOARD, KEEZHUKUNNU, COLLECTORATE P. O., KOTTAYAM, PIN - 686 002., REPRESENTED BY ITS SECRETARY. 2 THE CHAIRMAN THE RUBBER BOARD, KEEZHUKUNNU, COLLECTORATE P. O., KOTTAYAM, PIN - 686 002. 3 DIRECTOR RUBBER RESEARCH INSTITUTE OF INDIA, PUTHUPPALLY, VIETNAM COLONY ROAD, THALAPPADY, KOTTAYAM, PIN - 686 009. BY ADVS. SRI.JOSEPH KODIANTHARA (SR.) SRI.ABRAHAM JOSEPH MARKOS SRI.ISAAC THOMAS SHRI.ALEXANDER JOSEPH MARKOS SHRI.SHARAD JOSEPH KODANTHARA RESPONDENTS 1, 2 & 3/WRIT PETITIONER, RESPONDENTS 1 & 4 IN WPC: 1 DR.A.THULASEEDHARAN, AGED 59 YEARS JOINT DIRECTOR (BIO TECHNOLOGY) RUBBER RESEARCH INSTITUTE OF INDIA, RUBBER BOARD P. O., KOTTAYAM - 686 009. 2 UNION OF INDIA REPRESENTED BY ITS SECRETARY, MINISTRY OF COMMERCE AND INDUSTRY, UDYOG BHAVAN, NEW DELHI, PIN - 110 011. W.A.N.1611/2019 & connected cases -16- 3 PRINCIPAL DIRECTOR OF COMMERCIAL AUDIT AND EX- OFFICIO MEMBER AUDIT BOARD, II LEVEL, IOC BHAVAN, 139, MAHATMA GANDHI ROAD, NUNGAMBAKKAM, CHENNAI, PIN - 600 034. R1 BY ADV. SRI.ELVIN PETER P.J. R1 BY ADV.

SRI.K.R.GANESH R2 BY ADV. SMT.H.SUBHALAKSHMI (B/O) R3 BY ADV. SRI.K.I.MAYANKUTTY MATHER THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 09-07-2020, ALONG WITH WA.1611/2019 AND CONNECTED CASES, THE COURT ON 28-072020 DELIVERED THE FOLLOWING: W.A.N.1611/2019 & connected cases -17-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE & THE HONOURABLE MR. JUSTICE GOPINATH P. TUESDAY, THE 28TH DAY OF JULY 2020 / 6TH SRAVANA, 1942 WA.No.1777 OF 2019 AGAINST THE JUDGMENT DATED 27-03-2020 IN WP(C) 20884/2016(I) OF HIGH COURT OF KERALA APPELLANTS/ 4TH TO 6TH RESPONDENTS IN WPC: 1 RUBBER BOARD MINISTRY OF COMMERCE AND INDUSTRY, GOVERNMENT OF INDIA, P. B. NO. 1122, SUB JAIL ROAD, KOTTAYAM 686 002. REPRESENTED BY ITS SECRETARY-IN-CHARGE. 2 THE CHAIRMAN, RUBBER BOARD, KEEZHUKUNNU, COLLECTORATE P.O., KOTTAYAM 686 002. 3 THE DIRECTOR, RUBBER RESEARCH INSTITUTE OF INDIA, RUBBER BOARD, KOTTAYAM -686 009 BY ADVS. SRI.JOSEPH KODIANTHARA (SR.) SRI.V.ABRAHAM MARKOS SRI.ABRAHAM JOSEPH MARKOS SRI.ISAAC THOMAS SHRI.ALEXANDER JOSEPH MARKOS SHRI.SHARAD JOSEPH KODANTHARA SHRI.VIPIN ANTO H.M. SHRI. JOSEPH KODIANTHARA -SR

RESPONDENTS/PETITIONERS 1 TO 6 & RESPONDENTS 1-3 IN WPC: 1 DR.C.P. REGHU AGED 60 YEARS JOINT DIRECTOR, RUBBER RESEARCH INSTITUTE OF INDIA, RUBBER BOARD, KOTTAYAM -2. W.A.N.1611/2019 & connected cases -18- 2 DR. JACOB MATHEW, JOINT DIRECTOR (MYCOLOGY/PLANT PATHOLOGY), RUBBER RESEARCH INSTITUTE OF INDIA, RUBBER BOARD, KOTTAYAM -2. 3 DR. K.U. THOMAS, JOINT DIRECTOR (LATEX HARVEST TECHNOLOGY), RUBBER RESEARCH INSTITUTE OF INDIA, RUBBER BOARD, KOTTAYAM -2. 4 DR. R KRISHNAKUMAR, JOINT DIRECTOR (CROP PHYSIOLOGY), RUBBER RESEARCH INSTITUTE OF INDIA, RUBBER BOARD, KOTTAYAM -2. 5 DR. KAVITHA MOIDEEN. JOINT DIRECTOR (CROP PHYSIOLOGY), RUBBER

RESEARCH INSTITUTE OF INDIA, RUBBER BOARD, KOTTAYAM -2. 6 DR. M.D. JESSY, JOINT DIRECTOR (AGRONOMY/SOILS), RUBBER RESEARCH INSTITUTE OF INDIA, RUBBER BOARD, KOTTAYAM -2.

7 UNION OF INDIA REPRESENTED BY SECRETARY TO GOVERNMENT, MINISTRY OF COMMERCE AND INDUSTRY, DEPARTMENT OF COMMERCE, UDYOG BHAVAN, RAFI MARG. NEW DELHI 110 001. 8 THE DIRECTOR, GOVERNMENT INDIA, MINISTRY OF PERSONNEL, PUBLIC GRIEVANCE AND PENSIONS, DEPARTMENT OF PERSONNEL AND TRAINING, UDYOG BHAVAN, RAFI MARG. DELHI 110 001. 9 THE SECRETARY, GOVERNMENT OF INDIA, DEPARTMENT OF SCIENCE AND TECHNOLOGY, TECHNOLOGY PARK, NEW DELHI 110 016. R1-6 BY ADV. SRI.JOHN VARGHESE R1-6 BY ADV. SRI.A.L.GEORGE R7-9 BY SRI.JAGADEESH LAKSHMAN, CGC THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 09-07-2020, ALONG WITH WA.1611/2019 AND CONNECTED CASES, THE COURT ON 28-072020 DELIVERED THE FOLLOWING: W.A.N.1611/2019 & connected cases -19-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE & THE HONOURABLE MR. JUSTICE GOPINATH P. TUESDAY, THE 28TH DAY OF JULY 2020 / 6TH SRAVANA, 1942 WA.No.1834 OF 2019 AGAINST THE JUDGMENT DATED 27-03-2020 IN WP(C) 3679/2016(H) OF HIGH COURT OF KERALA APPELLANTS/5TH TO 8TH RESPONDENTS IN WPC: 1 RUBBER BOARD SUB JAIL ROAD, KOTTAYAM-686002, KERLA, REPRESENTED BY ITS CHAIRMAN. 2 THE CHAIRMAN RUBBER BOARD, SUB JAIL ROAD, KOTTAYAM-686002. 3 THE SECRETARY, RUBBER BOARD, SUB JAIL ROAD, KOTTAYAM-686002. 4 THE DIRECTOR, RUBBER RESEARCH INSTITUTE OF INDIA, RUBBER BOARD.P.O., KOTTAYAM-686009. BY ADVS. SRI.V.ABRAHAM MARKOS SRI.ABRAHAM JOSEPH MARKOS SHRI.SHARAD JOSEPH KODANTHARA RESPONDENTS/PETITIONERS 1 TO 3 & RESPONDENTS 1 TO 4:

1 DR.THAKURDAS SAHA AGED 57 YEARS, S/O.JANARDHAN SAHA, SCIENTIST D, GENOME DIVISION, RUBBER RESEARCH INSTITUTE OF INDIA, RUBBER BOARD, KOTTAYAM-686602.

2 DR.KALA.R.G., W/O.SAJEEVALAL.G., SCIENTIST D, BIOTECHNOLOGY DIVISION, RUBBER RESEARCH INSTITUTE OF INDIA, RUBBER BOARD, KOTTAYAM-686602. 3 DR.MERCY KUTTY V.C., W/O.CYRIAC KURIAKOSE, PARAMBATH HOUSE, MANGANAM.P.O., KOTTAYAM-686018. W.A.N.1611/2019 & connected cases -20- 4 UNION OG INDIA, REPRESENTED BY THE SECRETARY TO GOVERNMENT, MINISTRY OF COMMERCE AND INDUSTRY, UDYOG BHAVAN, RAFI MARG, NEW DELHI-110001.

