

Karnataka High Court T.R. Rangahanumaiah, Major, T.R. . . . vs The State Of Karnataka By Its Chief . . . on 5 April, 2007 Equivalent citations: 2007 (5) KarLJ 501 Author: D S Kumar Bench: C Joseph, D S Kumar JUDGMENT D.V. Shylendra Kumar, J. Page 1106 1. These three writ appeals arise out of an order dated 28-5-1999 passed by the learned single Judge of this Court in writ petition No. 39909/1993. The petitioner one by name M.P. Jayashankar working as a Deputy Development Officer in Karnataka Industrial Area Development Board [hereinafter referred to as the 'Board'] had preferred the writ petition being aggrieved by the action of the employer - Board in notifying the post of Development Officer - a promotional post to persons working in the cadre of Deputy Development Officers as a post to be filled up by promotion from among the eligible candidates belonging to scheduled caste and scheduled tribe community as the post was being notified as a backlog vacancy and had eliminated opportunity to persons like the petitioner. 2. The respondent No. 4 to the writ petition one T.R. Rangahanumaiah also working as a Deputy Development Officer in the organisation is a candidate belonging to scheduled caste community and it was the apprehension of the petitioner that as the post of Development Officer had been notified as a backlog vacancy post, the respondent No. 4 though was much junior to the writ petitioner in the seniority list and according to the petitioner though was ineligible was likely, to be promoted to the post of Development Officer at the cost of the petitioner and persons like him who belong to the general category and though they were much higher in the seniority list of Deputy Development Officers in the organisation. 3. Writ petitioner had contended that notifying the post of Development Officer as a post to be filled up against backlog vacancy exclusively reserved for scheduled caste and scheduled tribe candidates was not in order and was in contravention of the recruitment rules and therefore it could not have been notified as a post to be filled up against a backlog vacancy. Page 1107 4. It was also contended that the post of Development Officer was not the lowest post in group-A posts in the organisation; that it was the post of Deputy Development Officer which was the lowest post amongst the Group-A Officers and therefore there cannot be any reservation in respect of the post of Development Officer in terms of the ruling of the Supreme Court in Indira Sawhney v. Union of India and Ors. . 5. One another contention urged in support of the writ petition was that there was only one post of Development Officer available at the time it was notified to be filled up as a backlog vacancy and therefore it amounted to 100% reservation to the post and this again is unconstitutional in terms of the ruling of the Supreme Court. 6. The writ petition was contested. The respondent No. 1 was the State of Karnataka with the Board being an undertaking of the Government of Karnataka. The respondent No. 2 also the State by the Secretary, Department of Industries and Commerce. The respondent No. 3 was the employer - Board and the respondent No. 4 to the writ petition was another Deputy Development Officer in the organisation and a person belonging to a scheduled caste community who the petitioner apprehended would get the post if the post were to be filled up as a backlog vacancy. 7. During the pendency of the writ petition, respondent No. 4 in fact had been promoted and appointed

as a Development Officer. This development took place as an interim order that had been granted by this Court initially had come to be modified later during the pendency of the writ petition. Another development was and as of now is that the number of posts in the cadre of Development Officer got increased. The writ petitioner succeeded to a considerable extent as in terms of the order of the learned single Judge, the promotion that had been accorded to the respondent No. 4 during the pendency of the writ petition was declared as invalid. The notification issued by the employer-Board reserving one post of the cadre of Development Officer in favour of candidates belonging to scheduled caste community by treating the post to be the lowest category of posts in Class-I was also held to be bad and reservation itself was held to be bad and therefore treating as a backlog vacancy also being not possible, the learned single Judge issued directions to the employer to fill up the post on general merit basis and in accordance with the regulations of the Board governing such promotions. 8. It is aggrieved by this order, three writ appeals have been preferred, one by the writ petitioner himself in W.A. No. 4321/1999 to the extent that the learned single Judge did not accept the proposition of the petitioner that he alone was entitled to be considered and promoted to the post of Development Officer with effect from 22-7-1995 when the post of the Development Officer had fallen vacant for the first time. Page 1108 9. The appeal by the respondent No. 4 in writ appeal No. 4233/1999, a candidate who had been promoted to the post of Development Officer during the pendency of the writ petition and who lost his promotion due to the order passed by the learned single Judge. The other appeal is by the employer-Board in writ appeal No. 4322/1999. 