JUDGMENT SHEET
IN THE ISLAMABAD HIGH COURT, ISLAMABAD.
JUDICIAL DEPARTMENT.

W.P.No.263 of 2017
Trading Corporation of Pakistan (Pvt.) Ltd.
Versus
Sacked Employees Review Board and others

Date of Hearing: 22.08.2017
Petitioner by: M/s Aziz-ul-Haq Nishtar, and Shafqat Rasool, Advocates,
Respondent No.2 by: Ch. Anjum Pervaiz, Advocate.

MIANGUL HASSAN AURANGZEB, J:- Through the instant writ petition, the petitioner (Trading Corporation of Pakistan (Pvt.) Ltd.), impugns the order dated 15.11.2016, passed by respondent No.1 (Sacked Employees Review Board), whereby respondent No.2 (Anjum Pervaiz) was reinstated in service of the petitioner under the provisions of the Sacked Employees (Re-instatement) Act, 2010 ("the 2010 Act").

2. The facts essential for the disposal of this petition are that vide office order dated 23.11.1989, respondent No.2 was appointed as an Assistant Manager by the Rice Export Corporation of Pakistan (Pvt.) Ltd. ("R.E.C.P."). On 26.02.1991, respondent No.2's services were terminated. On 10.01.1994, respondent No.2 was reinstated in service in pursuance of a decision of the Federal Cabinet. On 27.10.1997, respondent No.2 opted for voluntary retirement from the R.E.C.P., and was retired from service after receiving an amount of Rs.1,36,560/-.

3. Vide judgment dated 19.01.2001, the Hon'ble High Court of Sindh, allowed a petition filed under Sections 284 to 288 of the Companies Ordinance, 1984, for sanctioning the scheme of arrangement of amalgamation of R.E.C.P. and Export Corporation of Pakistan (Pvt.) Ltd. into Trading Corporation of Pakistan (Pvt.) Ltd/petitioner. Therefore, for all intents and purposes, the petitioner was the successor-in-interest of R.E.C.P.

4. Respondent No.2 filed Writ Petition No.31561/2015 before the Hon'ble Lahore High Court seeking his reinstatement in the petitioner's service. This petition was disposed of, vide order

dated 29.04.2016 with the direction to respondent No.1 to treat the writ petition as respondent No.2's representation and decide the same strictly in accordance with the law within a period of 30 days. After the petition was transmitted to respondent No.1, the petitioner filed objections to the jurisdiction of respondent No.1 to entertain respondent No.2's petition for reinstatement. Vide order dated 15.11.2016, respondent No.1 allowed respondent No.2's petition by setting aside respondent No.2's retirement, and reinstating him in service. The said order dated 15.11.2016 has been assailed by the petitioner in the instant writ petition.

5. Learned counsel for the petitioner after narrating the facts leading to the filing of the instant petition submitted that the impugned order dated 15.11.2016, passed by respondent No.1 is void *ab-initio* and of no legal consequence; that in order to obtain benefit of reinstatement under the provisions of the 2010 Act, it was obligatory on respondent No.2 to have applied to respondent No.1 for reinstatement in service within a period of 90 days of the enactment of the 2010 Act; that respondent No.2 had not filed a petition for reinstatement before respondent No.1 within a period of 90 days from the enactment of the 2010 Act; that the jurisdiction of respondent No.1 was circumscribed by the 2010 Act; that respondent No.2 could have been reinstated in service only if he was employed between 01.11.1993 and 30.11.1996, and sacked between 01.11.1996 to 12.10.1999; that since respondent No.2 was employed on 15.11.1989 and retired 31.10.1997 after he opted for voluntary retirement, he could not be reinstated in service under the provisions of the 2010 Act; that respondent No.1 could only entertain those cases where the employee's services were terminated due to absence from duty, misconduct or misappropriation; and that since respondent No.2 had voluntarily opted for retirement, he could not be termed as a 'sacked employee', and therefore he could not have been reinstated under the provisions of the 2010 Act. Learned counsel for the petitioner prayed for the writ petition to be allowed and for the impugned order dated 15.11.2016 to be set aside.