5 SECRETARY TO GOVERNMENT, MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS, DEPARTMENT OF PERSONNEL AND TRAINING, GOVERNMENT OF INDIA, UDYOG BHAVAN, RAFI MARG, NEW DELHI-110001. 6 DEPARTMENT OF COMMERCE, MINISTRY OF COMMERCE AND INDUSTRY, GOVERNMENT OF INDIA, UDYOG BHAVAN, NEW DELHI-110017, REPRESENTED BY ITS SECRETARY. 7 THE COMPTROLLER AND AUDITOR GENERAL OF INDIA, POCKET 9, DEEN DAYAL UPADHYA MARG, NEW DELHI-110124. R1-3 BY ADV. SRI.T.SANJAY R1-3 BY ADV. SRI.R.REJI KUMAR R4-7 BY ADV. CENTRAL GOVERNMENT COUNSEL (B/O) SRI. JOSEPH KODIANTHARA - SR. THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 09-07-2020, ALONG WITH WA.1611/2019 AND CONNECTED CASES, THE COURT ON 28-072020 DELIVERED THE FOLLOWING: W.A.N.1611/2019 & connected cases -21-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE & THE HONOURABLE MR. JUSTICE GOPINATH P. TUESDAY, THE 28TH DAY OF JULY 2020 / 6TH SRAVANA, 1942 WA.No.1918 OF 2019 AGAINST THE JUDGMENT DATED 27-03-2020 IN WP(C) 20430/2016(C) OF HIGH COURT OF KERALA APPELLANTS/ 4TH TO 6TH RSPONDENTS IN WPC: 1 THE RUBBER BOARD KEEZHKUNNU, COLLECTORATE P.O., KOTTAYAM, PIN-686 002,

REPRESENTED BY ITS SECRETARY. 2 THE CHAIRMAN RUBBER BOARD, KEEZHKUNNU, COLLECTORATE P.O., KOTTAYAM, PIN-686 002. 3 THE DIRECTOR RUBBER RESEARCH INSTITUTE OF INDIA, RUBBER BOARD P.O., KOTTAYAM-686 009. BY ADVS. SRI.JOSEPH KODIANTHARA (SR.) SRI.V.ABRAHAM MARKOS SRI.ABRAHAM JOSEPH MARKOS SRI.ISAAC THOMAS SHRI.ALEXANDER JOSEPH MARKOS SHRI.SHARAD JOSEPH KODANTHARA RESPONDENTS/PETITIONERS 1 TO 3 & RESPONDENS 1 TO 3 IN WPC: 1 DR.A.THULASEEDHARAN AGED 59 YEARS JOINT DIRECTOR (BIOTECHNOLOGY), SCIENTIST D, RUBBER RESEARCH INSTITUTE OF INDIA, RUBBER BOARD P.O., KOTTAYAM, PIN-686 009. 2 DR.K.ANNAMALAI NATHAN JOINT DIRECTOR (CROP PHYSIOLOGY)/SCIENTIST D, RUBBER RESEARCH INSTITUTE OF INDIA, RUBBER BOARD P.O., KOTTAYAM, PIN-686 009. W.A.N.1611/2019 & connected cases -22- 3 SABU P. IDICULA JOINT DIRECTOR (CROP PROTECTION)/SCIENTIST D, RUBBER RESEARCH INSTITUTE OF INDIA, RUBBER BOARD P.O., KOTTAYAM, PIN-686 009. 4 UNION OF INDIA REPRESENTED BY ITS SECRETARY, MINISTRY OF COMMERCE AND INDUSTRY, UDYOG BHAVAN, NEW DELHI-110 011. 5 THE SECRETARY MINISTRY OF FINANCE, DEPARTMENT OF EXPENDITURE, GOVERNMENT OF INDIA, NEW DELHI-110 011. 6 THE SECRETARY MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS, DEPARTMENT OF PERSONNEL AND TRAINING GOVERNMENT OF INDIA, NEW DELHI-110011.

R1 BY ADV. SRI.T.SANJAY R1 BY ADV. SRI.R.REJI KUMAR R2-3 BY ADV. SRI.V.VARGHESE R2-3 BY ADV. SRI.S.P.ARAVINDAKSHAN PILLAY R2-3 BY ADV. SMT.N.SANTHA R2-3 BY ADV. SRI.PETER JOSE CHRISTO R2-3 BY ADV. SRI.S.A.ANAND R2-3 BY ADV. SMT.L.ANNAPOORNA R4-5 BY ADV. ASSISTANT SOLICITOR GENERAL (BY ORDER) R6 BY ADV. ASSISTANT SOLICITOR GENERAL (BY ORDER)

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 09-07-2020, ALONG WITH WA.1611/2019 AND CONNECTED CASES, THE COURT ON 28-072020

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE & THE HONOURABLE MR. JUSTICE GOPINATH P. TUESDAY, THE 28TH DAY OF JULY 2020 / 6TH SRAVANA, 1942 WA.No.1968 OF 2019 AGAINST THE JUDGMENT DATED 27-03-2020 IN WP(C) 5799/2019(Y) OF HIGH COURT OF KERALA APPELLANTS/2ND, 3RD AND 5TH RESPONDENTS IN WPC: 1 THE RUBBER BOARD KEEZHKUNNU, COLLECTORATE P.O., KOTTAYAM, PIN - 686 002, REPRESENTED BY ITS SECRETARY 2 THE CHAIRMAN THE RUBBER BOARD, KEEZHKUNNU, COLLECTORATE P.O., KOTTAYAM - 686 002 3 DIRECTOR RUBBER RESEARCH INSTITUTE OF INDIA, PUTHUPPALLY, VIETNAM COLONY ROAD, THALAPPADY, KOTTAYAM, PIN - 686 009 BY ADVS. SRI.JOSEPH KODIANTHARA (SR.) SRI.V.ABRAHAM MARKOS SRI.ABRAHAM JOSEPH MARKOS SRI.ISAAC THOMAS SHRI.ALEXANDER JOSEPH MARKOS SHRI.SHARAD JOSEPH KODANTHARA RESPONDENTS/PETITIONERS 1 TO 5 & RESPONDENTS 1 & 4 IN WPC: 1 DR.P.MALLINATH PRIYADARSHAN AGED 57 YEARS DEPUTY DIRECTOR (REGIONAL STATIONS), CENTRAL EXPERIMENT STATION, CHETHACKAL, THOMPIKANDOM P.O., PATHANAMTHITTA, PIN - 689 676 2 DR. SIBY VARGHESE JOINT DIRECTOR (TECHNICAL CONSULTANCEY), TECHNICAL CONSULTANCY DIVISION, RUBBER RESEARCH INSTITUTE OF INDIA, RUBBER BOARD P.O., KOTTAYAM, PIN - 686 009.

 3 DR. K. ANNAMALAI NATHAN JOINT DIRECTOR (CROP PHYSIOLOGY), RUBBER RESEARCH INSTITUTE OF INDIA, RUBBER BOARD P.O., KOTTAYAM, PIN - 686 009 4 DR. JACOB VAKEY PRINCIPAL SCIENTIST, RUBBER RESEARCH INSTITUTE OF INDIA, RUBBER BOARD P.O., KOTTAYAM, PIN - 686 009 5 SABU P. IDICULA JOINT DIRECTOR (CROP PROTECTION), RUBBER RESEARCH INSTITUTE OF INDIA, RUBBER BOARD P.O., KOTTAYAM, PIN - 686 009 6 UNION OF INDIA REPRESENTED BY THE SECRETARY, MINISTRY OF COMMERCE AND INDUSTRY, UDYOG BHAWAN, NEW DELHI - 110 011

