

**J.K. Sharma and Others Vs. State of U.P. and Another**

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**Court :** Allahabad

**Decided On :** Apr-24-2000

**Reported in :** 2001(2)AWC1486; (2001)2UPLBEC1797

**Judge :** S.H.A. Raza and ;R.D. Shukla, JJ.

**Acts :** [Constitution of India](#) - Article 32; Uttar Pradesh Service of Engineers Class II Rules, 1936 - Rules 3, 5 and 23

**Appeal No. :** Writ Petition No. 1219-20 of 1998 (SB)

**Appellant :** J.K. Sharma and Others

**Respondent :** State of U.P. and Another

**Advocate for Def. :** C.S.C.

**Advocate for Pet/Ap. :** S.C. Misra, Adv.

**Judgement :**

S.H.A. Raza J.

1. Mr. J.K. Sharma, and others as well as Vinod Kumar, who have filed the writ petitions bearing No. 1219 (SB) 98 and 1220 (SB) 98 both have knocked the door of this Court praying that the seniority list dated 29.4.97 and 22.7.97 contained in Annexures 1 and 2 to the writ petition and the impugned order dated 5.9.98 be quashed. Sri J.K. Sharma and others want this Court to Issue a command to the

opposite parties to place their names below the names of Sri Chandra Pal Sharma at Serial No. 735 and above the name of Sri Ram Pal Singh Panwar at Serial No. 736 in the seniority list considering their selection against the year 1969 by counting their entire services rendered in LSGED/PWD respectively towards the total length of service and to consider their names for promotion on the post of Superintendent Engineer by placing them in the eligibility list dated 16.7.98 before the name of Ram Pal Singh Panwar before considering the same for the purpose of promotion.

2. Sri Vinod Kumar Sharma, more or less, claimed the same relief for placing his name over and above the name of Sri Bhikham Lal at Serial No. 715 in the seniority list considering his selection against the year 1968 by counting his entire service rendered in the Minor Irrigation towards the total length of service and to consider his name for promotion on the post of Superintendent Engineer by placing him in the eligibility list dated 16.7.1998 before the name of Sri Bhikham Lal before considering the same for the purposes of promotion.

3. According to Sri J. K. Sharma, and others, they were initially selected by U.P. Public Service Commission in the year 1969 against the temporary post of Assistant Engineer on temporary basis. Thereafter, petitioner No. 1 was posted at Lucknow in LSGE Department, while petitioner No. 2 was posted at Rani Khet in P.W.D. and the petitioner No. 3 was also appointed as Assistant Engineer in P.W.D. Subsequently it was averred that Sri J.K. Sharma and others again appeared in the selection being held by U.P. Public Service Commission against the vacancies for the year 1971 and they were selected as Assistant Engineer in the Irrigation Department and were posted at Lucknow, Rishikesh and Roorkee respectively. They submitted that on their selection as Assistant Engineer in the Irrigation Department, their services were transferred from Local Self Government Department as well as the P.W.D. to the Irrigation Department, without there being any break in the service. The submission of the petitioners appears to be that the services which they have rendered in Local Self Government Department and the Public Works Department should be counted for the purposes of their seniority as their services were transferred to the Irrigation Department.

4. Contention of Mr. Vinod Kumar Sharma is more or less same to the effect that he was Initially appointed in the Minor Irrigation Department on the post of Assistant Engineer through selection by Public Service Commission against the vacancies for the year 1969. In the year 1971 he was selected and appointed in the Irrigation Department as Assistant Engineer.

5. According to the petitioners by means of the Office Memorandum dated 17.8.74, it was provided that their earlier services will be counted for the purposes of seniority and in this regard, reliance was placed upon the judgment of Hon'ble Supreme Court in the case of Vijay Kumar Sharotiya v. State of U.P. and others, JT 1998 (1) SC 692.

6. Before dealing with the cases of the petitioners, as set out in the writ petitions it is relevant to mention that the seniority of Assistant Engineers is determined from the date of their substantive appointment in the feeder cadre of Assistant Engineers. The post of Assistant Engineer is within the purview of Public Service Commission.

