

offence under section 23 and the penalty imposed thereunder, would, therefore, fall under Chapter 4 of the Act. That being so, if the Panchayat imposed a penalty under section 23 of the Act and it was not paid, the Panchayat could forward the papers to the nearest Magistrate who, under section 48(3) would then proceed to realise that penalty as if that order had been passed by him. The first contention of the petitioner, therefore, fails.

(5) As regards the second contention, it is true that it has been held by this Court in some decisions that the Gram Panchayat cannot impose a recurring fine of Re. 1 per day for future, but that does not mean that if by misinterpreting section 23 of the Act, some Gram Panchayat had passed such an order, that order would become a nullity. It could be said that that decision was contrary to law and was liable to be reversed on appeal or in revision. If the same, however, was not challenged by way of appeal or revision, the same had become final. No decision was cited by the learned counsel for the petitioner in which it was held that such a decision of the Gram Panchayat was a nullity. The Gram Panchayat had the inherent jurisdiction to deal with the matter and if during the exercise of that jurisdiction, it had made an erroneous order in law by misinterpreting some provision, it could not be said that that order would be considered to be a nullity as if it did not exist in the eye of law. Only that order of the Panchayat would be considered to be a nullity, if it could be shown that the Panchayat lacked inherent jurisdiction to deal with the matter in which the said order was passed. This contention, therefore, also is without any substance.

(6) The result is that this petition fails and is dismissed, but with no order as to costs.

R. N. M.

CIVIL MISCELLANEOUS

Before R. S. Narula and S. S. Sandhawalia, JJ.

RAM KISHAN AND OTHERS,—Petitioners

versus

**SECRETARY TO GOVERNMENT, STATE OF HARYANA AND OTHERS,—
Respondents.**

Civil Writ No. 2076 of 1968

August 8, 1968

*Punjab Co-operative Societies Act (XXV of 1961)—By-laws of the
Panipat Co-operative Sugar Mills, Ltd.—By-law 9(B) (vii)—Interpretation*

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of—Board of Directors of the Mills constituted under its By-laws unable to function for some period—Such period—Whether to be excluded from the period of one year at the end of which one-third of the Directors are liable to retire in rotation—Life of the Board of Directors of a Co-operative Society—Whether can be extended—Constitution of India (1950)—Article 226—Joint writ petition under—Whether maintainable—Civil Procedure Code—(Act V of 1908)—S. 11—Suit of a writ petitioner dismissed—Subsequent writ petition claiming relief on some grounds—Whether barred.

Held, that by-law 9(B) (vii) of the By-laws of the Panipat Co-operative Sugar Mills Ltd., Panipat does not at all refer to the Board or its members actually functioning as Directors, but has relation only to the point of time starting with the date of the constitution of the Board irrespective of whether the Board as such or any of its members was able to function during the first period of one year after its constitution or at any time during that one year or not. The first batch of one-third of its elected members must retire on the date in the next year on which the Board was constituted in the previous year, and the second group of one-third members of the Board must similarly retire on the same date in the second year, leaving the last one-third group of the elected members who would automatically cease to be Directors at the end of three years of the date on which they were originally elected. The time during which the Board of Directors might have remained under suspension or the Directors or any of them might not have been able to function for whatever reason it might have so happened, cannot be excluded from or added to the period during which the Director or Directors in question can remain in office under the aforesaid by-law.
(Paras 8 and 9)

Held, that there is no provision either in the Punjab Co-operative Societies Act, 1961, or in the Punjab Co-operative Societies Rules, or in the by-laws for extending the life of the Board of management of a co-operative society. In the absence of such a provision, the life of a Board as a whole cannot be extended beyond three years.
(Para 8)

Held, that a joint writ petition under Article 226 of the Constitution of India is maintainable if all the petitioners are similarly situated on the date the writ petition is filed apprehending common danger and wanting to raise identical points in support of their joint claim.
(Para 10)

Held, that the dismissal of a suit of a petitioner disentitles him to claim the same relief on the same grounds in a writ petition under Article 226 of the Constitution on general principles of *res judicata*.
(Para 11)

Petition under Articles 226 and 227 of the Constitution of India praying that a writ in the nature of certiorari, mandamus or any other appropriate writ, order or direction be issued quashing the order dated 18th June, 1968 and notice, dated 19th/20th June, 1968, and directing the respondents not to draw lots for retiring the second group of directors till the Board completes the life of two years.