7 PRINCIPAL DIRECTOR OF COMMERCIAL AUDIT AND EX- OFFICE MEMBER AUDIT BOARD, II LEVEL, I.O.C. BHAVAN, 139 MAHATMA GANDHI ROAD, NUNGAMBAKKAM, CHENNAI, PIN - 600 034 R2-5 BY ADV. SRI.S.P.ARAVINDAKSHAN PILLAY R2-5 BY ADV. SMT.N.SANTHA R2-5 BY ADV. SRI.V.VARGHESE R2-5 BY ADV. SRI.PETER JOSE CHRISTO R2-5 BY ADV. SRI.S.A.ANAND R2-5 BY ADV. SMT.L.ANNAPOORNA R6 BY ADV. SRI.JAISHANKAR V.NAIR THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 09-07-2020, ALONG WITH WA.1611/2019 AND CONNECTED CASES, THE COURT ON 28-07-2020 DELIVERED THE FOLLOWING: W.A.N.1611/2019 & connected cases -25-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE & THE HONOURABLE MR. JUSTICE GOPINATH P. TUESDAY, THE 28TH DAY OF JULY 2020 / 6TH SRAVANA, 1942 WA.No.1974 OF 2019 AGAINST THE JUDGMENT DATED 27-03-2020 IN WP(C) 24351/2015(T) OF HIGH COURT OF KERALA APPELLANTS/2ND, 3RD AND 5TH RESPONDENTS IN WPC: 1 THE RUBBER BOARD, KEEZHKUNNU, COLLECTORATE P.O., KOTTAYAM, PIN - 686 002. REPRESENTED BY ITS SECRETARY. 2 THE CHAIRMAN, THE RUBBER BOARD, KEEZHKUNNU, COLLECTORATE P.O., KOTTAYAM, PIN - 686 002. 3 DIRECTOR, RUBBER RESEARCH INSTITUTE OF INDIA, PUTHUPPALLY, VIETNAM COLONY ROAD, THALAPPADY, KOTTAYAM, PIN - 686 009. BY ADVS. SRI.JOSEPH KODIANTHARA (SR.) SRI.V.ABRAHAM MARKOS SRI.ABRAHAM JOSEPH MARKOS SRI.ISAAC THOMAS SHRI.ALEXANDER JOSEPH MARKOS SHRI.SHARAD JOSEPH KODANTHARA RESPONDENTS/PETITIIONERS 1-5 IN WPC & 1ST & 4TH RESPONDENTS IN WPC: 1 DR.P.MALLINATH PRIYADARSHAN, AGED 59 YEARS, DEPUTY DIRECTOR (REGIONAL STATIONS), CENTRAL EXPERIMENT STATION, CHETHACKAL, THOMPIKANDOM P.O., PATHANAMTHITTA, PIN - 689 676. 2 DR.SIBY VARGHESE, JOINT DIRECTOR (TECHNICAL CONSULTANCY), TECHNICAL CONSULTANCY DIVISION, RUBBER RESEARCH INSTITUTE OF INDIA, RUBBER BOARD P.O., KOTTAYAM, PIN - 686 009.

W.A.N.1611/2019 & connected cases -26- 3 DR.K.ANNAMALAI NATHAN, JOINT DIRECTOR (CROP PHYSIOLOGY), RUBBER RESEARCH INSTITUTE O INDIA, RUBBER BOARD P.O., KOTTAYAM, PIN -686 009. 4 DR.JACOB VARKEY, SCIENTIST D, RUBBER RESEARCH INSTITUTE OF INDIA, RUBBER BOARD P.O., KOTTAYAM, PIN - 686 009. 5 SABU P.IDICULA, JOINT DIRECTOR (CROP PROTECTION), RUBBER RESEARCH INSTITUTE OF INDIA, RUBBER BOARD P.O., KOTTAYAM, PIN - 686 009. 6 UNION OF INDIA, REPRESENTED BY THE SECRETARY, MINISTRY OF COMMERCE AND INDUSTRY, UDYOG BHAVAN, NEW DELHI - 110 011.

7 PRINCIPAL DIRECTOR OF COMMERCIAL AUDIT AND EX- OFFICIO MEMBER, AUDIT BOARD, II LEVEL, I.O.C.BHAVAN, 139 MAHATMA GANDI ROAD, NUGAMBAKKAM, CHENNAI, PIN - 600 034. R2-5 BY ADV. SRI.S.P.ARAVINDAKSHAN PILLAY R2-5 BY ADV. SMT.N.SANTHA R2-5 BY ADV. SRI.V.VARGHESE R2-5 BY ADV. SRI.PETER JOSE CHRISTO R2-5 BY ADV. SRI.S.A.ANAND R2-5 BY ADV. SMT.L.ANNAPOORNA R6 BY ADV. CENTRAL GOVERNMENT COUNSEL (B/O) R7 BY ADV. SRI.MAYANKUTTY MATHER (B/O) THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 09-07-2020, ALONG WITH WA.1611/2019 AND CONNECTED CASES, THE COURT ON 28-072020 DELIVERED THE FOLLOWING: W.A.N.1611/2019 & connected cases -27-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE & THE HONOURABLE MR. JUSTICE GOPINATH P. TUESDAY, THE 28TH DAY OF JULY 2020 / 6TH SRAVANA, 1942 WA.No.1978 OF 2019 AGAINST THE JUDGMENT DATED 27-03-2020 IN WP(C) 2299/2016(J) OF HIGH COURT OF KERALA APPELLANTS/5TH TO 8TH RESPONDENTS IN WPC: 1 RUBBER BOARD SUB JAIL ROAD, KOTTAYAM - 686 002, KERALA, REPRESENTED BY ITS CHAIRMAN 2 THE CHAIRMAN RUBBER BOARD, SUB JAIL ROAD, KOTTAYAM - 686 002 3 THE SECRETARY RUBBER BOARD, SUB JAIL ROAD, KOTTAYAM - 686 002 4 THE DIRECTOR RUBBER RESEARCH INSTITUTE OF INDIA, RUBBER BOARD P.O., KOTTAYAM - 686 009

BY ADVS. SRI.JOSEPH KODIANTHARA (SR.) SRI.V.ABRAHAM MARKOS SRI.ISAAC THOMAS SHRI.ALEXANDER JOSEPH MARKOS SHRI.SHARAD JOSEPH KODANTHARA SHRI.VIPIN ANTO H.M. RESPONDENTS/PETITIONERS 1-24 & RESPONDENTS 1 TO 4: 1 THE RUBBER BOARD RESEARCH GUILD (AN APPROVED ORGANIZATION OF SCIENTISTS IN RUBBER BOARD), RUBBER BOARD P.O., KOTTAYAM, PIN - 686 602, REPRESENTED BY ITS SECRETARY

2 DR. MOHAMED SATHIK, SCIENTISTS D. BOTANY DIVISION, RUBBER RESEARCH INSTITUTE OF INDIA, RUBBER BOARD, KOTTAYAM, PIN - 686 602 W.A.N.1611/2019 & connected cases -28- 3 DR. SHAMMI RAJ SCIENTIST D, RUBBER RESEARCH INSTITUTE OF INDIA, RUBBER BOARD, KOTTAYAM, PIN - 686 602 4 DR. SREELATHA S SCIENTIST D, RUBBER RESEARCH INSTITUTE OF INDIA, RUBBER BOARD, KOTTAYAM, PIN - 686 602 5 DR. SHAJI PHILIP SCIENTIST D, PATHOLOGY DIVISION, RUBBER RESEARCH INSTITUTE OF INDIA, RUBBER BOARD, KOTTAYAM, PIN - 686 602 6 DR. ANNAKKUTTY JOSEPH SCIENTIST D, PATHOLOGY DIVISION, RUBBER RESEARCH INSTITUTE OF INDIA, RUBBER BOARD, KOTTAYAM, PIN - 686 602 7 DR. VINOD THOMAS, SCIENTIST D, BOTONY DIVISION, RUBBER RESEARCH INSTITUTE OF INDIA, RUBBER BOARD, KOTTAYAM, PIN - 686 602 8 DR. KOCHUTHRESIAMMA JOSEPH SCIENTIST D, PATHOLOGY DIVISION, RUBBER RESEARCH INSTITUTE OF INDIA, RUBBER BOARD, KOTTAYAM, PIN - 686 602

9 SR. MERCYKUTTY JOSEPH SCIENTIST D, AGRONOMY/SOILS - FERTILIZER ADVISORY GROUP DIVISION, RUBBER RESEARCH INSTITUTE OF INDIA, RUBBER BOARD, KOTTAYAM, PIN - 686 602

10 DR. SHERIN GEORGE SCIENTIST D, AGRONOMY/SOILS DIVISION, RUBBER RESEARCH INSTITUTE OF INDIA, RUBBER BOARD, KOTTAYAM, PIN - 686 602 11 MR. K.N. MADHUSOODANAN SCIENTIST D, RCPT DIVISION, RUBBER RESEARCH INSTITUTE OF INDIA, RUBBER BOARD, KOTTAYAM, PIN - 686 602 12 DR. S.K. DEY SCIENTIST D, RUBBER RESEARCH INSTITUTE OF INDIA, RUBBER BOARD, KOTTAYAM, PIN - 686 602

13 DR. RADHA LAXAMAN SCIENTIST D, REGIONAL RESEARCH STATION, PADIYOOR UNDER RUBBER RESEARCH INSTITUTE OF INDIA, RUBBER BOARD, KOTTAYAM, PIN - 686 602