7. Hon'ble Supreme Court after considering its earlier decisions in N.K. Chauhan v. State of Gujarat, 1977 (1) SCC 309 and Bateshwar Dass v. State of U.P., 1980 SCC (L&S;) 531, while referring to the history of the Rules governing the conditions of services of engineers working in the Public Works Department as well as in the Irrigation Department in P.D. Agrawal and others v. State of U.P. and others, (1987) 3 SCC, 622, held as under :

'Previously Public Works Department as well as the Irrigation Department of the Government of Uttar Pradesh were integrated into Public Works Department comprising both these two branches. In 1922 Irrigation branch was separated into a different independent department. Similarly in 1927 Public Health Department was separated. In 1936 U.P. Service of Engineers Class II Rules (Building and Roads Branch) pertaining to P.W.D. were framed in exercise of powers conferred under the Government of India Act. Identical rules also governed the Irrigation Department. Before entering into the controversy that has been raised in the Instant appeal, it is appropriate to refer to the relevant provisions of the said Rules. Rule 3 (b) defines 'Member of the Service' as a Government servant

appointed in substantive capacity, under the provisions of these rules or of rules in force previous to the introduction in the cadres of the service. Clause (c) defines 'Direct recruitment' or 'Direct appointment' as recruitment or appointment in the manner prescribed in Rules 5 (ii) and (iii) of these rules .... Rule 5 of the said rule laid down five sources of recruitment'.

Rule 23 of the said rule provides that the seniority in the service shall be determined according to the date of order of appointment to it provided that if the order of appointment of two or more candidates bears the same date, their seniority inter se shall be determined according to the order in which their appointment has been notified.

8. In P.D. Agrawal's and another (supra) Hon'ble Supreme Court relying upon its earlier decision in Ashok Gulati v. B.S. Jain, AIR 1987 SC 424, observed that :

'According to the accepted canons of service Jurisprudence seniority of a person appointed must be reckoned from the date he becomes a member of the service... It is well settled that an ad hoc or fortuitous appointment on a temporary or stop-gap basis cannot be taken into account for the purpose of seniority even if the appointee was qualified to hold the post on a regular basis as such temporary tenure hardly counts for seniority in any system of service jurisprudence.'...A writ of mandamus was also issued directing the Government to prepare a fresh seniority list of Engineers in the Civil Engineering and E/M Wing in the light of the observations made in the Judgment. Thus, the ratio of P.D. Agrawal's case (supra) is clearly to the effect that the seniority of engineers appointed whether temporary or permanently on substantive post must be reckoned from the date an Engineer becomes a member of service meaning thereby that when he has substantively joined the service.

9. The decision of Hon'ble Supreme Court in P.D. Agrawal's case was a watershed for determination of the seniority. One would have thought that after that decision the controversy would have come to an end but even thereafter harangue continued in the Court in spite of the fact that Hon'ble Supreme Court relied upon the decision in P.D. Agrawal's (supra) in Direct Recruits Class-II Engineers Officer Association v. State of Maharashtra and others, (1990) 2 SCC

715 : Keshav Chandra Joshi v. Union of India, AIR 1990 SC 284 : Masood Akhtar Khan and others v. State of Madhya Pradesh and others (1990) 4 SCC 24 and D.N. Agrawal and another v. State of Madhya Pradesh and others, (1990) 2 SCC 553 and in several other cases.

10. Similar view was expressed by Hon'ble Supreme Court In Union of India through Chandigarh Administration (U.T.), Chandigarh and another v. S.K. Sharma, JT 1992 (2) SC 491 ; A.N. Sehgal and others v. Rajaram Shivram and others (1992) Suppl 1 SCC 304 ; Vijay Kumar Jain v. State of Madhya Pradesh and others, (1992) Supp. 2 SCC 95 ; State of Tamil Nadu and another v. F. Paripoornam and others, (1992) Suppl 1 SCC 420 ; State of West Bengal and others v. Aghore Nath Dey and others, JT 1993 (2) SC 598 ; M. A. Haque and others v. Union of India and others, JT 1993 (2) SC 25 and Excise Commissioner Karnataka and another u. V. Sreekanta, (1993) Supp 3 SCC 53.