KULDIP SINGH, BAR-AT-LAW, ADVOCATE, for the Petitioners.

C. D. DEWAN, DEPUTY ADVOCATE-GENERAL (HARYANA), for respondent
Nos. 1 & 2.

MOHINDER JIT SINGH SETHI, ADVOCATE, for respondent No. 3.

BHAL SINGH MALIK, ADVOCATE, for respondent No. 4.

JUDGMENT.

The Judgment of the Court was delivered by

NARULA, J.—In this petition under Articles 226 and 227 of the Constitution we are called upon to construe by-law 9(B) (vii) of the By-laws of the Panipat Co-operative Sugar Mills Ltd., Panipat, district Karnal (hereinafter called the Society) so as to decide whether the period commencing from the date of supersession of the Board of Directors of the Society by the Government and terminating with the order of this Court setting aside the said supersession is or is not liable to be excluded from the period of one year at the end of which one-third of the Directors are liable to retire in rotation. The facts leading to the filing of this petition are these.

(2) The last Board of Directors of the Society was elected on January 8, 1966. There were ten elected Directors and three were nominated by the Government. One-third of the elected Directors were due to retire after one year of the constitution of the Board of Directors, i.e. on January 7, 1967. The Directors who were to retire had to be selected by drawing lots in a meeting of the Board. Before such a meeting could be held, the Board was superseded under section 27 of the Punjab Co-operative Societies Act (25 of 1961) (hereinafter referred to as the Act) by order of the State Government on and with effect from January 11, 1967, Civil Writ petition 89 of 1967, filed by Dharam Singh Rathi, Acting Chairman of the Board of Directors of the Society (respondent No. 4 in the present petition) was allowed by the order of Tek Chand, J., dated August 29, 1967, as the State Government did not oppose the petition. The learned Judge issued a writ of *certiorari* setting aside the order of the Registrar, Co-operative Societies, superseding the Board of Directors and also issued a writ in the nature of *mandamus* restoring the Board of Directors of the Society which had been removed by the order impugned in that writ petition. On the restoration of the Board, proceedings were taken in hand for retiring the first lot of one-third members of the Board of Directors who were due to retire on January 7, 1967. As a result of the lots drawn for that purpose, one-third of the Directors retired on March 18, 1968. These were the Directors who would in the normal course have retired within a short time after January 7, 1967.

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(3) On May, 20, 1968, the Registrar, Co-operative Societies, Haryana, Chandigarh (hereinafter called the Registrar) sent a communication (Annexure 'A') to the General Manager of the Society informing the Society that the Government had in consultation with their Law Department intimated to the Registrar that the second instalment of the annual retirement of one-third members of the Board of Directors of the Society had become due since January 8, 1968. Respondent No. 4, the Vice-Chairman of the Society sent letter, dated nil (copy Annexure 'B') to the Secretary to Government of Haryana in the Co-operative Department in connection with a copy of the Registrar's letter, dated May 20, 1968, which had been endorsed to the Government—saying that the second term had not yet expired as the Board had functioned only for about one year due to its supersession by the Government for a period of about 7½ months (from January 11, 1967 to August 29, 1967), and that one-third of the members of the Board having already retired, the question of retiring another one-third did not arise at that stage. The Vice-Chairman, therefore, asked the Government to examine all those matters before deciding the issue as the Vice-Chairman had consulted the Society's Legal Adviser and he was of the view that the period during which the Board had remained under supersession could not be counted in the term of the elected Board of Directors as there was no elected Board during that time. Ultimately, by memorandum, dated June 18, 1968 (Annexure 'C'), the Registrar informed the General Manager of the Society to convene a meeting of the Board of Directors of the Society at 11 a.m. on July 4, 1968, in the premises of the mills of the Society for drawing lots to retire the second group of one-third elected members of the Board. It was desired that a copy of the notice of the meeting should be sent to the Registrar's office. Permission to convene the meeting at a shorter notice in terms of rule 80(1)(i) of the Punjab Co-operative Societies Rules, 1963, was also accorded in the same communication. In pursuance of the direction of the Registrar, the General Manager (respondent No. 3) issued notice, dated June 19/20, 1968 (Annexure 'D') to all the members of the Board to draw lots for retirement of the second group of one-third elected members of the Board. It was to quash the above-said direction of the Registrar (Annexure 'C') and the General Manager's notice of the meeting (Annexure 'D'), that the present writ petition was filed by Ram Kishan, Chandgi Ram and Dr. Parma Nand, three Directors