W.A.N.1611/2019 & connected cases -29- 14 DR. JAYASHREE MADHAVAN SCIENTIST D, GERM PLASM RESEARCH INSTITUTE OF INDIA, RUBBER BOARD, KOTTAYAM, PIN - 686 602 15 DR. JOSHUA ABRAHAM SCIENTIST D, AGRONOMY/SOILS DIVISION, RESEARCH INSTITUTE OF INDIA, RUBBER BOARD, KOTTAYAM, PIN - 686 602 16 DR. BENNY GEORGE SCIENTIST D,RCPT DIVISION, RUBBER RESEARCH INSTITUTE OF INDIA, RUBBER BOARD, KOTTAYAM, PIN - 686 602 17 DR. JAYASHREE R SCIENTIST D, BIOTECHNOLOGY DIVISION, RUBBER RESEARCH INSTITUTE OF INDIA, RUBBER BOARD, KOTTAYAM, PIN - 686 602 18 DR. G. PRABHAKARA RAO, SCIENTIST C, GERM PLASM DIVISION, RUBBER RESEARCH INSTITUTE OF INDIA, RUBBER BOARD, KOTTAYAM, PIN - 686 602 19 DR. M.A. MERCY SCIENTIST C, GERM PLASM DIVISION, RUBBER RESEARCH INSTITUTE OF INDIA, RUBBER BOARD, KOTTAYAM, PIN - 686 602 20 DR. PRASANNAKUMARI P, SCIENTIST C, AGRONOMY/SOILS DIVISION, RUBBER RESEARCH INSTITUTE OF INDIA, RUBBER BOARD, KOTTAYAM, PIN - 686 602 21 DR. V.K. SYAMALA SCIENTIST C, AGRONOMY/SOILS DIVISION, RUBBER RESEARCH INSTITUTE OF INDIA, RUBBER BOARD, KOTTAYAM, PIN - 686 602 22 DR. ANNIE PHILIP SCIENTIST C, AGRONOMY/SOILS DIVISION, RUBBER RESEARCH INSTITUTE OF INDIA, RUBBER BOARD, KOTTAYAM, PIN - 686 602

23 DR. JAYASREE GOPALAKRISHNAN SCIENTIST C, PLANT PHYSIOLOGY DIVISION, RUBBER RESEARCH INSTITUTE OF INDIA, RUBBER BOARD, KOTTAYAM, PIN - 686 602 W.A.N.1611/2019 & connected cases -30- 24 DR. SAILAJA DEVI T SCIENTIST C, AGROMETEOROLOGIST DIVISION, RUBBER RESEARCH INSTITUTE OF INDIA, RUBBER BOARD, KOTTAYAM, PIN - 686 602 25 UNION OF INDIA REPRESENTED BY THE SECRETARY TO GOVERNMENT, MINISTRY OF COMMERCE AND INDUSTRY, UDYOG BHAWAN, RAFI MARG, NEW DELHI - 110 001 26 SECRETARY TO GOVERNMENT MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND

PENSIONS, DEPARTMENT OF PERSONNEL AND TRAINING, GOVERNMENT OF INDIA, UDYOG BHAVAN, RAFI MARG, NEW DELHI - 110 001 27 DEPARTMENT OF COMMERCE MINISTRY OF COMMERCE AND INDUSTRY, GOVERNMENT OF INDIA, UDYOG BHAWAN, NEW DELHI - 110 107, REPRESENTED BY ITS SECRETARY 28 THE COMPTOLLER AND AUDITOR GENERAL OF INDIA POCKET - 9, DEEN DAYAL UPADHYAYA MARG, NEW DELHI - 110 124 R1-7, R9-23 BY ADV. SRI.T.SANJAY R1-7, R9-23 BY ADV. SRI.R.REJI KUMAR R8 BY ADV. SRI.ABRAHAM MATHEW (B/O) R25-28 BY ADV. CENTRAL GOVERNMENT COUNSEL (B/O) THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 09-07-2020, ALONG WITH WA.1611/2019 AND CONNECTED CASES, THE COURT ON 28-072020 DELIVERED THE FOLLOWING: W.A.N.1611/2019 & connected cases -31-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE & THE HONOURABLE MR. JUSTICE GOPINATH P. TUESDAY, THE 28TH DAY OF JULY 2020 / 6TH SRAVANA, 1942 WA.No.2248 OF 2019 AGAINST THE JUDGMENT IN WP(C) 23911/2015(L) OF HIGH COURT OF KERALA APPELLANTS/2ND AND 3RD RESPONDENTS IN WPC: 1 THE RUBBER BOARD KEEZHUKUNNU, COLLECTORATE, KOTTAYAM, PIN - 686 002,REPRESENTED BY ITS SECRETARY 2 THE CHAIRMAN THE RUBBER BOARD, KEEZHUKUNNU, COLLECTORATE P.O., KOTTAYAM, PIN - 686 002

BY ADVS. SRI.V.ABRAHAM MARKOS SRI.ABRAHAM JOSEPH MARKOS SRI.ISAAC THOMAS SHRI.ALEXANDER JOSEPH MARKOS SHRI.SHARAD JOSEPH KODANTHARA SHRI.VIPIN ANTO H.M. RESPONDENTS/PETITIONER & 1ST AND 4TH RESPONDENTS IN WPC: 1 C.KURUVILLA JACOB AGED 64 YEARS DALE CHACKASSERIL, RUBI NAGAR, MANGANAM P.O., KOTTAYAM, PIN - 686 018 2 UNION OF INDIA REPRESENTED BY THE SECRETARY, MINISTRY OF COMMERCE AND INDUSTRY, UDYOG BHAVAN, NEW DELHI, PIN - 110 3 PRINCIPAL DIRECTOR OF COMMERCIAL AUDIT AND EX-OFFICIO MEMBER AUDIT BOARD, II LEVEL, I.O.C. BHAVAN, 139 MAHATMA GANDI ROAD, NUNGAMBAKKAM, CHENNAI, PIN - 600 034 W.A.N.1611/2019 &

connected cases -32- R1 BY ADV. SRI.S.P.ARAVINDAKSHAN PILLAY R1 BY ADV. SMT.N.SANTHA R1 BY ADV. SRI.V.VARGHESE R1 BY ADV. SRI.PETER JOSE CHRISTO R1 BY ADV. SRI.S.A.ANAND R1 BY ADV. SMT.L.ANNAPOORNA R2 BY ADV. ASSISTANT SOLICITOR GENERAL OF INDIA (B/O) R3 BY ADV. K.I.MAYANKUTTY MATHER(B/O) SRI. JOSEPH KODIANTHARA -SR. THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 09-07-2020, ALONG WITH WA.1611/2019 AND CONNECTED CASES, THE COURT ON 28-072020 DELIVERED THE FOLLOWING: W.A.N.1611/2019 & connected cases -33-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE & THE HONOURABLE MR. JUSTICE GOPINATH P. TUESDAY, THE 28TH DAY OF JULY 2020 / 6TH SRAVANA, 1942 WP(C).No.18758 OF 2019(T) PETITIONER: DR.JACOB MATHEW AGED 63 YEARS S/O. MATHEW, JOINT DIRECTOR (RETIRED), RUBBER RESEARCH INSTITUTE OF INDIA, RUBBER BOARD, KOTTAYAM-2, NOW RESIDING AT PADINJAREKUTTU, PARIPPU P.O., KOTTAYAM 686 014. BY ADV. SRI.JOHN VARGHESE RESPONDENTS: 1 UNION OF INDIA REPRESENTED BY SECRETARY TO GOVERNMENT, MINISTRY OF COMMERCE AND INDUSTRY, DEPARTMENT OF COMMERCE, UDYOG BHAVAN RAFI MARG, NEW DELHI 110 001. 2 RUBBER BOARD, SUB JAIL ROAD, KEEZHKUNNU, KOTTAYAM 686 002, REPRESENTED BY ITS SECRETARY. 3 THE CHAIRMAN,RUBBER BOARD, SUB JAIL ROAD, KEEZHKUNNU, KOTTAYAM 686 002. R1 BY ADV. SHRI.P.VIJAYAKUMAR, ASG OF INDIA R2 BY ADV. SRI.V.ABRAHAM MARKOS R2 BY ADV. SRI.ABRAHAM JOSEPH MARKOS R2 BY ADV. SRI.ISAAC THOMAS R2 BY ADV. SHRI.VIPIN ANTO H.M. R2 BY ADV. SHRI.ALEXANDER JOSEPH MARKOS R2 BY ADV. SHRI.SHARAD JOSEPH KODANTHARA SRI.JOSEPH KODIANTHARA. THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 0907-2020, ALONG WITH WA.1611/2019 AND CONNECTED CASES, THE COURT ON 28-07-2020 DELIVERED THE FOLLOWING: W.A.N.1611/2019 & connected cases -34-

JUDGMENT

WA.1611/2019, WA.1667/2019, WA.1669/2019, WA.1670/2019, WA.1700/2019, WA.1718/2019, WA.1727/2019, WA.1777/2019, WA.1834/2019, WA.1918/2019, WA.1968/2019, WA.1974/2019, WA.1978/2019, WA.2248/2019 and WP(C).18758/2019

Dated this the 28th day of July 2020 Gopinath, J In these batch of writ appeals, we are called upon to examine the provisions of a scheme known as the 'Flexible Complementing Scheme' which was extended to scientists in the Commodity Boards namely the Coffee Board, the Rubber Board and the Spices Board. W.A Nos.1611/2019, 1700/2019, connected writ petition namely W.P (C) No.18758/2019 relate to the implementation of that scheme in the Rubber Board. W.A. Nos.1667/2019, 1669/2019, 1670/2019 relate to the implementation of that scheme in the Spices Board. Since the matters relating to the Rubber Board raises certain issues which are not raise in the batch of cases relating to the Spices Board, the cases relating to each of the Boards are considered separately in this judgment. W.A.N.1611/2019 & connected cases -35- THE CASES RELATING TO THE RUBBER BOARD (W.A Nos.1611/2019, 1700/2019, 1718/2019, and W.P (C) No.18758/2019) These writ appeals arise out of the common judgment dated 27-03-2019 in W.P (C) No.19565/2015 and connected cases.