10. For the sake of convenience, the parties will be referred to by their respective ranks in the writ petition. 11. The appeal by the writ petitioner, who was though successful before the learned Single Judge as the writ petition came to be allowed, is in respect of that part of the order under which the learned Single Judge has not accepted the claim of the writ petitioner that the writ petitioner alone was entitled to be considered and promoted to the post of development officer with effect from 22-7-1995 when the post of development officer became vacant and in the learned Single Judge directing the respondent-Board to consider the case of all eligible candidates for promotion to the post of development officer on the basis of seniority-cum-merit and confer all consequential benefits to such person from that date, the writ petitioner is aggrieved and has preferred WA No. 4321 of 1999. 12. For issue of such direction, the learned Single Judge has held that the promotion accorded to the fourth respondent as development officer even during the pendency of the writ petition is invalid; that the respondent-board was wrong in reserving one post in the cadre of development officer in favour of a candidate belonging to scheduled caste, treating the post to be the lowest category of post in Class-I and has quashed the same, with consequential direction as stated above, which is questioned by the employer-board in WA No. 4322 of 1999 and by the affected employee - fourth respondent in WA No. 4321 of 1999. 13. While it is the contention of the learned Counsel for the writ petitioner that the petitioner alone was entitled to be considered against the post of development officer, which fell vacant on 22-7-1995 and to promote and appoint him to

the post from this date and to accord all consequential benefits, submission on behalf of the learned Counsel appearing for the fourth respondent is that the learned Single Judge is wrong in understanding that the post of development officer did not constitute the lowest category of post in Class-I; that in fact the post of development officer is one such and consequently not only reservation of one post of development officer in favour of persons belong to scheduled caste community is justified but even the step taken by the employer to fill up the post by treating it as a backlog vacancy is also just and valid, having regard to the provisions of the Government Order No. DPAR 29 SBC 77 dated 27-4-1978, providing for reservation in favour of persons belonging to scheduled caste and scheduled tribe under Article 16(4) of the Constitution of India in specified categories of promotional vacancies read with Karnataka Civil Services (General Recruitment) Rules, 1977, as amended from time to time, the Karnataka Scheduled Caste, Scheduled Tribes and Other Backward Classes (Reservation of Appointment etc.) Rules, 1990, Page 1109 providing for reservation in public sector establishments including the government notification dated 1-4-1992 in No. DPAR 13 SRR 92, amending the Karnataka Civil Services (General Recruitment) Rules, 1977 by Karnataka Civil Services (General Recruitment) (Thirty-ninth Amendment) Rules, 1992, providing for filling up of backlog vacancies with effect from 27-4-1978 and not only the promotion accorded to the fourth respondent to the post of development officer with effect from 30-8-1996 is fully justified on the basis of the General Recruitment Rules of the State Government as also the Recruitment Regulations of the respondent-board, but also that the fourth respondent is entitled to retain seniority in the post of development officer from the date of promotion viz., 30-8-1996 as against the writ petitioner, who was promoted only on 13-7-1998 in the cadre of development officers, having regard to the Karnataka Determination of Seniority of the Government Servants Promoted on the basis of Reservation (to the Posts in the Civil Services of the State) Act, 2002. So contending, it is urged by the learned Counsel for the fourth and the third respondents that the writ petition should be dismissed by allowing their appeals and setting aside the order passed by the learned Single Judge. 14. The controversy arises in the context of according promotion to the post of development officer in the organization of the third respondent-board by promoting persons in the cadre of deputy development officers. 15. The writ petition had come to be filed in the wake of steps taken by the third respondent-board for filling up one post of development officer as a post required to be filled up as backlog vacancy. The Board had taken such steps on the premise that the post was one available to be filled up by a person belonging to scheduled caste in terms of the roster point and having been filled up by a candidate in the general category for want of a suitable candidate in the scheduled caste category, it had become a backlog vacancy and the efforts taken by the third respondent-board to fill up such vacant post of development officer from amongst the eligible scheduled caste candidates in the cadre of deputy development officers. 16. The main challenge in the writ petition was on the premise that the post of development officer was not available to be filled up by providing reservation, as the post of development officer was not the lowest