6. On the other hand, learned counsel for respondent No.2 submitted that the impugned order dated 15.11.2016 was strictly in accordance with the law and facts of the case; that respondent No.2, on 25.04.2009, had applied to the Secretary, Ministry of Commerce for his reinstatement in service; that respondent No.2's said application was not responded to; that since no plausible response was given to respondent No.2's application, respondent No.2 invoked the constitutional jurisdiction of the Hon'ble Lahore High Court by filing Writ Petition No.31561/2015, which was disposed of, vide order dated 29.04.2016, with the direction to respondent No.1 to treat the said writ petition as respondent No.2's representation, and decide the same in accordance with the law within a period of thirty days; that the said order dated 29.04.2016 has been assailed by the petitioner in Intra Court Appeal No.1459/2016; that the predecessor of the petitioner (i.e. R.E.C.P.) had coerced respondent No.2 to apply for voluntary retirement; that an employee who was retired in pursuance of a voluntary retirement scheme could also be reinstated under the provisions of the 2010 Act. Learned counsel for respondent No.2 prayed for the writ petition to be dismissed.

7. I have heard the contentions of the learned counsel for the contesting parties and have perused the record with their able assistance. The facts leading to the filing of the instant writ petition are set out in sufficient detail in paragraphs 2 to 4 above, and need not be recapitulated.

8. The vital question that needs to be determined is whether respondent No.1 had the jurisdiction to entertain and allow respondent No.2's petition for reinstatement in service under the provisions of the 2010 Act. In order to determine this, it is essential to appreciate the statutory scheme of the 2010 Act.

9. Section 4 of the 2010 Act *inter alia* provides that *"[n]otwithstanding anything contained in any law, for the time being in force, or any judgment of any tribunal or any Court including the Supreme Court and a High Court or any terms and conditions of appointment on contract basis or otherwise, all*

sacked employees shall be re-instated in service and their service shall be regularized with effect from the date of enactment of [the 2010 Act].” **The definition of a “sacked employee” provided in Section 2 (f) of the 2010 Act, includes an employee who was appointed or re-instated in service between 01.11.1993 and 30.11.1996, and was dismissed, removed or terminated from service or whose contract period was expired or who was given forced golden hand shake between 01.11.1996 and 12.10.1999. (For reference, Section 2(f) of the 2010 Act is set out in Schedule-A hereto). Section 3 of the 2010 Act provides *inter-alia* that a sacked employee, (as defined in Section 2 (f) of the 2010 Act), can file an application, within ninety days of the enactment of this Act, to his employer for re-instatement of his service. Section 4 (g) of the 2010 Act provides *inter-alia* that in cases where employer fails to re-instate a sacked employee within fifteen days of the date his application for reinstatement, such an employee shall stand re-instated with effect from the date of enactment of the 2010 Act. Various other Sections of the 2010 Act, provide wide-ranging and most magnanimous benefits of reinstatement, regularization, seniority, monetary and service benefits to “sacked employees” as defined in Section 2 (f) of the 2010 Act. However, a petition by a sacked employee can be preferred before the Sacked Employees Review Board (“Review Board”) only under Section 13 (1) of the 2010 Act.**

10. Now, the petitioner in the writ petition under disposal is seeking the issuance of a writ of *certiorari* to quash the order dated 15.11.2016, passed by respondent No.1. In order to succeed on this score, the petitioner has to *inter-alia* establish that the impugned order dated 15.11.2016 is without jurisdiction. A petition by a sacked employee, as provided in Section 11 of the 2010 Act, can be preferred before the Review Board under Section 13(1) of the 2010 Act. Sections 11 and 13(1) of the 2010 Act read as follows:-

> ***“11. A sacked employee, who was dismissed or removed or terminated from service on account of absence from duty or misconduct or any form of mis-appropriation of Government money or stock or his unfitness on medical grounds, may prefer***

a petition to the Sacked Employees' Review Board as provided in Section 13."