11. After the decision of Hon'ble Supreme Court in P.D. Agrawal's (supra), final seniority list was issued, which was again challenged before Hon'ble Supreme Court in various writ petitions preferred under Article 32 of the [Constitution of India](#) by the Assistant Engineer working in the P.W.D. as well as in the Irrigation Department. The few special appeals were also pending before Hon'ble Supreme Court against the decision of this Court pertaining to the seniority of the Engineers working in the P.W.D. and Irrigation Department. Several writ petitions were also filed at 'Lucknow Bench of the Allahabad High Court, assailing the seniority list issued by the State Government. Hon'ble Supreme Court, after hearing the counsel, for the parties, passed the order to the effect that as interpretation on various pronouncements of Hon'ble the Supreme Court was involved in those petitions hence it would be appropriate that it should be heard and decided by a larger Bench. But when the matter came up before the larger Bench, the larger Bench remitted all those petitions, which were pending before Hon'ble Supreme Court to the Lucknow Bench of the Allahabad High Court. All the writ petitions filed in the Hon'ble Supreme Court as well as in Lucknow Bench were clubbed and heard together.

12. Ultimately all the writ petitions were disposed of by a Division Bench of this Court, in which one amongst us (Hon'ble S.H.A. Raza, J.) was a member. In W.P. No. 6191 of 1983 (leading) Surendra Nath Mishra v. State of U.P. and others after a very detailed judgment, the following principles were formulated by the Court for determination of the seniority amongst the engineers working in the P.W.D as well as in the Irrigation Department, which were governed more or less, by the same rules.

(a) Assistant Engineers on Civil and Mechanical side working in the Irrigation Department who were directly recruited by selection through the Public Service Commission should be assigned their seniority in order of merit, assigned to them, by the Public Service Commission from the date they became the member of service in accordance with Rule 3 of the said 1934 Rules and 1936 Rules, that is, from the date of their substantive appointment to the post of Assistant Engineers.

(b) Assistant Engineers who were provisionally appointed without prior selection/ approval of Public Service Commission and had been approved by the Public Service Commission later on, should be assigned their seniority in order of merit from the date they became member of service in terms of Rule 3 of 1934 and 1936 Rules, that is. from the date of their substantive appointment to the post of Assistant Engineers.

(c) The seniority of Assistant Engineers, whose services were regularised under Regularisation Rules, would reckon from the date, when such ad hoc appointees after regularisation in accordance with the concerned rules, have become the member of the service.

(d) All efforts should be made that the conditions of recruitment as provided under Rule 5, pertaining to promotion from Subordinate Engineering Service to Class-I Engineering Service should strictly be completed with in making selection be (sic) promotion from the Subordinate Engineering Service Class-11 Services, but their seniority would be reckoned from the date they became the member of service in accordance with Rule 3 of 1934 and 1936 Rules, that is from the date of their substantive appointment to the post of Assistant Engineers.'

Special Leave Petitions against the judgment passed by the Division Bench of this Court were preferred before Hon'ble Supreme Court, but the Special Leave Petitions were dismissed by the Hon'ble Court.

13. Although the controversy pertaining to the seniority of the Engineers working in the P.W.D. as well as in the Irrigation Department came (on) a close after the decision of this Court in Surendra Nath Misra (supra) which was upheld by Hon'ble Supreme Court. A fresh dispute pertaining to the seniority has again raked up relying upon the decision of Hon'ble Supreme Court in Vijay Kumar Sharotiya v. State of U.P. and others, JT 1998 (1) SC 692. Before discussing the ratio of the judgment in Vijay Kumar Sharotiya (supra) it is relevant to refer to the decision of this Court in Gokaran Singh and others v. State of U.P. and others, W.P. No. 4396 of 1990, decided on 19.8.1993, in which one amongst us (Hon'ble S.H.A. Raza J.) , was a member. In Gokaran Singh (supra), the petitioners have assailed the final seniority list urging that some of the petitioners prior to their appointment in P.W.D. have rendered services in Irrigation Department, which were not counted for the purposes of their seniority. Relying upon the observations of Hon'ble Supreme Court in P.D. Agrawal (supra), wherein it was settled that the seniority of Assistant Engineers working in the Civil Engineering or E.M. Wing, shall be determined from the date when such Assistant Engineers have become member of the service, being appointed in the cadre of service, no matter whether that post was permanent or temporary, it was held that the seniority would reckon from the date they became member of the service. The Court was of the view that as the dispute between the direct and temporary category of engineers has been finally adjudicated upon in P.D. Agrawal (supra), it does not lie in the mouth of those petitioners to claim seniority above 'D' category officers. In that regard, reliance was placed upon the decision of Hon'ble Supreme Court in Direct Recruit's case (1990) 2 SCC 215, wherein Hon'ble Supreme Court in para 47-J and 44-K of the report held as under :-

'The decision dealing with important questions concerning a particular service given after careful consideration should be respected rather than scrutinised for finding out any possible error. It is not in the interest of service to unsettle a settled position.'