post in Class-I category in the different classes of posts in the third respondent-board; that it was only the post of deputy development officer which was the lowest post in Class-I category and in the matter of determination of inter se seniority in the cadre of deputy development officers as between the petitioner and the fourth respondent and in the light of law declared by the Supreme Court in *Ajit Singh v. State of Punjab*, now popularly known as *AJITH SINGH-II* case and in the case of *Indira Page 1110 Sawhney v. Union of India*, the fourth respondent though had been promoted to the post of development officer earlier than the writ petitioner, but the promotion being against a post reserved for a scheduled caste candidate, on the promotion of petitioner to the post of deputy development officer, the inter se seniority as between them is as it prevailed in the lower post and not on the basis of the length of service in the promoted post. It is for not only asserting such seniority claimed by the petitioner vis-à-vis fourth respondent but also to restrain the board from taking any steps to fill up the post of development officer as a post available for reservation and as one which can be filled up against a backlog vacancy, the writ petition had been filed. 17. The writ petition had been admitted and notices had been issued to the respondents and they had appeared and filed their statements of objections. Several developments took place even during the pendency of the writ petition such as the fourth respondent having been promoted to the post of development officer in the light of the modification of the interim order that had been granted by this Court in the writ petition, the petition was also amended seeking to include additional prayers and after hearing the learned Counsel for the parties at length, the learned Single Judge under the impugned order allowed the writ petition and issued directions as indicated above. It is aggrieved by this order, the writ petitioner, third respondent as well as the fourth respondent - affected employee - have all preferred these appeals. 18. We have heard Sri P.S. Rajagopal, learned Counsel for the fourth respondent in the writ petition - the affected employee and the appellant in WA No. 4233 of 1999, Sri Ravivarma Kumar, learned Senior Counsel appearing for third respondent-employer and appellant in WA No. 4322 of 1999 and Sri B.G. Sridharan, learned Counsel for the writ petitioner and appellant in WA No. 4321 of 1999, as also Sri A.N. Venugopala Gowda, learned Government Advocate, appearing for the State, in some detail. 19. A few more factual details and the subsequent factual developments after the presentation of the writ petition, relevant for the disposal of these appeals, can be noticed as under: 20. The writ petitioner was appointed as assistant engineer in the services of the third respondent-board on 10-2-1982. On 6-9-1984 fourth respondent was appointed as assistant engineer in the services of the third respondent board. On 19/20-10-1989, the writ petitioner as well as the fourth respondent were promoted as deputy development officers. While the writ petitioner was placed at Sl No. 1 in the seniority list, fourth respondent figured at Sl No. 3. On 3-12-1990, Karnataka Government Notification No. DPAR 18 SBC 86 was issued, extending the provision for reservation to the post of executive engineer in the public works and irrigation departments of the government. On 7-3-1991, Karnataka Scheduled Caste, Scheduled Tribes and Other Backward Classes (Reservation of Appointment etc) Act, 1990 was

published Page 1111 in the gazette, providing for reservation in public sector establishments. On 20-5-1991, government issued another government order in No. DPAR 25 SBC 1991, making the government order dated 3-12-1990 applicable to boards and corporations in similar situation. On 1-4-1992, Karnataka Civil Services (General Recruitment) Rules 1977 were amended by inserting a proviso to Rule 8 providing for determination and filling up of backlog vacancies not filled up from 24-7-1978 in all promotional vacancies. On 16-11-1992 the Supreme Court pronounced the judgment in the case of INDIRA SAWHNEY [supra] inter alia, holding that there cannot be reservation in promotion and any existing provision so providing reservation for promotion can continue only for a period of five years from the date of judgment. On 22-2-1993, Karnataka Scheduled Caste, Scheduled Tribes and Other Backward Classes (Reservation of Appointment etc) Act, 1992 was published in the gazette. On 25-11-1993, writ petition filed by the petitioner on the premise that the third respondent Board was taking steps to fill up the post of development officer as a backlog vacancy. On 2-12-1994, an interim order was granted by this Court in the said writ petition, staying the promotion to the post of development officer as a reserved post. On 19-11-1993, the Board created four additional posts of development officer for the purpose of filling up as backlog vacancies. On 23-12-1994, interim order granted earlier in the writ petition was vacated. On 8-6-1995, government order dated 3-12-1990 providing for reservation in the cadre of executive engineers for two years, which had been extended for a period of two years on 28-12-1992, was extended for yet another period of two years i.e. upto 2-12-1996. On 17-6-1995 Article 16(4A) was inserted in the Constitution of India providing for reservation in promotion. On 30-8-1996, fourth respondent was promoted as development officer. On 24-1-1997 the Supreme Court upheld the amended Karnataka Civil Services (General Recruitment) Rules, 1977 in terms of the amended Rule inserted to proviso to Rule 8, providing for determination of filling up of backlog vacancies []. On 28-5-1995, writ petition was allowed by the learned Single Judge. On 9-7-1999 interim order in WA No. 4233 of 1999 filed by the fourth respondent staying his reversion was granted. On 14-8-2002 the Karnataka Determination of Seniority of the Government Servants Promoted on the basis of Reservation (to the Posts in the Civil Services of the State) Act, 2002 was passed by the Karnataka Legislature. 