"13 (1) A sacked employee, as provided in Section 11, may within ninety days of the enactment of this Act, prefer a petition to the Sacked Employees' Review Board for review of such order of sacked employee's dismissal or removal or termination from service on account of absence from duty or misconduct or mis-appropriation of Government money or stock or unfitness on medical grounds."

(Emphasis added)

11. A conjoint reading of Sections 11 and 13 of the 2010 Act shows that a sacked employee, "as provided in Section 11", can file a petition before the Review Board under Section 13 for review of the order of the sacked employee's "dismissal or removal or termination from service" due to "absence from duty or misconduct or mis-appropriation of Government money or stock or unfitness on medical grounds". Since Section 13 makes express reference to Section 11, (and not to Section 2 (f) of the 2010 Act), therefore, only a sacked employee who was (a) dismissed, or (b) removed, or (c) terminated from service by the employer can prefer a petition before the Review Board under Section 13. Furthermore, only that sacked employee can prefer a petition before the Review Board who has been dismissed or removed or terminated from service due to (a) absence from duty, or (b) misconduct, or (c) any form of mis-appropriation of Government money or stock, or (d) his unfitness on medical grounds. This is explicit in the language of both Sections 11 and 13 of the 2010 Act.

12. If the term "sacked employee" used in Sections 11 and 13 is considered to mean "sacked employee" as defined in Section 2(f) of the 2010 Act, there would have been no reason for the legislature to qualify the term "sacked employee" used in Section 11 with the words "who was dismissed or removed or terminated from service on account of absence from duty or misconduct or any form of mis-appropriation of Government money or stock or his unfitness on medical grounds". The distinction between the term "sacked employee" used in Section 11 and the term "sacked employee" as defined in Section 2(f) is of significance.

The meaning of the term “sacked employee” used in Section 11 is not relatable to the definition of the term “sacked employee” in Section 2(f). This is because unlike Section 11, the term “sacked Employee” as defined in Section 2(f) includes an employee who was “dissociated or was discontinued from service on account of closure of his or her employer or office or organization” or whose “contract period had expired or who was given forced golden hand shake”, or who was dismissed or removed or terminated on “any charges or allegations”, etc. Since a petition for reinstatement to the Review Board is specifically regulated by Sections 11 to 13 of the 2010 Act, the meaning to the term “sacked employee” given in Section 11 for the purpose of preferring a petition for reinstatement before Review Board shall override the definition of the term “sacked employee” in Section 2(f) of the 2010 Act to the extent of the inconsistency in the meaning of the said term in the said two Sections of the 2010 Act. Section 2 of the 2010 Act contains definitions of different words used in the said Act. Section 2 itself qualifies the definitions given by the use of the words “unless there is anything repugnant in the subject or context”. From this, it is clear that the definition of “sacked employee” like any other definition contained in Section 2 would apply only where it is in consonance and fits in with the subject and the context and not otherwise. Therefore, it is my view that only and only that sacked employee can prefer a petition before the Review Board who was dismissed or removed or terminated from service on account of absence from duty or misconduct or any form of mis-appropriation of Government money or stock or his unfitness on medical grounds, and none other. To hold that a “sacked employee” as defined in Section 2(f) or an employee who took voluntary retirement or golden handshake between 01.11.1996 and 12.10.1999, can prefer a petition before a Review Board would amount to attributing redundancy and surplusage to the words “who was dismissed or removed or terminated from service on account of absence from duty or misconduct or any form of mis-appropriation of Government money or stock or his

unfitness on medical grounds" employed in Sections 11 and 13 of the 2010 Act. In holding so, I take guidance from the law laid down in the following cases:-