'That a dispute raised by an application under Article 32 of the Constitution must be held to be barred by principles of res judicata including the rule of constructive res judicata if the same has been earlier decided by a competent court by a judgment which became final.'

14. In *Vinay Kumar Sharotiya v. State of U.P. and others*, JT 1998 (1) SC 692 (supra). Hon'ble Supreme Court referred to the decision of High Court in *Gokaran v. State of U.P.* in which Sharotiya was not a party, wherein it was held that the benefit of the earlier service was not admissible.

15. Before dealing with the dictum of Hon'ble Supreme Court in Sharotiya it is relevant to examine the factual matrix of Sharotiya's case.

On 25.8.1962, Sharotiya was appointed on ad hoc basis as Assistant Engineer in the Irrigation Department. In September, 1962 interview was held in the combined services of Uttar Pradesh for the posts of Assistant Engineers in Public Works Department as well as Irrigation Department by the U.P. Public Service Commission. Sharotiya was selected and he was allotted Public Works Department. On 29.7.1963 Public Works Department approved his appointment and indicated his merit at Serial No. 21. On 8.8.1963, the Chief Engineer P.W.D. Issued letter of his appointment. However, Sharotiya was not relieved from the Irrigation Department in spite of his consent to join P.W.D. through letter dated 10.5.63, so he continued to work in the Irrigation Department. In 1965 another competitive examination was held by the said Commission for substantive permanent vacancies in the Public Works Department. On 13.9.1967. Sharotiya was again selected and appointed through letter dated 23.11.1967. On 1.1.1968 he joined the post of Assistant Engineer in P.W.D. According to Sharotiya on 10.10.1968, he was transferred from Irrigation Department to P.W.D. By means of the Government Order dated 19.10.1968, it was directed that Assistant Engineers in the P.W.D. Irrigation and L.S.G.E. Department who came through the competitive examination and are working in any of the said department, if allocated any such other department, they would be deemed to have been transferred from one department to other. In June, 1972. Sharotiya was promoted to the post of Executive Engineer, P.W.D. This was only possible by

accepting his earlier services in the Irrigation Department since after the selection through Public Service Commission in the year 1962. His appointment by promotion was not challenged, but when the question of his appointment to the post of Superintendent Engineer came up for consideration, his right was ignored on the same basis, viz., the absence of minimum requisite period in the Public Works Department. This issue, if at all, could have been raised when he was promoted as Executive Engineer in 1972. To raise then, after he became Executive Engineer, for twenty one years was neither justifiable nor valid. As the department had not taken into consideration the services rendered by Sharotiya in the Irrigation Department, he filed claim petition, which was allowed. According to the Government by means of the order dated 20.2.93 fixed his seniority at Serial No. 319-A. Thereafter came the decision in the case of Gokaran Singh (supra). As the period of service rendered by him in the Irrigation Department was subsequently not taken into account, and he was excluded from being promoted as Superintendent Engineer by means of the order dated 19.8.93. He filed the writ petition, which was dismissed. Thereafter, an appeal was preferred before Hon'ble Supreme Court, The appeal was allowed and the Government Order dated 19.8.93 as well as the order passed by the High Court were quashed.

16. In Sharotiya's case Hon'ble Supreme Court indicated ;

'It is in this background the question is, once the appellant being selected through a combined test held both for irrigation and Public Works Department in 1962 and not being permitted to join the Public Works Department in spite of he having opted, should he be deprived of the services rendered by him in Irrigation Department for the purpose of computing his eligibility seniority and promotion in the Public Works Department. In this regard we also find G.O. No. 822 EBR/XXIU-PWD dated 19th October, 1968 which decided such cases to be of transfer inter se from Irrigation Department to Public Works Department and vice versa of the persons who were recruited as Assistant Engineers through combined examinations. By this, it was clarified such persons, in case are placed from one department to other, will be deemed to have been transferred from one department to the other. It further clarified, where any difficulty is felt in fixation of their pay in the department to which they are transferred, that could be resolved

under F.R. 22 of Finance Hand Book Volume II, Part II to IV. To the later part, we are not concerned. The concluding words of this H.O. (sic) are :

'Since the services of these Assistant Engineers will be deemed to have been transferred, they would also be entitled to Transferred T.A., joining time for the Journey performed by them in connection with their transfer from one department to another.'