2. On 09-11-1998 the Government of India in the Ministry

of Personnel, Public Grievances & Pensions Department of Personnel and Training issued Office Memorandum bearing No.2/41/97-PIC dated 09-11-1998 introducing FCS in various scientific Departments in the Government of India. This scheme was essentially a modification of an existing scheme based on the recommendations of the Fifth Central Pay Commission. On 06-07-2006 the Government of India in the Ministry of Commerce and Industry and the Department of Commerce issued letter bearing No.27/16/1999 - Plant (D) to the Chairmen of the Coffee Board, the Rubber Board and the Spices Board conveying the approval of the Government of India for extension of the FCS to Scientists of the Coffee Board, Rubber Board and Spices Board with certain conditions. In so far as the Rubber Board is concerned, the FCS was extended to Scientists upto

the level of Scientists-C. The questions raised in the writ petition W.A.N.1611/2019 & connected cases -36- related to (i) the legality or otherwise of promotions/placements granted under FCS from Scientists-C to Scientist-D, (ii) as to whether a retrospective placement can be granted under FCS i.e., from the date on which the prescribed period of residency had been completed in a particular grade and (iii) as to whether persons who had left the scientific cadre and had been absorbed as Deputy Director or Joint Director through direct recruitment

can claim benefits of FCS. The learned Single Judge has held

that, in so far as the Rubber Board was concerned, benefits under FCS can be granted from Scientist-C to Scientist-D; that if the promotions/placements under FCS had not been granted at a time when the eligibility arose, the consideration for such placement must be with effect from the date of eligibility under the FCS scheme and lastly that the benefits of FCS cannot be denied to persons who had been appointed as Joint Director or Deputy Director. On a consideration of the findings of the learned Single Judge as well as the contentions raised before us, the following issues arise for determination:

(i) Are Scientists in the Rubber Board entitled to

promotion/placement from Scientist-C to Scientist-D in terms of the provisions of the FCS and the conditions upon which the FCS scheme was extended to the Rubber Board? W.A.N.1611/2019 & connected cases -37-

(ii) Is the FCS scheme to be implemented with retrospective effect?

(iii) Is the benefit under the FCS scheme to be extended to Scientists who have been appointed as Joint Director or Deputy Director through direct recruitment?

3. We have heard Sri. Joseph Kodianthara, learned Senior

Counsel instructed by Sri. Issac Thomas, the learned counsel appearing for the Rubber Board, Sri. S.P. Aravindakshan Pillai, Sri. Elvin Peter P.J., Sri.John Varghese, Sri. Abraham Mathew and Sri. Reji Kumar on behalf of the contesting respondents (petitioners in the various writ petitions). In the course of this

judgment we will be referring to documents as they are marked

in W.P (C) No.19565/2015 and therefore W.A. No.1611/2019 arising out of the judgment in W.P (C) 19565/2015 is treated as the lead case. Having considered the arguments raised before us and having perused the records, we proceed to answer the

issues as under;

Re. Issue No.(i)

4. FCS which, was originally a scheme meant for

Scientists in scientific departments of the Govt. of India was modified through Office Memorandum bearing No.2/41/97-PIC dated 09-11-1998 of the Government of India in the Department W.A.N.1611/2019 & connected cases -38- of Personnel and Training. This scheme was extended to Scientists of the Coffee Board, Rubber Board and Spices Board with certain conditions on 06-07-2006 (Ext.P13). A perusal of Ext.P13 will show that in so far as the Rubber Board and the Spices Board were concerned the FCS was to be extended ' upto the level of Scientists-C'. It is to be noticed that through Ext.P2 letter dated 11-07-2006 which is immediately after the introduction of the scheme in the Rubber Board, the Chairman of the Rubber Board had written to the Director (Plantations) seeking the approval of the Government of India to extend the benefit of FCS up to the level of Scientist-D. It is apparent from the record that through Ext.P3 letter dated 09-08-2006, the Director (Plantations) in the Ministry of Commerce and Industry, Govt. of India had informed the Chairman of the Rubber Board that suitable proposal for extending the benefit of FCS up to the level of Scientist-D in the Rubber Board may be put up for obtaining sanction from the Department of Personnel and Training and the Department of Expenditure. Notwithstanding this communication and ignoring the fact that a proposal had been forwarded for extension of the benefit, as above, the Rubber Board extended the benefit of FCS from Scientist-C to Scientist-D as well. W.A.N.1611/2019 & connected cases -39-

5. On 29-09-2014 during the course of audit by the

Comptroller and Auditor General, it was pointed out that the Rubber Board had incorrectly applied the terms of FCS and had granted benefits which were not liable to be granted. In particular it was pointed out that in so far as the Rubber Board was concerned, FCS was extended only up to level of Scientists - 'C' and the Rubber Board had incorrectly granted benefits of FCS by granting the pay scale and other benefits due to Scientist-'D' by promoting scientists who were already working as Scientist-C without the sanction of the Central Government. Following the audit report, the Rubber Board issued Ext.P6 Office Order on 23-06-2005 pointing out the possibility that the grant of benefits of Scientist-'D' to those already working as Scientist 'C' was likely to be irregular and against the existing Rules. It was pointed out that clarifications are awaited from the Government of India and based on such clarification the grant of benefits of Scientist-'D' under FCS may be reviewed.

6. The Government of India in the Ministry of Commerce

and Industry thereafter issued Ext.P7 letter F.No.7/1/2015 Plant 'C' dated 09/10/2015 clarifying that as far as the Rubber Board is concerned, the benefit under FCS was available to Scientists upto Scientist-'C' and no benefit of FCS could be granted from W.A.N.1611/2019 & connected cases -40- Scientist 'C' to Scientist-'D'. It was ordered that the benefits given will also be recovered. Further the Government of India also clarified through Ext.R6 (e) letter dated 17-03-2016 that FCS was not available as far as the Rubber Board was concerned from Scientist-'C' to Scientist-'D'.

7. We have perused Ext.P1 to find out the nature of the

FCS scheme. As already noticed it was intended to apply to scientists and technologists holding scientific posts in scientific and Technology Departments and to those who are engaged in scientific activities and services. The evaluation under the FCS was to be rigorous and benefits were to be granted only to scientists who have to their credit demonstrable achievement or higher level of technical merit. We have noticed these conditions of the FCS only to emphasize that the FCS was not an ordinary career progression measure but was intended to foster scientific achievements and developments. It is also clear from the reading

of the scheme that all the pay scales under the FCS would not be applicable in all the scientific organizations and since the size of the organization may not justify introduction of the entire group of scales. In particular it was provided as under:

"Since it is not necessary that all the pay scales under the Flexible Complementing Scheme should be applicable in all the scientific organisations, as the size of the W.A.N.1611/2019 & connected cases -41-

> organisation may not justify introduction of the entire group of scales, the Committee, while making its recommendation, would take a specific view as to the number of scales that should be operated in the organisation as well as the appropriate residency period for ensuring an even pace of promotion. However, the progression under Flexible Complementing Scheme will only be as per scales indicated in para 3 of this office Memorandum."

A reading of the scheme clearly suggests that the implementation of the scheme will not be uniform across all organizations to which it applies and that the level or grade to which the benefit of the scheme is to be granted will depend on the staff structure, hierarchy, number of scientific posts, the level of such posts etc. For example, the number of scientific posts and the level to which Scientists are utilized or deployed in an organization like the Indian Space Research Organization (ISRO) cannot be compared to the number of scientific posts and the level to which Scientists are utilized or deployed in a Commodity Board like the Rubber Board.

8. It is also to be noticed that Scientist-D category was

introduced in the Rubber Board only by the order bearing F. No.7/1/2015-Plant-C dated 11-11-2019 which has been produced as Annexure-E together with W.A. No.1611/2019.