(i) In the case of Chairman, Federal Board of Revenue, Islamabad Vs. Al-Technique Corporation of Pakistan Ltd. (PLD 2017 SC 99), it has been held as follows:-

> ***"It is settled that a definition clause is foundational when construing provisions of law. The definition given in the Act should be so construed as not to be repugnant to the context and would not defeat or enable the defeating of the purpose of the Act. It must be read in its context and the background of the scheme of the statute and the remedy intended by it."***

(ii) In the case of Muhammad Haider Zaidi and others Vs. Abdul Hafeez and others (1991 SCMR 1699), it has been held as follows:-

> ***"18. We may observe that a definition clause in a statute is of a declaratory nature though normally the definitions provided for in the definition clauses are to be read into the provisions of the Act while interpreting the defined terms/words, but if the contents of the provisions of the Act indicate otherwise, the definition clause cannot override a main provision of the statute."***

(iii) In the case of Bank of Bahawalpur Vs. Chief Settlement and Rehabilitation Commissioner (PLD 1977 SC 164), it has been held as follows:-

> ***"Although normally an expression if defined in a Statute has to be given the same meanings wherever it occurs therein, yet there is ample authority for the principle of interpretation that a definition of a term in a Statute is merely declaratory in nature and should not be unnecessarily inflicted where it does not fit in with the subject and context and might lead to anomalies and absurd results."***

The said judgment was quoted with approval in the case of Iftikhar Ahmad Vs. President, National Bank of Pakistan (PLD 1988 SC 53).

(iv) In the case of Amin Akhtar Jami Vs. Jehangir Alam (1993 MLD 1530), it was observed that a definition clause in a statute, however comprehensive in nature, is usually to be read subject to context and if the context so requires that the defined word may be accorded a different meaning than what is occurring in the definition.

(v) In the case of Kazi Abdul Majid Vs. Province of Sind through Secretary, Excise and Taxation (PLD 1976 Karachi 600), it has been held *inter-alia* that the object of incorporating a definition clause or section in a Statute is generally to declare what certain words or expressions used in that Statute shall mean, and that the definition clause is not meant to be the operative clause of the Statute.

13. Coming to the facts of case at hand, it is not disputed that respondent No.2 was initially appointed as Assistant Manager on 15.11.1989 by R.E.C.P. (which was the petitioner's predecessor-in-interest). On 26.02.1991, respondent No.2's services were terminated. However, with effect from 10.01.1994 respondent No.2 was reinstated in service pursuance to a decision of the Federal Cabinet. Respondent No.2 is considering the said date (i.e. 10.01.1994) as the date of his appointment in service so as to seek the benefit of reinstatement under the provisions of the 2010 Act. The fact that respondent No.2 opted for the voluntary retirement scheme on 27.10.1997 and was retired from service after being given the benefit of payment of Rs.1,36,560/-, is a matter of undisputed record.

14. The contesting parties are at variance on whether 15.11.1989 or 10.01.1994 should be considered as the date of respondent No.2's appointment in service. Perusal of R.E.C.P.'s Office Order dated 10.01.1994 shows that respondent No.2 was "reinstated" in service with effect from the said date. Section 11 of the 2010 Act does not bar an employee who was "reinstated" as opposed to being "appointed" between 01.11.1993 and 30.11.1996 from preferring a petition before the Review Board. Section 2 (f) of the 2010 Act defines a "sacked employee" to include an employee who was "reinstated" in service between 01.11.1993 and 30.11.1996.