21. Sri P.S. Rajagopal, learned Counsel for the appellant in WA No. 4233 of 1999 [fourth respondent in the writ petition] by drawing our attention to the relevant government orders, which have been issued from time to time and the provisions of the Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957, has firstly contended that the post of development officer is the lowest post in Class-1; that the classification of posts as Class-I, II, III and IV in the government services was based on the pay scales applicable to different classes of posts; that in the board, the cadre of Page 1112 development officer is the lowest cadre in Class-I or group-A; that the post of deputy development officer cannot be categorized as a post or cadre either as Class-I or Class-A and therefore providing for reservation to the post of development officer is not against either any Constitutional provision or against any law declared by the Supreme Court. In this regard, the learned

Counsel has drawn our attention to the relevant government notifications issued from time to time, various revisions in pay scales that have been effected and therefore contends that the learned Single Judge was wrong in concluding that there cannot be any reservation for promotion to the post of development officer and the same being not the lowest post in the Class-I or Group-A of the posts available in the Board. Therefore, learned Counsel submitted that the learned Single Judge could not have declared the promotion of the fourth respondent as development officer to be invalid. The consequential direction for filling up the post from amongst the eligible candidates is also to be set aside, is the submission of Sri Rajagopal. 22. Sri Rajagopal further submitted that the question as of now has also become academic in the sense that in view of the creation of four additional posts of development officers, the fourth respondent even otherwise would have become eligible and would have been promoted by now and therefore there is no need for disturbing the promotion accorded to the fourth respondent at this stage; that this appeal is to be allowed and the order passed by the learned Single Judge set aside and the writ petition dismissed. 23. Submission of Sri B.G. Sridharan, learned Counsel for the fourth respondent, who was the petitioner in the writ petition, is two fold. Learned Counsel while supporting the reasons given by the learned Single Judge to allow the writ petition that the post of development officer is not the lowest post in the category of Class-I posts in the services of the Board and further that there was no corresponding notification providing for reservation to the post of development officer in the services of the Board, which is a post equivalent to the cadre of executive engineer in the government, and in the absence of an express notification issued either by the government or by the Board itself having provided for such reservation, the filling up of the post of development officer by way of promotion accorded to the fourth respondent in the writ petition as a backlog vacancy was clearly unsustainable, and further supports this order by submitting that the reliance placed by the learned Counsel for the appellant on the various government notifications issued from time to time particularly the government notification dated 20-5-1991 providing for extending the benefit of earlier government notification dated 3-12-1990 where under reservation had been provided to the post of executive engineer in the public works department of the government, ipso facto does not get extended to the services in the Board; that these notifications having not been issued either in exercise of any legislative power or as part of rule making power available to the government under Article 309 of the Constitution of India, and therefore the further notifications periodically extending the validity of such initial notification of the year 1990 for periods Page 1113 of two years at a time, are also of no avail to provide for reservation to the post of development officer in the services of the Board; that the employees of the Board having been governed by separate service regulations framed by the Board, unless a suitable modification had been made or regulations themselves provided for such reservation, by calling in aid such government orders, promotion accorded to the fourth respondent purporting to fill up backlog vacancy available to reserved category cannot be sustained and therefore the order of the learned Single Judge should be left undisturbed. 24.