9. While holding that the benefit of FCS should be

extended to Scientist-C in the Rubber Board by granting benefits W.A.N.1611/2019 & connected cases -42- of Scientist-D, the learned Single Judge has followed the common

judgment in W.P (C) No.24586/2016 and connected cases

relating to the Spices Board (out of which W.A. No.1667/2019 and connected cases arise). We have therefore perused the

judgment in W.P (C) No.24586/2016 and connected cases which

is also produced as Annexure-A along with W.A No.1611/2019. While holding that the upgradation from Scientist-C to Scientist- D was permitted in the Spices Board, the learned Single Judge referred to the provisions of Ext.P1 scheme and held that the correct interpretation of the scheme was that benefits would be extended by granting upgradation from Scientist-C to Scientist- D. The learned Single Judge also held in the judgment in W.P (C) No.24586/2016 and connected cases that the Spices Board could not have acted on the basis of the communication dated 17-03-2016 issued by the Ministry of Commerce [Ext.R6 (e)] to the Rubber Board in deciding that the benefits of upgradation from Scientist-C to Scientist-D was not applicable under FCS, in the Spices Board.

10. We have considered the provisions of Ext.P1 scheme

and the proceedings through which that scheme was extended to the Commodity Boards including the Rubber Board and the Spices Board. We have no hesitation to hold that the competent W.A.N.1611/2019 & connected cases -43- authority in the Govt. of India had permitted the implementation of the scheme only up to Scientist-C in the Rubber Board and the Spices Board. When the scheme was introduced or extended to the Commodity Boards by a letter dated 06-07-2006 (Ext.P13) of the Department of Commerce in the Ministry of Commerce and Industry, Government of India, there was no reason for this Court to deviate from the subsequent clarifications issued by the very same authority who issued Ext.P13 that no upgradation can be granted under FCS from Scientist-C to Scientist-D in the Rubber Board. In fact, as already noticed earlier, Exts.P2, P3

and P4 clearly shows that even the understanding in the Rubber Board immediately after Ext.P13 was issued was that the upgradation cannot be granted from Scientist-C to Scientist-D.

11. We are also of the opinion that the finding of the

learned Single Judge that the communication from the Govt of India to the Rubber Board, regarding the scope of the scheme, could not have been acted upon as the same is not expressed as an order issued in terms of Article 77 (2) of the Constitution of India cannot be sustained. Article 77 (1) of the Constitution of India provides that all executive action of the Govt of India shall be expressed to be taken in the name of the President of India. Article 77 (2) provides that orders and other instruments W.A.N.1611/2019 & connected cases -44- executed in the name of the President shall be authenticated in such manner as may be provided in Rules to be made by the President. Even if an executive order issued by an officer of the Central Government is not issued or expressed in the manner set out in Article 77(2), that does not invalidate or obliterate the effectiveness of the order. In Air India Cabin Crew Assn. v. Yeshaswinee Merchant, [(2003) 6 SCC 277] it was held:-

".....Clause (2) of Article 77 insulates an executive action of the Government formally taken in the name of President from challenge on the ground that it is not an

order or instrument made or executed by President. Even

> if an executive action of the Central Government is not formally expressed to have been taken in the name of President, Article 77 does not provide that it would, therefore, be rendered void or invalid. We need not, therefore, deal with the argument advanced on the basis of Article 77 of the Constitution because the respondent Association itself is relying on the directive dated 16-10- 1989 of the Central Government which is not formally expressed in the name of President in terms of Article 77 of the Constitution."

Here also Ext.P.13 order through which the benefit of FCS was extended to the Commodity Boards was not expressed in the manner provided for in Article 77(2). If that be the case there is no reason to hold that a communication in the nature of the W.A.N.1611/2019 & connected cases -45- communication dated 17-03-2016 issued by the Ministry of Commerce [Ext.R6 (e)] should have been expressed in the manner provided for in Article 77(2).

12. We therefore have no hesitation to hold that a

combined reading of Ext.P13 and Ext.P1 leads to the conclusion

that in so far as the Rubber Board and the Spices Board are concerned, upgradation under FCS was available only upto the level of Scientist-C and such upgradation could not have been granted from Scientist-C to Scientist-D. Re. Issue No.(ii)

13. A reading of Ext.P1 clearly suggests that upgradation

under the FCS was not automatic and that the assessment norms of promotion under FCS would be rigorous with due emphasis on evaluation of scientific and technical knowledge so that only Scientists who have to their credit demonstrable achievements or higher level of technical merit are recommended for promotion under FCS. Clause 3 of Ext.P1 clearly provides that all the posts covered under FCS shall carry uniform scales of pay, designation and minimum residency period linked to performance. It was clarified in Ext.P6 Office Order dated 23- 06-2005 that the grant of benefits on retrospective basis was clearly not contemplated by the existing instructions. It is also W.A.N.1611/2019 & connected cases -46- noticed that the Rubber Board had been given the promotions under FCS with retrospective effect without there being any enabling provisions. The audit conducted by Auditors of the C & AG had noticed that grant of such retrospective benefit was clearly not contemplated under the FCS scheme by referring to Ext.R6 (c) Office Memorandum dated 21-09-2012. Ext.R6 (c) dated 21-09-2012 to the extent it is relevant reads as follows:-

> Under FCS, promotion is not effected upon arising of a vacancy. Subject to being found suitable, the Scientists are entitled to be promoted in situ. The guidelines however lay down that assessment norms for promotions under the FCS should be rigorous with due emphasis on evaluation of scientific and technical knowledge so that only scientists who have to their credit demonstrable achievements or higher level of technical merit are recommended for promotion. Giving the benefit of promotions from a retrospective date or from the date of completion of residency period without timely assessments as prescribed in our guidelines would dilute the spirit of FCS instructions on rigorous assessment and would be akin to granting of financial upgradation as in other such schemes.

This is also clear from Ext.R6 (d) Office Memorandum dated 17- 07-2002.

14. A reading of the FCS scheme shows that FCS is not

extended on the basis of existence of any vacancy. But it is to be granted on the basis of merit and only upon completion of the specified period of residency in each post / grade. Paragraph 3 of Ext. P1 shows that a Scientist-'B' has to complete a minimum period of 3 years as Scientist-'B' to be considered for grant of W.A.N.1611/2019 & connected cases -47- FCS to the Grade of Scientist-'C'. Similarly from the Scientist-'C' to Scientist-'D' a minimum period of residency of 4 years is prescribed. Similarly periods of residency of 4 - 5 years are prescribed for being placed from Scientist-'D' to Scientist-'E', Scientist-'E' to Scientist-'F', Scientist-'F' to Scientist-'G'. Here, in this case we are really concerned only with Scientist-'B' and Scientist-'C'. However while implementing the FCS scheme the Rubber Board had granted benefits by permitting the extension of benefit of Scientist-C to those Scientists working as Scientist-'B' and had completed 3 years from the date of first appointment to that grade and without insisting on the minimum residency as Scientist-'C', had considered them eligible for the benefits applicable to Scientist-'D'. To take an example quoted in ground (i) of the writ appeal memorandum if, a minimum residency period of 3 years is insisted upon under FCS for grant of benefits from Scientist-'B' to Scientist-'C' and if a Scientist-'B' had completed the prescribed period of residency in the year 2000 but was

actually granted FCS from Scientist-'B' to Scientist-'C' only in 2003 he would be further considered for grant of benefit of Scientist-'D' in FCS after completion of one year from 2003 taking into consideration of the fact that he was entitled to be considered for the benefits of Scientist-'C' from W.A.N.1611/2019 & connected cases -48- Scientist-'B' as early as in the year 2000. In other words periods spent as Scientist-'B' was also accounted as satisfying the prescribed period of residency for being considered as eligible for the benefits of Scientist-'D' though he had not actually completed the prescribed period of residency as Scientist-'C'.

15. On a consideration of Ext.P1 scheme, we are of the

opinion that this was clearly not the intention of the scheme. Firstly the promotion/placement/upgradation was clearly not automatic. Secondly the scheme admitted of no ambiguity and it clearly stipulated the minimum residency period in each post / grade for becoming eligible for consideration for promotion/placement/upgradation to the next post. Sri. John Varghese, the learned counsel appearing for some of the contesting respondents would point out that the question of granting retrospective benefits from the date of eligibility with reference to completion of the prescribed period of residency was considered by a Division Bench of the Delhi High Court in W.P (C) No.14263/2004 (S.K. Murti v. Union of India and others) wherein it was held that delay in consideration for promotion / placement / upgradation under FCS cannot be to the detriment of the employee concerned and the employee concerned was eligible to be considered from the date on which W.A.N.1611/2019 & connected cases -49- he completed the prescribed period of residency. It is submitted that the judgment of the Delhi High Court in S.K. Murti v. Union of India has been affirmed by the Supreme Court through a speaking order dated 02-05-2011, dismissing a Special Leave Petition challenging the judgment of the Division Bench of the Delhi High Court. It is also brought to our notice that the

judgment in S.K. Murti v. Union India has been followed by

the Delhi High Court in Union of India v. Vinay Kumar (judgment dated 30-07-2014 in W.P (C) No.2357/2014). The learned Standing Counsel for the Rubber Board brought to our notice that the judgment in Union of India v. Vinay Kumar has been

challenged before the Supreme Court and that there is a stay of operation of that judgment (Annexure-C order dated 08-07-2016).