15. As mentioned above, on 27.10.1997 respondent No.2 applied for voluntary retirement under a scheme for such retirement launched by R.E.C.P. The option/application submitted by respondent No.2 for seeking the benefit of

voluntary retirement has been filed by the petitioner along with the writ petition, and by respondent No.2 along with the written comments. In this application, respondent No.2's date of appointment is clearly stated to be 25.10.1989, and his length of service in R.E.C.P. is stated to be eight years. This application was signed and submitted by respondent No.2. The benefit of the payment of Rs.1,36,560/- to respondent No.2 was, therefore, calculated on the basis of his eight-year service with R.E.C.P. Now, since respondent No.2 was "reinstated" in service on 10.01.1994, he would be deemed to be a "sacked employee" under the 2010 Act regardless of the fact that he was considered to be an employee of R.E.C.P. from 15.11.1989 to 27.10.1997. However, in order for respondent No.2 to be able to prefer a petition under Section 13 of the 2010 Act before respondent No.1 for reinstatement in service, it was obligatory upon him to show that he was "dismissed or removed or terminated from service on account of absence from duty or misconduct or any form of mis-appropriation of Government money or stock or his unfitness on medical grounds". The mere fact that respondent No.2 had opted for voluntary retirement or golden handshake would not give him a right or *locus standi* to prefer a petition before respondent No.1. Since it is an admitted position that respondent No.2 was retired under a voluntary retirement scheme and had received monetary benefit under the said scheme on 27.10.1997, (which date falls between 01.11.1996 and 12.10.1999), he could not *ipso facto* prefer a petition under Section 13 of the 2010 Act before respondent No.1. Even if it is assumed that respondent No.2 was coerced or forced to apply for voluntary retirement, he could not prefer a petition under Section 13 of the 2010 Act before respondent No.1, because such a right was only available to a specified class of employees, which did not include an employee who had opted for voluntary retirement or golden handshake. Therefore, I am of the view that respondent No.2's petition before respondent No.1 under Section 13 (1) of the 2010 Act was not maintainable. Respondent No.1, with utmost respect, erred by not adverting to this aspect of the case which

was germane to the maintainability of the respondent No.1's petition before it.

16. Now, respondent No.2 did not file a petition before respondent No.1 within a period of ninety days of the enactment of the 2010 Act. Respondent No.2's writ petition filed before the Hon'ble Lahore High Court in the year 2015 was transmitted, vide order dated 29.04.2016 to respondent No.1, who was directed to treat the same as a representation filed by respondent No.2 and decide the same strictly in accordance with the law. Simply because the Hon'ble Lahore High Court had transmitted respondent No.2's writ petition to respondent No.1, did not imply that respondent No.1 was not to consider the petitioner's objections to respondent No.1's jurisdiction to entertain respondent No.2's petition. The passing of such an order by the Hon'ble High Court did not absolve respondent No.2 from crossing the hurdle of limitation provided in Section 13(1) of the 2010 Act for preferring a petition before respondent No.1. Respondent No.1, in the impugned order dated 15.11.2016, dealt with this aspect of the case by holding that the Review Board was not constituted within the limitation period as provided in the 2010 Act and that the Courts had deplored the practice by the government to raise pleas of limitation. Even if the Review Board had not been constituted within the limitation period of ninety days set out in Section 13(1) of the 2010 Act, it is not disputed that it had been constituted in the year 2010. It is nobody's case that respondent No.2's petition was transmitted by the Hon'ble Lahore High Court to the Review Board within a period of ninety days of the constitution of the said Board. Learned counsel for respondent No.2 could not come up with any explanation as to why respondent No.2 waited until 2015 to file a writ petition before the Hon'ble High Court.

17. Along with his written comments, respondent No.2 has filed a letter dated 25.04.2009 from the Establishment Division to the Secretary, Ministry of Commerce, Islamabad, forwarding respondent No.2's application for reinstatement in service under the provisions of the Sacked Employees (Re-instatement)

Ordinance, 2009. Perusal of this letter shows that the Ministry of Commerce was asked that if it finds that respondent No.2's case for reinstatement fell within the parameters of Section 5 of the said Ordinance, the same may be placed before the Review Board. The petitioner did not place respondent No.2's case before the Review Board. There is no document on record showing that respondent No.2 had applied for his reinstatement in service to the Review Board/respondent No.1 within the limitation period provided by law. Respondent No.2's writ petition before the Hon'ble Lahore High Court (which was to be treated as a petition for reinstatement before respondent No.1 under Section 13(1) of the 2010 Act) was clearly barred by time. Needless to state that the order of the Hon'ble Lahore High Court directing respondent No.1 to decide respondent No.2's petition in accordance with the "law" included the law of limitation. The ground on which respondent No.1 spurned the petitioner's objection to respondent No.1's jurisdiction does not, with utmost humility, appeal to me.