of the Society, on July 2, 1968, during the summer vacation of this Court. On the application for interim stay of operation of the order and stay of the holding of the meeting, the Vacation Bench (Gopal Singh and Tuli, JJ.) directed on July 3, 1968, that the meeting be held and lots drawn on the 4th of July, 1968, but effect might not be given to the result of the drawing of the lots till the writ petition came up for hearing before the Motion Bench. When this petition came up for motion hearing on August 1, 1968, all the respondents were represented before us by counsel. All the parties were anxious to have the issues involved in the case settled at the earliest possible opportunity. We, therefore, issued notice of the main case for August 5, 1968, and in view of the novelty of the point sought to be argued before us and the same being *res integra*, we admitted the petition to a Division Bench. After hearing the counsel for the parties at length in connection with the stay matter we vacated the order which had been passed by the Vacation Bench on July 3, 1968, but directed that re-election in place of the Directors who had retired as a result of the drawing of lots on July 4, 1968, may not be held till the date fixed for the hearing of the writ petition. Two separate written statements were filed by respondent No. 2, the Registrar and by the General Manager of the Mills, respectively.

(4) Though a large number of points had been taken up in the writ petition, only one matter was argued before us and Mr. Kuldip Singh, Bar-at-law, the learned counsel for the petitioners expressly stated that he was not pressing any other point. The solitary contention which was pressed by the learned counsel is contained in the following words in paragraph 14(ii) of the writ petition :—

“That by-law 9(B)(vii) could only be interpreted to mean that the second lot for retiring the members could only be drawn when the Board has completed a life of two years in the office. The period during which the Board of Directors had been superseded cannot be counted towards the life of the Board and the Government interpretation of the rule in this respect is not correct and is bad in law and the same is liable to be set aside.”

The same point has been repeated in a somewhat different language in ground No. (iii) which reads :—

“That when the Board of Directors is superseded all the Directors ceased to be so from that very time. They are

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ousted from the office and they have no control whatsoever in the working of the Society. Under the circumstances counting of that period when the Board remained out of office for the purpose of by-law 9(B)(vii) is arbitrary and illegal."

(5) In order to appreciate the very brief but equally lucid arguments of Mr. Kuldip Singh on the point in issue, it is necessary to set out at this stage, the relevant extracts from by-law 9 of the by-laws of the Society. By-law 9 is the first by-law in the Chapter dealing with the "Board of Directors". By-law 9(A) states that the Board of Directors shall consist of 15 Directors including seven representatives of individuals, three representatives of co-operative institutions, and five Government nominees. Clause (v) of by-law 9(A) then reads :—

"Notwithstanding the provisions of by-law No. 9(i), (ii) and (iii) the first Board of Directors shall be nominated by the Government. The Board shall hold office for a maximum period of three years. In nominating the first Board of Directors Government may appoint as many Directors as it deems proper from time to time provided that the total number of Directors holding office at one time does not exceed 15, and the maximum period for which the nominated Board of Directors hold office does not exceed three years from the date of first nomination. Subject to these conditions, Government shall have the power to make such changes in the nominated Board of Directors as it may consider necessary from time to time. The nominated Board of Directors shall elect a Chairman, and if necessary a Vice-Chairman and also a Secretary. For the conduct of any business, the presence of at least one-third of the Directors shall be necessary."

(6) The above quoted clause governs the constitution of the "first Board of Directors" who have to be nominated by the Government. The Board of Directors with which we are concerned was admittedly not the first Board of the Society. It had been constituted by the election of seven representatives of individuals and three representatives of co-operative institutions and nomination of

the remaining Directors by the Government. The clause has, however, been quoted as reference has been made thereto during arguments.

By-law 9(B) provides *inter alia* that "on the expiry of the period of nomination by the Government, the Board of Directors with the exception of Government representatives shall be elected." Then follows clause (vii) of by-law 9(B) around which the whole controversy in this case revolves :—

"The Directors, except the Government representatives shall retire in rotation, one-third of the Directors retiring yearly. For the first two years, the retiring Directors shall be selected by casting lots. Retiring Directors are eligible for election."