16. We are of the opinion that the judgment of the Delhi

High Court in S.K. Murti v. Union of India is completely different on facts and cannot come to the aid of the contesting respondents. That was a case where the memorandum in question which was considered was the O.M. dated 17-07-2002 and not Ext.P1 O.M. dated 09-11-1998. Further from the facts as

set out in the judgment of the Division Bench and from the order

of the Supreme Court dismissing the special leave petition it is W.A.N.1611/2019 & connected cases -50- clear that the Court was only concerned with the delay in granting promotion on account of the delay in convening the Departmental Promotion Committee. The finding of the learned Single Judge that the promotion under FCS is only a financial upgradation is clearly not supported by the provisions of Ext.P1 scheme which clearly shows that promotion under FCS is not automatic and is clearly on the basis of performance and demonstrable scientific achievements. We therefore hold that the contesting respondents were clearly not entitled to be considered for any retrospective grant of benefits under FCS. Re. Issue No.(iii)

17. The third issue relates to the question as to whether

persons who had left the scientific stream and joined posts such as Joint Director and Deputy Director were entitled to fixation of pay under FR 22 of the Central Civil Services Fundamental Rules and whether the service rendered by them in such posts could be counted towards the residency period for grant of FCS under Ext.P1. It is contended before us that in terms of the Recruitment Rules persons who were appointed as Joint Director and Deputy Director were so appointed through direct recruitment. It is submitted that they were clearly not entitled to fixation of pay taking into account the benefits that had accrued W.A.N.1611/2019 & connected cases -51- to them under FCS.

18. This contention is only to be accepted on account of

the fact that FCS was a special scheme for Scientists in scientific departments and on account of the fact that on direct recruitment the officers were only entitled to the pay scale / grade pay of the post to which they were appointed. This issue has also been clarified by the Government of India in the Department of Personnel and Training through Annexure-D office memorandum dated 30-03-2010. It is also clear from Annexure-I which forms part of Ext.P1 that FCS would be extended only to persons engaged in research, design, development or programme implementation (including review, analysis, promotion and aspects of science policy, etc.) which would cover a broad spectrum of pure and applied research. The essential feature would be 'innovative character and spirit of enquiry that permeates their overall functioning' .

19. Persons who leave the scientific stream and get

appointed by way of direct recruitment to the post of Deputy Director, Joint Director etc., are entitled to pay fixation in the manner set out in Annexure-D. It is clear that such persons are clearly outside the purview of FCS and the period during which they function as Deputy Director and Joint Director etc. can W.A.N.1611/2019 & connected cases -52- never be taken as a period of residency for grant of FCS. This would amount to grant of double benefit i.e., pay fixation for the higher posts which they got through direct recruitment and FCS. This, it is very clear, is not intended at all. We therefore hold that the finding in the impugned judgment that the persons who obtained appointment as Joint Director, Deputy Director etc. can avail the benefit of FCS also while working in such posts is clearly against the provisions of the FCS Scheme. THE CASES RELATING TO THE SPICES BOARD (W.A. Nos.1667/2019, 1669/2019, 1670/2019)

20. These writ appeals arise out of the common judgment

dated 27-03-2019 in W.P (C) No.24586/2016 and connected cases. The only issue arising for our consideration in these cases relating to the Spices Board is whether Scientists in the Spices Board were entitled to be granted the benefit of FCS from Scientist-C to Scientist-D.

21. We have heard Sri.Antony Mukkath for the appellants

and Sri.John Varghese & Sri. Abraham Mathew for the contesting respondents. Sri.Antony Mukkath has reiterated the submissions of the Learned Senior Counsel appearing in the appeals filed by the Rubber Board. He has also taken us through W.A.N.1611/2019 & connected cases -53- the FCS Scheme (Ext.P.2 in W.P (C) No.24586/2016). The learned counsel appearing for the contesting respondents have reiterated their submissions in the cases relating to the Rubber Board which, we have already considered.

22. As already noticed, in the cases relating to the Rubber Board, the benefit of FCS was extended to the commodity boards through the order bearing No.27/16/1999-Plant-B dated 06-07-

2006. In so far as the Rubber Board and Spices Board were

concerned, the benefit under FCS was limited by stating that it was available only up to Scientist-C. However, by a wrong interpretation of the order, benefits were extended by providing benefit of FCS from Scientist-C to Scientist-D. This was noticed only upon audit objection being raised. As noticed above, relying on the communication issued to the Rubber Board by the Govt of India on 17-03-2016, the benefits were sought to be withdrawn in the Spices Board as well. The learned Single Judge allowed the writ petitions relating to the Spices Board through a common

judgment dated 27-03-2019. The reasoning in this judgment was

followed in allowing the cases where the identical issue was raised in respect of Scientists in the Rubber Board.

23. We have, after noticing the common judgment dated

27-03-2019 (which is impugned in these appeals) and after W.A.N.1611/2019 & connected cases -54- reference to the orders/communications issued by the Govt. of India held, in the case of Scientists in the Rubber Board that they were not entitled to promotion / placement / upgradation from Scientist-C to Scientist-D. In view of that finding we hold that the Scientists in Spices Board were also not entitled to the benefit of promotion / placement / upgradation from Scientist-C to

Scientist-D in terms of office memorandum dated 09-11-1998 read with letter No.27/16/1999-Plant-B dated 06-07-2006 as no different conclusion can be drawn in these cases.

24. In the result W.A Nos.1611/2019, 1700/2019, Rubber Board are allowed by setting aside the common

judgment dated 27-03-2019 in W.P (C) No.19565/2015 and

connected cases. W.P (C) No.18758/2019 will stand dismissed. Similarly W.A. Nos.1667/2019, 1669/2019, 1670/2019 filed by the

Spices Board are allowed by setting aside the common judgment

dated 27-03-2019 in W.P (C) No.24586/2016 and connected cases. We record the submission of the Standing Counsel for the Rubber Board and the Spices Board that benefits, if any, payable to the contesting respondents in the writ appeals and to the petitioner in W.P (C) No.18758/2019 on the basis of the W.A.N.1611/2019 & connected cases -55- recommendations of the 7th Central Pay Commission shall be released to them in accordance with their eligibility without further delay. Parties are left to suffer their respective costs. (Sd/-) A.M.SHAFFIQUE JUDGE (Sd/-) GOPINATH P. JUDGE AMG W.A.N.1611/2019 & connected cases -56- APPENDIX OF WA 1611/2019 PETITIONER'S/S EXHIBITS: ANNEXURE A TRUE COPY OF COMMON JUDGMENT DATED 27.3.2019 IN WP NO 24586 OF 2016, 28348 OF 2016 AND 38524 OF 2018 ANNEXURE B TRUE COPY OF THE CLARIFICATION DATED 3.1.2018 ISSUED BY THE DOPT. ANNEXURE C TRUE COPY OF THE INTERIM ORDER DATED 9.7.2016 GRANTED IN SLP CC NO 4155/2016 BY THE HON'BLE SUPREME COURT ANNEXURE D TRUE COPY OF THE CLARIFICATION DATED 30.3.2010 ISSUED BY THE DOPT. ANNEXURE E: True copy of the letter dated 11/11/2019 issued by the Department of Ministry & Commerce, Government of India. W.A.N.1611/2019 & connected cases -57- APPENDIX OF WA 1700/2019 PETITIONER'S/S EXHIBITS: ANNEXURE A TRUE COPY OF COMMON JUDGMENT DATED 27/3/2019 IN WPC NO. 24586 OF 2016 28348 OF 2016 AND 38524 OF 2018 ANNEXURE B TRUE COPY OF THE CLARIFICATION DATED 3/1/2018 ISSUED BY THE