Hon'ble Supreme Court further observed in para 8 of the report : 'We find, the appellant in this case could not be faulted as in spite of the being selected through 1962 combined selection examination and he having consented was not relieved by the Irrigation Department due to his requirement in that department. This fact, as stated earlier, is also recorded in Government's Office Memorandum No. 402 EPOR 12.3.93, 915/91. dated 20th February, 1993. This is also referred in the letter of the Joint Secretary, Government of U.P., Irrigation Department to the Joint Secretary. Public Works Department dated 15th September, 1992. The main reason to reject the claim by the Government is the decision of Gokaran Singh (supra) which was also the basis of the impugned judgment of the High Court, viz., relying on P.D. Agrawal's case (supra). This decision merely declares a claim of seniority could only be from the date one is borne in service. But the question Still is as to when did the appellant enter service or could be said to have been borne in service? If the appellant could be said to have entered service only on his appointment in the Public Works Department as a result of combined examination held in 1965, he would be borne in service then. But in case his selection and appointment in pursuance to the combined selection examination of 1962 is accepted that he would be borne in service then, we find, he not being relieved from the Irrigation Department for public purpose coupled with the policy in such case to treat it to be a case of transfer for all this. we unhesitatingly come to the irresistible conclusion that the appellant would be treated to have been borne in service on the date when he was appointed through 1962 combined selection examination and not in 1965 examination. We have already referred to various letters as also the decision of the Government treating such placement in the departments inter se to be a case of transfer. The Government throughout, has also treated the appellant to be a case of transfer from Irrigation Department to

Public Works Department. His claim was only rejected by the Government as aforesaid in view of the decision in the case of Gokaran Singh (supra) relying on P.D. Agrawal (supra) about this we would be referring later.'

17. It is pertinent to mention that Civil Appeals bearing No. 622-625 of 1982, P.D. Agrawal v. State of U.P. and others, (1987) 3 SCC 622. arose from the judgment and order dated July 14, 1982 of the Allahabad High Court in Writ Petition Nos. 3387/79. 3327, 2829/80 and 747 of 1981. It seems that when the case of Sharotlya was heard and decided before Hon'ble Supreme Court, the attention of Hon'ble Supreme Court was not drawn towards the fact that the aforesaid writ petitions were decided by the High Court after publication of the notices inviting objections from all the Engineers through daily newspapers. Thus, the writ petitions were in the nature of representative writ petitions and the judgment passed in the aforesaid writ petitions was binding in nature. Later on tentative seniority list was circulated and objections were invited and thereafter, the final seniority list was published. This aspect of the matter was dealt by a Division Bench of this High Court in V.C. Agrawal v. State of U.P., 1982 (2) UPLBEC 477 wherein it was observed that admittedly in pursuance of the decision in Agrawal's case, tentative seniority list was circulated and objections were invited, thereafter final list was published after considering objections and consulting law department and the Accountant General. One may be satisfied with it or not, but no objection of lack of opportunity can be raised.

18. It was submitted by the private respondents that the judgment of Hon'ble Supreme Court in Sharotiya's case has unsettled the settled question of seniority in P.D. Agrawal's and V.C. Agrawal's and Surendra Nath's cases, which were upheld by Hon'ble Supreme Court, hence the decision should be ignored as it is per incurium. We are definitely of the view that this Court cannot declare a judgment of Hon'ble Supreme Court as per incurium. It is for the Hon'ble the Supreme Court, itself, to reconsider its judgment.