Other clauses of by-law 9 and the other by-laws in the chapter relating to the Board of Directors are neither relevant for deciding this case, nor has any reference been made thereto at the hearing of this petition.

(7) It is the common case of the parties that the maximum life of the Board of Directors provided by the by-laws is three years, and that no minimum period during which the Directors must hold office has been expressly provided by any by-law. No argument has been addressed to us regarding any possible difference which might have been made in the date on which the second group of one-third Directors had to retire by the actual retirement of the first group of one-third Directors on March 18, 1965, instead of in January, 1967. All that has been vehemently argued is that the word "yearly" in clause (vii) of by-law 9(B) refers to the end of a period of twelve months during which the Directors have been functioning. On the other hand, the contention of respondents (other than respondent No. 4) is that "yearly" refers to the end of each year during the first two years commencing from the date on which the Board of Directors is constituted by election. Mr. Kuldip Singh submits that the object of the relevant by-law is that the Directors of the Board should actually function for three years and that at the interval of every year of actual working of the Directors, one-third should retire. On the other hand, the contention of the contesting respondents is that the actual working of the Directors is not relevant for the purpose of enforcement of the provisions contained in the relevant by-law, and

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that a mere mathematical calculation of the period referred to therein has to be made starting from the point of time at which the elected Board is constituted. No authority in support of either of the two propositions was cited at the Bar by the learned counsel appearing before us. It was claimed on behalf of the petitioners that instead of retiring on the 7th of January, 1968, the second group of one-third numbers of Directors of the Board are due to retire in or about the end of August, 1968, i.e., by adding to the period ending January 7, 1968, the period during which the Board remained suspended under a purported order of the State Government. Mr. Mohinderjit Singh Sethi, Advocate for respondent No. 3, who addressed the main argument on behalf of the contesting respondents with great ability stressed the point that the period of supersession could not in this case be taken into account as the order of supersession which was later quashed by the High Court as being illegal, should be treated as a nullity and that as a result of this situation, the Board should be deemed to have continued to function during the period during which it did not actually function.

(8) After hearing learned counsel for the parties at length, we are of the considered opinion that the by-law as framed does not at all refer to the Board or its members actually functioning as Directors, but has relation only to the point of time starting with the date of the constitution of the Board, irrespective of whether the Board as such or any of its members was able to function during the first period of one year after its constitution or at any time during that one year or not. The first batch of one-third of its elected members must retire on the date in the next year on which the Board was constituted in the previous year, and the second group of one-third members of the Board must similarly retire on the same date in the second year, leaving the last one-third group of the elected members who would automatically cease to be Directors at the end of three years from the date on which they were originally elected. Any other construction of the by-law in question would, in our opinion, create anomalies and result in absurdities, which must according to settled principles of interpretation of statutes be avoided. The argument of Mr. Kuldip Singh to the effect that the Directors who had no opportunity to function for two years for no fault of theirs should not be compelled to retire before they have had opportunity to so act by drawing lots for the retirement of the second group of Directors who have to retire by rotation, does not appear to be sound. If all the elected Directors

were to meet an accident while travelling by some vehicle on duty as Directors of the Society and were to be hospitalised for one year, it cannot be said that there would be no retirement at the end of the first year. If such an accident were to happen immediately after the expiry of two years, the last remaining one-third of the group of the originally constituted Board, cannot claim that the maximum life of the Board in so far as it affects them, stands extended to four years instead of three. Similarly, it cannot, in our opinion, be argued that if by any chance, the Directors who have to retire under the by-law in question have been in illegal detention or imprisonment during some months and their detention or imprisonment has subsequently been declared by a competent court to have been illegal and void, they can possibly claim to remain in office for an additional period to that extent beyond the period of the first year or second year or third year of the Board as the case may be. The life of a State Legislature is fixed at five years in the Constitution. The members of the Legislative Assembly of a State which might have been suspended for say one year out of those five years on account of the imposition of the President's rule cannot, in our opinion, claim at the end of five years that general elections in that State would not be held for another year, and they must continue in office as they have not yet completed five years of actual working as M.L.A.s. Still this would be the result of accepting the contention of Mr. Kuldip Singh. Neither there is provision in the Act nor in the rules nor even in the by-laws for extending the life of the Board of management of a co-operative society in the State of Haryana. In the absence of such a provision, the life of the Board as a whole cannot be extended beyond three years. Still this would be the result if the Board were to be superseded, in the third year of its constitution and were to remain under supersession for say eight months, and then the order of supersession were to be set aside on a date when more than three years have elapsed since the Board was constituted. The effect of the construction of the by-law in question canvassed by Mr. Kuldip Singh would be that the life of the Board or at least a part of it will not come to an end on the expiry of the maximum period of three years provided in the by-laws. Mr. Sethi, further, contended that no hardship would be caused to the members who may have to retire by rotation according to the strict construction of by-law 9(B)(vii) without having actually worked for a full year or two years as the case may be, because they can seek re-election. Our decision should not, in my opinion, be affected by an argument of hardship or want of hardship alone.