In this regard, Sri B.G. Sridharan submits that even in terms of the decision of the Supreme Court in the case of *INDIRA SAWHNEY* [supra]. what has been saved was such promotions which had already been provided, for a period of five years in favour of reserved category of employees is only promotions which had been accorded as per the existing provisions and as there was no valid provision providing for reservation of posts to the cadre of development officer in the services of the Board on the strength of the ruling in *INDIRA SAWHNEY*'s case, promotion accorded to the appellant as on 22-9-1996, with effect from 30-9-1996, during the pendency of the writ petition cannot be sustained on the premise that it is within the five years from the date of judgment in *INDIRA SAWHNEY*'S case. 25. One another submission of Sri B.G. Sridharan is that filling up of backlog vacancy in terms of the government order dated 1-4-1992 cannot also be sustained for the reason that the Board itself had not taken the exercise of identifying the lowest post in the Group-A posts available in the Board and if the post of development officer in the services of the Board had not been so identified, the question of working the government notification for the purpose of filling up of backlog vacancy does not arise. In this regard, the learned Counsel has drawn our attention to the pleadings filed in the writ petition on behalf of the Board indicating that post of deputy development officer in the services of the Board was the lowest in Group-A posts and that the development officer was not the lowest in group-A posts and therefore submitted that there is absolutely no possibility of providing any reservation to the post of development officer and the promotion accorded to the appellant is bad. 26. Sri B.G. Sridharan, learned Counsel for the appellant in WA No. 4321 of 1999, which is by the writ petitioner himself and wherein the prayer is for directing the respondent-Board to accord promotion to the appellant-petitioner to the cadre of development officer with effect from 22-7-1995, the date on which the post became vacant and the appellant-petitioner being the senior-most person in the cadre of deputy development officer and for providing for all consequential benefits etc., submitted that as the appellant-petitioner was promoted subsequently on 7-4-1999 and with effect from 13-4-1998, and if the appellant is extended the benefit as prayed for in the appeal the appellant will not press for the relief of denying promotion to the fourth respondent in this appeal namely i.e., Sri. T.R. Rangahanumaiah, as even without reservation he would have been by now promoted as development officer. Page 1114 27. In the light of such rival submissions, the question that arises for consideration in these appeals is as to whether the learned Single Judge is right in taking the view that the post of development officer in the services of the Board was not the lowest post in group-A cadre and further that there was no reservation provided for filling up the post of development officers by any competent notification issued by the government in exercise of its law making power or by amending the Regulations of the Board themselves. If this is sustained, the further question is as to whether the writ petitioner is entitled for retrospective promotion with effect from 22-7-1995 with all consequential benefits. 28. Sri P.S. Rajagopal, learned Counsel for the appellant in WA No. 4233 of 1999 and the fourth respondent in the connected writ appeal, has very ably demonstrated that not only the post of development officer is the lowest in

Class-I or Group-A cadre posts available in the services of the Board, but also that reservation provided for to the post of development officer is well sustained by reference to various legislation and government notifications in this regard, particularly the notification dated 27-4-1978 providing for reservation in promotional posts also, and the further clarification by office memorandum dated 24-7-1978, clarifying that for the purpose of earlier notification dated 27-4-1978, lowest cadre means lowest class-I post in each service and or department and not the lowest class-I post in terms of the general classification of posts made in the Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957 [for short, CCA Rules] and by reference to Rule 5, 5(c) and 5(3)(a) of the CCA Rules, having demonstrated that in the Board, on applying such parameters, post of development officers is the lowest in the cadre of Class-I or Group-A officers and the subsequent office memorandum dated 3-12-1990 providing for reservation to the post of executive engineer in public works department, which was in turn extended to the government owned companies, corporations and boards etc., in terms of subsequent notification dated 2-5-1991 and the government notification dated 3-12-1990 itself, having been periodically extended by periods of two years and what was being considered for backlog vacancy being subsequent to 20-5-1991 and when such reservation to the post of executive engineer the equivalent post in the Board is that of development officer, such being the position in terms of the government notification dated 8-6-1995, not only providing for reservation but also providing for filling up of backlog vacancies are both valid and tenable, particularly all these notifications/official memoranda having been issued by the government in exercise of its power under Article 309 of the Constitution of India and also in exercise of its executive power under Article 162 of the Constitution. It is therefore submitted that the learned Single Judge was clearly wrong in allowing the writ petition. 