19. However, we are of the view that the ratio decidendi of the decision of Hon'ble Supreme Court in Sharotiya's case is not applicable to the facts of the present case for the reason that it is not the case of the petitioners that they were selected

by the Public Service Commission in a combined test. Admittedly Sri J.K. Sharma joined LSGED on 1.4.71 after due selection by the Commission for the examination held in the year 1969. There is nothing on record to indicate that he was appointed in the Irrigation Department and, that it was a combined selection for the post of Assistant Engineer in LSGED and Irrigation Department. He worked in LSGED from 1.4.71 to 19.11.74 on the post of Assistant Engineer and subsequently he joined in the Irrigation Department on 20.11.74 after his selection by the U.P. Public Service Commission for the examination held for the year 1971 to the post of Assistant Engineer. While Mr. D.P.S. Chauhan petitioner No. 2 of W.P. No. 1219 (SB) 978 on his being selected by the Commission for the examination held in the year 1969 worked in the P.W.D. with effect from 24.4.71 to 30.9.74 and after selection by the U.P, Public Service Commission held in the year 1971 joined the Irrigation Department on 10.4.74. Petitioner No. 3 had worked in the P.W.D. from 21.11.72 to 31.3.74 after due selection by the Commission for the examination held in the year 1969 thereafter, tie joined in the Irrigation Department on 25.11.1974. There is nothing on record to indicate that their examinations or interviews were held for the combined services of U.P. for the post of Assistant Engineer either in LSGED, P.W.D. or in the Irrigation Department by the U-P. Public Service Commission and they were initially appointed in the irrigation department.

20. Similar is the position with regard to Mr. Vinod Kumar Sharma, the petitioner of Writ Petition No. 1220/(SB) 1998.

21. The petitioners were never allotted to work as Assistant Engineer in the Irrigation Department. Their appointments were not approved by the Irrigation Department. They never opted to be appointed in the Irrigation Department and they never insisted to be relieved from service in which they were initially appointed. There is nothing on record to show that in spite of their Insistence or option, the department ever refused to relieve the petitioners from the department in which they were initially appointed. Their initial appointment was either in LSGED or in the P.W..D They joined those departments and worked in those departments. In pursuance of their subsequent selection by the U.P. Public Service Commission for the post of Assistant Engineer, they were appointed as

Assistant Engineers in the Irrigation Department. Hence they cannot steal a march over those engineers who were selected and appointed as Assistant Engineers in the Irrigation Department much earlier to the petitioners, because before 1971 they were not borne In the cadre of Assistant Engineer in the Irrigation Department.

22. After the judgment of this Court in Surendra Nath Mishra (supra) which was upheld by Hon'ble Supreme Court, final seniority list has been prepared after giving opportunity to all the concerned engineers to show-cause against the tentative seniority list. After that seniority list became final. Now the petitioners cannot unsettle a settled position because the decision in Surendra Nath Mishra dealt with the seniority of the Engineers in the Irrigation Department and that decision was given after careful consideration and now it cannot be scrutinised for finding out any possible error. We are of the view that the observation of Hon'ble Supreme Court in Sharotiya case (supra) was In respect to peculiar facts and circumstances of the case, that he was selected in the combined services of U.P. for the post of Assistant Engineer in the P.W.D. and Irrigation Department by the U.P. Public Service Commission, he was allotted P.W.D. His appointment was approved by the P.W.D. Chief Engineer, P.W.D. issued letter of his appointment, but he was not relieved by the Irrigation Department. In spite of his consent earlier to join the P.W.D. through his letter dated 10.5.63. His seniority was not disturbed up to the stage of Executive Engineer, but when promotions were to be made for the post of Superintending Engineer, an objection was raised that his earlier service rendered in Irrigation Department cannot be counted. Considering those facts and circumstances of the case. Hon'ble Supreme Court observed that it would be unjust to disallow the claim of Sharotiya in spite of he being selected and appointed to the P.W.D. through 1961 Commission Selection when on no fault of his, he was not permitted to Join in the P.W.D. Hence, Hon'ble Supreme Court held that Sharotiya's services in the Irrigation Department since he was selected and appointed in the P.W.D through combined services examination, should be included for fixing his seniority in the Public Works Department.

23. Besides the above, the services of the petitioners were transferred to Irrigation Department after the selection of the petitioners by the Public Service Commission

held in the year 1971. In pursuance of their selection, appointment order was issued some where in the year 1974. The order does not show any benefit for the purposes of seniority. But, the only benefit, which was given to the petitioners, was for the purposes of fixation of last pay drawn, in the salary. There was no mention for fixation of seniority on the basis of previous service done in other departments, but the order referred to, meant only for fixation of salary.

24. The petitioners who have filed their writ petitions in the year 1998 much after the decision of Surendra Nath Misra (supra) cannot stake a claim for computation of the period of their services which they have rendered in other departments before Joining the Irrigation Department.

25. Writ petitions are accordingly dismissed. Interim order granted earlier is vacated.

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