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(9) When by-law 9(B)(vii) requires that one-third of the Directors should retire yearly, it means that one-third should retire every year. Every year in the context means at the end of every year. This leads us of necessity to the question as to the point of time from which the year starts. The only possible answer is one year from the date on which the Board came into existence for the first one-third members, and two years from the same date for the second, and three years from the said date for the remaining one-third elected members of the Board. Year, of course, would mean the civil year as distinguished from the astronomical year. The construction sought to be put on the by-law on behalf of the petitioners would lead to unimaginable uncertainties and possible absurdities to some of which reference has already been made. "Yearly" has been described in Stroud's Judicial Dictionary, Volume 4, at page 3357 as "only a word of calculation". No construction like those canvassed by Mr. Kuldip Singh enters into a matter of pure calculation. In *Deod Shrewsbury v. Wilson* (1) referred to in illustration No. 5 under the meaning of the word "yearly" at page 3358 of Stroud's Judicial Dictionary, Volume 4, the words "made payable yearly" were considered to mean the same as if the words had been "payable every year." "Yearly" means once a year. In *Corpus Juris Secundum*, Volume 101, at page 646, "Yearly" is shown to convey "accruing or coming every year; annual". According to the construction sought to be put by the petitioners "yearly" may in certain circumstances mean "after more than one year," and not during every year. There appears to be no warrant for such an interpretation of the by-law. We, therefore, hold that according to by-law 9(B)(vii) of the by-law of the Society, one-third of the elected Directors of its Board of management must retire at the end of the first year and another one-third at the end of two years from the date of the constitution of the elected Board and that the remaining one-third would automatically cease to be Directors on the expiry of three years from the aforesaid date. We further hold that the time during which the Board of Directors might have remained under suspension or the Directors or any of them might not have been able to function for whatever reason it might have so happened, cannot be excluded from or added to the period during which the Director or Directors in question can remain in office under the aforesaid by-law. The solitary contention canvassed in this case on behalf of the petitioners, therefore, fails.

(1) 5 B. & Ald. 382.

(10) In fairness to Mr. Mohinderjit Singh Sethi, it may be noticed that he raised some preliminary objections to the maintainability of this writ petition to which we are referring at the tail end of the judgment because we do not think it proper to leave the main question undecided after hearing the counsel for the parties on merits at length. We do not find much force in the first objection of Mr. Sethi to the effect that in the circumstances of this case, the three petitioners should not be permitted to maintain joint writ petition. This is so because all the three petitioners were similarly situated on the date the writ petition was filed, and apprehended common danger and wanted to raise identical points in support of their joint claim. There is, however, force in the other two objections pressed by Mr. Sethi. In order to decide those points, an additional fact has to be taken into account. As a result of the lots drawn in the meeting of the Board of Directors held on July 4, 1968, Ram Kishan petitioner No. 1, Dharam Singh Rathi, respondent No. 4, and one Ram Chander who is not a party in the case before us, were selected by drawing lots for being retired in the second batch. The objection of Mr. Sethi is that the lots for retirement not having fallen on petitioners Nos. 2 and 3, their application has become infructuous, and they having no more interest in maintaining this petition whereunder the only relief claimed was to quash order Annexure 'C' and notice Annexure 'D' it would be embarking on the decision of a purely academic question, if their writ petition was now allowed to be heard on merits. This part of the second objection of Mr. Sethi may not be really fatal to the petition as it would have been open to petitioners Nos. 2 and 3 to amend the prayer clause in the writ petition so as to claim that at the end of three years from the date of the constitution of the Board, they would not be liable to retire as they would be entitled to continue in office for an additional period of 7½ months to make up time during which they could not function on account of the illegal order of supersession of the Board of Directors by the Government. It is the next part of the objection to which there can, in our opinion, be no reply. It was pointed out that Ram Kishan petitioner No. 1 filed a suit for permanent injunction in the Court of the Subordinate Judge, Karnal, on July 2, 1968, against the Society, and its Vice-Chairman, claiming that the defendants in the suit be restrained from retiring the Directors of the Society in pursuance of the direction of the Registrar on *inter alia* the ground : "that the Board remained superseded and did not function