29. We are, however, of the view that the question has virtually become academic in the light of the Constitutional Amendment effected to Article 16 of the Constitution of India, firstly, by Clause-(4A) of the Constitution 77th Amendment Act of 1995, which has been given effect from Page 1115 19-6-1995, providing for reservation in appointment and promotion in favour of other backward classes at all levels and is constitutionally recognized, which virtually has the effect of getting over the ruling of the Supreme Court in the case of *INDIRA SAWHNEY* [supra] and secondly by the further amendment by 85th amendment to the Constitution by Amending Act of 2001, which has also been given retrospective effect from 17-6-1995 itself, ensuring that the persons who had been accorded promotion based on the reservation available and out of turn can nevertheless retain their seniority in the promoted post notwithstanding the judgment in *AJIT SINGH-II* [supra]. 30. The Karnataka Scheduled Caste, Scheduled Tribes and Other Backward Classes (Reservation of Appointment etc.) Act, 1990, which received the assent of the President on 4-3-1991 and published in the official gazette on 7-3-1991 read with the Karnataka Scheduled Caste, Scheduled Tribes and Other Backward Classes (Reservation of Appointment etc.) Rules, 1992, in terms of the notification dated 22-12-1993, which is a piece of legislation which makes it compulsory for providing reservation in favour of scheduled caste/tribe and

other backward classes to the extent provided for from time to time in the orders made by the government under Clause-4 of Article 16 of the Constitution of India and such orders are deemed to be an order under this very enactment and made applicable mutatis mutandis to the services and posts in the public sector and as the Board is undoubtedly an establishment in the public sector, all the orders which are referred to earlier and relied upon by Sri P.S. Rajagopal, learned Counsel for the appellant in WA No. 4233 of 1999, have the force of law made by the legislature and therefore the appointment made in favour of the appellant while filling up the post as backlog vacancy in respect of the post reserved for scheduled caste person, is definitely a valid appointment and in consonance with the Act and the Constitutional provisions. 31. In taking this view, we rely upon the law declared by the Supreme Court in the case of Commissioner of Commercial Taxes v. G. Sethu-Madhava Rao as well as the decision in the case of Bhakta Ramegowda v. State of Karnataka . 32. Sri B.G. Sridharan, learned Counsel for the writ petitioner at one point of time has feebly contended that providing for reservation to posts of development officer from amongst the deputy development officers from the engineering section of the Board would amount to providing excess reservation and at another point of time contended that it would virtually amount to 100% reservation, this argument has not been pressed seriously in the light of the subsequent development viz., increase in the Page 1116 number of posts of development officers. Even otherwise, it is not as though there is only one post of development officer which is exclusively reserved in favour of persons belonging to scheduled caste category, when one looks at the total number of posts available in this cadre. Though promotion is accorded to persons from different streams the roster system having been applied and the reservation opening up only as provided for in the roster point to the available number of development officers in the cadre, the argument that reservation amounted to total reservation and was not permissible, is even otherwise not tenable. 33. That would leave us to a small area as to any consequential benefits the writ petitioner could have claimed for the purpose of seeking the benefit of retrospective promotion with effect from 22-7-1995 and as to whether the writ petitioner can even at this point of time claim the benefit of the ratio of the decision of the Supreme Court in the case of AJIT SINGH-II [supra]. 34. The writ petitioner, in our view, is not entitled for such benefit for two reasons. Firstly, when once it is held that providing for reservation to the post of development officer is valid and sustainable, and if the vacancy in the post of development officer as per the roster point became available to a personal belonging to scheduled caste notwithstanding the fact that the writ petitioner might have been senior to such person in the schedule caste category, the person cannot claim promotion at that point of time, as no vacancy arose for being filled up in the general category. Therefore, the writ petitioner and appellant in WA No. 4233 of 1999 cannot claim any relief for retrospective promotion with effect from 22-7-1995 and for other consequential benefits. Also in the light of the Karnataka Determination of Seniority of the Government Servants promoted on the basis of Reservation (to the posts in the Civil Services of the State) Act, 2002 read with Article 16(4-A) of the Constitution of India in terms of the 85th

Amendment to the Constitution, the seniority which the appellant in WA No. 4233 of 1999 and fourth respondent in the writ petition claims and has in the cadre of development officer or even as Deputy Development Officer remains undisturbed notwithstanding the promotion of the writ petitioner to this cadre subsequently and the writ petitioner though was senior to this appellant in the cadre of deputy development officer in the services of the Board. 35. In the result, WA No. 4233 of 1999 filed by T.R. Rangahanumaiah is allowed and the order passed by the learned Single Judge in WP No. 39909 of 1993 is set aside and the writ petition is dismissed. Consequently and for the reasons aforesaid. WA No. 4321 of 1999 filed by M.P. Jaishankar is dismissed. WA No. 4322 of 1999, filed by the Board is allowed, in terms of the order above and following the result in WA No. 4233 of 1999. 36. In the circumstances, parties to bear their respective costs.