18. Even if the plea of limitation is not taken by a party, (be it an individual or the State or its instrumentality), Section 3 of the Limitation Act, 1908, makes it obligatory upon the Court or a Tribunal to dismiss proceedings if they are instituted beyond the limitation period provided by law. In the case at hand, the limitation period of 90 days from the date of the enactment of the 2010 Act for filing a petition before the Review Board is provided in Section 13(1) of the 2010 Act, which is a special statute. The provisions of the Limitation Act, 1908, have not been made applicable by the 2010 Act to any proceedings under the said Act. Respondent No.1 was not vested with the power to enlarge the limitation period within which a petition could be preferred under Section 13(1) of the 2010 Act. It is well settled that where limitation period for filing a certain petition is provided in special law, delay in filing the petition cannot be condoned under Section 5 of the Limitation Act, 1908. Reference in this regard may be made to the law laid down in the cases of Ali Muhammad Vs. Fazal Hussain (1983 SCMR 1239), Allah Dino Vs. Muhammad

Shah (2001 SCMR 286), Muhammad Nazir Vs. Saeed Subhani (2002 SCMR 1540), Rahim Jan Vs. Securities and Exchange Commission of Pakistan (2002 SCMR 1303), and Government of Balochistan through Secretary, Revenue Board Vs. Abdul Rashid Langove (2007 SCMR 510).

19. Recently, the Hon'ble Supreme Court in the case of Khushi Muhammad Vs. Mst. Fazal Bibi (PLD 2016 SC 872), has set out the salient features of the law of limitation as follows:-

> ***"(i) The law of limitation is a statute of repose, designed to quieten title and to bar stale and water-logged disputes and is to be strictly complied with. Statutes of limitation by their very nature are strict and inflexible. The Act does not confer a right; it only regulates the rights of the parties. Such a regulatory enactment cannot be allowed to extinguish vested rights or curtail remedies, unless all the conditions for extinguishment of rights and curtailment of remedies are fully complied with in letter and spirit. There is no scope in limitation law for any equitable or ethical construction to get over them. Justice, equity and good conscience do not override the law of limitation. Their object is to prevent stale demands and so they ought to be construed strictly;***
>
> ***(ii) The hurdles of limitation cannot be crossed under the guise of any hardships or imagined inherent discretionary jurisdiction of the court. Ignorance, negligence, mistake or hardship does not save limitation, nor does poverty of the parties;***
>
> ***(iii) It is salutary to construe exceptions or exemptions to a provision in a statute of limitation rather liberally while a strict construction is enjoined as regards the main provision. For when such a provision is set up as a defence to an action, it has to be clearly seen if the case comes strictly within the ambit of the provision;***
>
> ***(iv) There is absolutely no room for the exercise of any imagined judicial discretion vis-a-vis interpretation of a provision, whatever hardship may result from following strictly the statutory provision. There is no scope for any equity. The court cannot claim any special inherent equity jurisdiction;***
>
> ***(v) A statute of limitation instead of being viewed in an unfavourable light, as an unjust and discreditable defence, should have received such support from courts of justice as would have made it what it was intended emphatically to be, a statute of repose. It can be rightly stated that the plea of limitation cannot be deemed as an unjust or discreditable defence. There is nothing morally wrong and there is no disparagement to the party pleading it. It is not a mere technical plea as it is based on sound public policy and no one should be deprived of the right he has gained by the law. It is indeed often a righteous defence. The court has to only see if the defence is good in law and not if it is moral or conscientious;***

(vi) The intention of the Law of Limitation is not to give a right where there is not one, but to interpose a bar after a certain period to a suit to enforce an existing right.