DOPT. ANNEXURE C TRUE COPY OF THE INTERIM ORDER DATED 9/7/2016 GRANTED IN SLP CC NO. 4155/2016 BY THE HONBLE SUPREME COURT. ANNEXURE D TRUE COPY OF THE CLARIFICATION DATED 30/3/2010 ISSUED BY THE DOPT W.A.N.1611/2019 & connected cases -58- APPENDIX OF WA 1718/2019 PETITIONER'S/S EXHIBITS: ANNEXURE A TRUE COPY OF COMMON JUDGMENT DATED 27/03/2019 IN W.P(C)N0.24586 OF 2016,28348 OF 2016 AND 38524 OF 2018. ANNEXURE B TRUE COPY OF THE CLARIFICATION DATED 03/01/2018 ISSUED BY THE DOPT. ANNEXURE C TRUE COPY OF THE INTERIM ORDER DATED 09/07/2016 GRANTED IN SLP CC NO.4155/2016 BY THE HON'NBLE SUPREME COURT. ANNEXURE D TRUE COPY OF THE CLARIFICATION DATED 30/03/2010 ISSUED BY THE DOPT. W.A.N.1611/2019 & connected cases -59- APPENDIX OF WA 1727/2019 PETITIONER'S/S EXHIBITS: ANNEXURE A TRUE COPY OF COMMON JUDGMENT DATED 27.03.2019 IN W.P.NO.24586 OF 2016, 28348 OF 2016 AND 38524 OF 2018. ANNEXURE B TRUE COPY OF THE CLARIFICATION DATED 03.01.2018 ISSUED BY THE DOPT. ANNEXURE C TRUE COPY OF THE INTERIM ORDER DATED 08.07.2016 GRANTED IN SLP CC NO.4155/2016 BY THE HON'BLE SUPREME COURT. ANNEXURE D TRUE COPY OF THE CLARIFICATION DATED 30.03.2010 ISSUED BY THE DOPT. W.A.N.1611/2019 & connected cases -60- APPENDIX OF WA 1777/2019 PETITIONER'S/S EXHIBITS: ANNEXURE A TRUE COPY OF COMMON JUDGMENT DATED 27/3/2019 IN WP NO. 24586 OF 2016, 28348 OF 2016 AND 38524 OF 2018 ANNEXURE B TRUE COPY OF THE CLARIFICATION DATED 3/1/2018 ISSUED BY THE DOPT. ANNEXURE C TRUE COPY OF THE INTERIM ORDER DATED 8/7/2016 GRANTED IN SLP CC NO. 4155/2016 BY THE HONBLE SUPREME COURT. ANNEXURE D TRUE COPY OF THE CLARIFICATION DATED 30/3/2010 ISSUED BY THE DOPT. W.A.N.1611/2019 & connected cases -61- APPENDIX OF WA 1834/2019 PETITIONER'S/S EXHIBITS: ANNEXURE A TRUE COPY OF COMMON JUDGMENT DATED 27.3.2019 IN WP.NO.24586 OF 2016, 28348 OF 2016 AND 38524 OF 2018. ANNEXURE B TRUE COPY OF THE CLARIFICATION DATED 3.1.2018 ISSUED BY THE DOPT. ANNEXURE C TRUE COPY OF THE INTERIM ORDER DATED 8.7.2016 GRANTED IN SLP CC.NO.4155/2016 BY THE HON'BLE SUPREME COURT. ANNEXURE D TRUE

COPY OF THE CLARIFICATION DATED 30.3.2010 ISSUED BY THE DOPT. W.A.N.1611/2019 & connected cases -62- APPENDIX OF WA 1918/2019 PETITIONER'S/S EXHIBITS: ANNEXURE A TRUE COPY OF COMMON JUDGMENT DATED 27.3.2019 IN WP NO.24586 OF 2016, 28348 OF 2016 AND 38524 OF 2018. ANNEXURE B TRUE COPY OF THE CLARIFICATION DATED 3.1.2018 ISSUED BY THE DOPT. ANNEXURE C TRUE COPY OF THE INTERIM ORDER DATED 8.7.2016 GRANTED IN SLP CC NO.4155/2016 BY THE HON'BLE SUPREME COURT. ANNEXURE D TRUE COPY OF THE CLARIFICATION DATED 30.3.2010 ISSUED BY THE DOPT. W.A.N.1611/2019 & connected cases -63- APPENDIX OF WA 1968/2019 PETITIONER'S/S EXHIBITS: ANNEXURE-A TRUE COPY OF COMMON JUDGMENT DATED 27/03/2019 IN W.P. NO. 24586 OF 2016, 28348 OF 2016 AND 38524 OF ANNEXURE-B TRUE COPY OF THE CLARIFICATION DATED 03/01/2018 ISSUED BY THE DOPT ANNEXURE-C TRUE COPY OF THE INTERIM ORDER DATED 08/07/2016 GRANTED IN SLP CC NO. 4155/2016 BY THE HON'BLE SUPREME COURT ANNEXURE-D TRUE COPY OF THE CLARIFICATION DATED 30/03/2010 ISSUED BY THE DOPT W.A.N.1611/2019 & connected cases -64- APPENDIX OF WA 1974/2019 PETITIONER'S/S EXHIBITS: ANNEXURE A TRUE COPY OF COMMON JUDGMENT DATED 27/03/2019 IN WP NO.24586 OF 2016, 28348 OF 2016 AND 38524 OF 2018. ANNEXURE B TRUE COPY OF THE CLARIFICATION DATED 03/01/2018 ISSUED BY THE DOPT. ANNEXURE C TRUE COPY OF THE INTERIM ORDER DATED 08/07/2016 GRANTED IN SLP CC NO.4155/2016 BY THE HON'BLE SUPREME COURT. ANNEXURE D TRUE COPY OF THE CLARIFICATION DATED 30/03/2010 ISSUED BY THE DOPT. W.A.N.1611/2019 & connected cases -65- APPENDIX OF WA 1978/2019 PETITIONER'S/S EXHIBITS: ANNEXURE -A TRUE COPY OF COMMON JUDGMENT DATED 27/03/2019 IN W.P. NO. 24586 OF 2016, 28348 OF 2016 AND 38524 OF 2018 ANNEXURE -B TRUE COPY OF THE CLARIFICATION DATED 03/01/2018 ISSUED BY THE DOPT ANNEXUREP-C TRUE COPY OF THE INTERIM ORDER DATED 08/07/2016 GRANTED IN SLP CC NO. 4155/2016 BY THE HON'BLE SUPREME COURT ANNEXURE -D TRUE COPY OF THE CLARIFICATION DATED 30/0382010 ISSUED BY THE DOPT W.A.N.1611/2019 & connected cases -66- APPENDIX OF WA 2248/2019

PETITIONER'S/S EXHIBITS: ANNEXURE -A TRUE COPY OF THE LETTER DATED 17/03/2016 ISSUED BY

THE UNDER SECRETARY TO GOVERNMENT OF INDIA, MINISTRY OF COMMERCE AND INDUSTRY, DEPARTMENT OF COMMERCE, NEW DELHI ANNEXURE-B TRUE COPY OF COMMON JUDGMENT DATED 27/03/2019 IN W.P.(C)NO.24586 OF 2016, 28348 OF 2016 AND 38524 OF 2018 ANNEXURE -C TRUE COPY OF THE OFFICE MEMORANDUM NO.AB- THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS (DEPARTMENT OF PERSONNEL AND TRAINING) GOVERNMENT OF INDIA, NEW DELHI ANNEXURE -D TRUE COPY OF OFFICE MEMORANDUM NO.AB- THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS (DEPARTMENT OF PERSONNEL AND TRAINING) GOVERNMENT OF INDIA

ANNEXURE -E TRUE COPY OF THE CLARIFICATION DATED 03/01/2018 ISSUED BY THE DOPT ANNEXURE -F TRUE COPY OF INTERIM ORDER DATED 09/07/2016 GRANTED IN SLP CC NO. 4155/2016 BY THE HON'BLE SUPREME COURT ANNEXURE-G TRUE COPY OF THE CLARIFICATION DATED 30/03/2010 ISSUED BY THE DOPT W.A.N.1611/2019 & connected cases -67- APPENDIX OF WP(C) 18758/2019 PETITIONER'S/S EXHIBITS: EXHIBIT P1 TRUE COPY OF THE LETTER DATED 27.12.2018 ISSUED BY THE 1ST RESPONDENT TO THE 2ND RESPONDENT EXHIBIT P2 TRUE COPY OF THE REPRESENTATION DATED 5.11.2018 SUBMITTED BY THE PETITIONER BEFORE THE 3RD RESPONDENT. EXHIBIT P3 TRUE COPY OF THE JUDGMENT OF THIS HONBLE COURT IN WPC NO. 38524/2018 DATED 27.3.2019 EXHIBIT P4 TRUE COPY OF THE PAY REVISION ARREAR STATETMENT UNDER THE 7TH CPC ISSUED BY THE 2ND RESPONDENT DATED 23/04/2018. EXHIBIT P5 TRUE COPY OF THE UNDERTAKING DATED 02/03/2016 SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.

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