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from 11th January, 1967 to 29th August, 1967, and legally this period cannot be computed for the purpose of determining the period for retiring the Directors." [Clause (d) of paragraph 7 of the plaint of which certified copy has been filed by the respondents on the record of this case]. It is said that an application for temporary injunction during the pendency of the suit was made by Ram Kishan, petitioner No. 1 under Order 39, Rules 1 and 2 and section 151 of the Code of Civil Procedure on July 2, 1968, along with the plaint of that suit. A certified copy of the application has also been produced. By its detailed order, dated July 4, 1968, the Subordinate Judge 1st Class, Karnal, dismissed the application for temporary injunction after considering the arguments of the plaintiff in the suit including the point on which we have been addressed in this writ petition. As soon as temporary injunction was refused, Ram Kishan plaintiff made a statement before the Subordinate Judge, that he wanted to withdraw the suit and accordingly the learned Subordinate Judge passed the following final order in the suit on July 4, 1968 :—

"In view of the above statement of the plaintiff, the suit is dismissed as having been withdrawn."

(11) It is admitted that no leave to file a fresh suit on the same cause of action was either prayed for by Ram Kishan or granted by the Court. These facts have given rise to two objections. Firstly, it is contended that the petitioners are guilty of concealment of a material fact inasmuch as they kept back from this Court the factum of the filing of the civil suit at the time of filing this writ petition on July 2, 1968. Mr. Kuldip Singh stated that the petitioners Nos. 2 and 3 were not aware of this, and Ram Kishan inadvertently did not mention anything about the suit though he could not possibly have written anything about what happened in the suit on July 4, 1968, after the filing of the writ petition on the second of July. Be that as it may, it is contended that on the authority of the pronouncements of the Supreme Court in *Daryao and others v. State of U.P. and others* (2) and in *Phool Chand Sharma and others v. Chandra Shanker Pathak and others* (3),

(2) A.I.R. 1961 S.C. 1457.

(3) A.I.R. 1964 S.C. 782.

the dismissal of the suit of petitioner No. 1 should be held to disentitle the petitioner to claim the same relief on the same grounds in a petition under Article 226 of the Constitution on general principles of *res judicata*, and on the principles of Order 23 Rule 1 of the Code of Civil Procedure. I think there is great force in this objection of Mr. Sethi. Ram Kishan petitioner has, in any event, disentitled himself in the circumstances of this case to claim any relief from this Court under Articles-226 and 227 of the Constitution on the same grounds on which he instituted the suit which he voluntarily got dismissed. In the view we have taken of the solitary contention of the petitioners, on the merits of the case, it is not necessary to deal further with these objections of Mr. Sethi.

(12) For the foregoing reasons, this petition fails and is accordingly dismissed. In view, however, of the fact that the main question raised in the case was somewhat novel and is not covered by the pronouncement of any High Court or of their Lordships of the Supreme Court, we direct that the parties shall bear the costs of this case as incurred by them.

R. N. M.

LETTERS PATENT APPEAL

Before R. S. Narula and S. S. Sandhawalia, JJ

UNION OF INDIA AND OTHERS,—Appellants

versus

P. C. BAHL, DEPUTY SECRETARY TO GOVT. OF PUNJAB AND

OTHERS,—Respondents

Letters Patent Appeal No. 427 of 1967

August 22, 1968

Indian Administrative Service (Appointment by promotion) Regulation (1955)—Regulation 5—Bringing a member of the State Civil Service on the select list of Indian Administrative Service—Process of—Whether envisages two distinct steps—Criteria for determining the seniority of such member—stated—Application of the criteria—Whether depends on the subjective satisfaction of the Statutory Committee—Committee—Whether required to record reasons for such determination—Regulation 5(3)—“Exceptitnal merits and suitability”—Meaning of.