(vii) The Law of Limitation is an artificial mode conceived to terminate justiciable disputes. It has therefore to be construed strictly with a leaning to benefit the suitor;

(viii) Construing the Preamble and Section 5 of the Act, it will be seen that the fundamental principle is to induce the claimants to be prompt in claiming rights. Unexplained delay or laches on the part of those who are expected to be aware and conscious of the legal position and who have facilities for proper legal assistance can hardly be encouraged or countenanced."
(Emphasis added)

20. The abovementioned guidelines can be taken advantage of by any party to a *lis* whether a private party or the State.

21. In view of the above, I am of the view that respondent No.2's petition before respondent No.1 was not maintainable. Consequently, this petition is allowed, and the impugned order dated 15.11.2016, passed by respondent No.1 is set aside. There shall be no order as to costs.

(MIANGUL HASSAN AURANGZEB)
JUDGE

ANNOUNCED IN AN OPEN COURT ON _____/2017

(JUDGE)

APPROVED FOR REPORTING

Sultan*

"SCHEDULE - A"

"2 (f) "sacked employee" means–

(i) a person who was appointed as a regular or ad hoc employee or on contract basis or otherwise in service of employer, during the period from the 1st day of November, 1993 to the 30th day of November, 1996 (both days inclusive) and was dismissed, removed or terminated from service or whose contract period was expired or who was given forced golden hand shake during the period from the 1st day of November, 1996 to the 12th day of October, 1999 (both days inclusive);

(ii) a person who was appointed as a regular or ad hoc employee or on contract basis or otherwise or who was a member of the civil service of the Federation or who held a civil post in connection with affairs of the Federation, in a Ministry, Division or department during the period from the 1st day of November, 1993 to the 30th day of November, 1996 (both days inclusive) and was dismissed removed or terminated from service or whose contract period was expired or who was given forced golden hand shake during the period from the 1st day of November, 1996 to the 12th day of October, 1999 (both days inclusive);

(iii) a person who was appointed or re-instated in service of employer during the period from the 1st day of November; 1993 to the 30th day of November, 1996 (both days inclusive) and who was subsequently dismissed or removed or terminated from service during the period from the 1st day of November, 1996 to the 12th day of October, 1999 (both days inclusive) or who was intermittently dismissed, removed or terminated from service from time to time and re-instated through statuesque order or judgment of any tribunal or any Court including the Supreme Court or a High Court or through any administrative order or through withdrawal of any order conveying dismissal, removal or termination or by any other way on any date after the 1st day of November, 1996;

(iv) a persons who was appointed during the period from the 1st day of November; 1993 to the 30th day of November, 1996 (both days inclusive) and dismissed, removed or terminated from Government or corporation service on any charges of allegations during or after the period from the 1st day of November, 1996 to the 12th day of October, 1999 (both days inclusive), whether re-instated or taken back into service or not on orders of any tribunal or Court including the Supreme Court or a High Court or any other authority;

(v) a person who was appointed or re-instated in service of employer during the period from the 1st day of November, 1993 to the 30th day of November, 1996 (both days inclusive) and dismissed or removed or

terminated or dissociated or was discontinued from service on account of closure of his or her employer or office or organization, irrespective of the fact that whether a letter or notification or anything in writing for sacked employee's dismissal or removal or termination or dissociation or discontinuation of service was issued or not or the status of sacked employee's service was turned inactive or otherwise; and

(vi) a person who was appointed or re-instated in service of employer during the period from the 1st day of November, 1993 to the 30th day of November, 1996 (both days inclusive) and dismissed, removed or terminated from service of employer on account of absence from duty, misconduct, mis-appropriation of Government money or stock, or unfitness on medical grounds;"