2025 INSC 1000

REPORTABLE

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S). of 2025
SPECIAL LEAVE PETITION (CIVIL) NO(S).26860-26863 OF 2023

PAWAN KUMAR TIWARY AND OTHERS …APPELLANT(S)

VERSUS

JHARKHAND STATE ELECTRICITY BOARD (NOW JHARKHAND URJA VIKAS NIGAM LIMITED) AND OTHERS …RESPONDENT(S)

J U D G M E N T

ARAVIND KUMAR, J.

1. Leave granted.

2. The present appeals arise from the common order dated 22.12.2021 passed by the Division Bench of the High Court of Jharkhand at Ranchi in LPA Nos. 512 and 647 of 2018, whereby the Division Bench allowed the appeals of the respondents and set aside the appellants' appointments to Class III posts, reversing the relief granted to them by the learned Single

Judge in W.P. (S) Nos. 1248 and 1269 of 2010. Civil Review Nos. 5 and 6 of 2022 filed thereafter also came to be dismissed by order dated 07.08.2023. Hence, the appellants/writ petitioners are before this court assailing the correctness of the said orders.

The brief facts necessary for adjudication of the present appeals are set forth below:

3. The appellants, namely, Pawan Kumar Tiwary, Hemant Kumar Choubey, and Amar Kumar, were appointed to Class IV posts in the Jharkhand State Electricity Board (hereinafter referred to as "JSEB") during the years 2004–2006.

4. On 07.01.1999, the Bihar State Electricity Board, Patna issued Standing Order No. 812 regarding appointment to Non-Technical Class III posts through internal advertisement. The said Standing Order referred to Resolution No. 7305 dated 02.12.1998, wherein the Board resolved to fill up vacant posts of non-technical Class III by departmental candidates. The Standing Order explicitly stated that the percentage of vacancies against sanctioned posts to be filled through departmental candidates should not exceed the percentage indicated against each post.

5. Pursuant thereto, the Director, Personnel, JSEB vide Letter No. 1341 dated 25.06.2008 invited applications for appointment to the posts of

Routine Clerks, Junior Accounts Clerk, Lower Division Assistant and other posts through internal process as per the qualifications prescribed for the relevant posts. Subsequently, vide Letter No. 144 dated 19.01.2009, it was notified that candidates who have applied for Correspondence Clerk/Junior Accounts Clerk, may also apply for appointment to the post of Lower Division Assistant, if interested. The appellants submitted their applications in the prescribed format for the posts of Routine Clerk and Lower Division Assistant and thereafter they appeared in the examination conducted by the Board. On 15.02.2009, the Board published the list of successful candidates. Appellant No.1(Pawan Kumar Tiwary) and Appellant No.3 (Amar Kumar) figured in the list of successful candidates for the post of Routine Clerk (hereinafter referred to as "RC"), and Appellant No.2 (Hemant Kumar Choubey) figured in the list of successful candidates for the post of Lower Division Assistant (hereinafter referred to as "LDA"). Subsequently, their appointments were made vide Office Orders No. 758 and 759 dated 24.04.2009 and the appellants joined their respective posts and started working.

6. The Secretary of JSEB vide office order No.860 dated 07.05.2009 stated that implementation of all orders related to internal appointments on the post of RC, LDA and other posts stood adjourned i.e., stayed without assigning any reason. The present appellants along with other appointees

made representations through their service association before the competent authority for redressal of their grievances. However, no response was received.

7. Thereafter, on 27.05.2009, JSEB constituted a three-member Enquiry Committee to enquire about all the internal appointments made, citing certain irregularities and illegalities. On 27.06.2009, the Enquiry Committee submitted its report stating appointments were not made in adherence to the prescribed rules of qualification, and additionally, the appointments were made beyond the sanctioned vacancies for internal appointments. Accordingly, the Enquiry Committee held all the appointments made through various office orders to be unconstitutional, including Office Order No. 758 and 759 dated 24.04.2009 through which present appellants were appointed.

8. After the release of the Enquiry Report, the Chairman of JSEB issued a directive on 07.10.2009, to take action against the administrative personnel responsible for causing the irregular and illegal appointments beyond prescribed qualifications and sanctioned strength. In the same directive, the Chairman declared three officers responsible and cancelled the appointments made internally.

9. The present appellants made multiple representations for restoring the appointments made, however, there was no response from JSEB. On 22.07.2010, vide Office Order No.881, JSEB cancelled the appointments of the appellants citing the appointments were irregular and not in accordance with appointment and reservation rules.

10. The appellants along with other appointees whose appointments stood cancelled filed W.P. (S) No. 1248 of 2010 praying for quashing of Office Order dated 07.05.2009 whereby their appointments were stayed. The Writ Petition came to be amended later to include the prayer to quash Office Order No. 881 dated 22.07.2010 whereby the appellants' appointment stood cancelled. It is important to note here that another W.P. (S) No. 1269 of 2010 was filed by other aggrieved appointees whose appointments were cancelled for being in contravention of the sanctioned strength. Both the writ petitions, namely, W.P. (S) No. 1248 and 1269 of 2010 came to be disposed of by a common judgment/order dated 14.08.2018 passed by the Single Judge of High Court of Jharkhand.

11. The Single Judge partly allowed the Writ Petitions and quashed the orders impugned therein, namely, Office Orders dated 07.05.2009 and 22.07.2010 and directed JSEB to issue fresh order of appointment on their promotional post on which they were earlier promoted/decision was taken

to promote, whichever is applicable. However, the Single Judge held that their appointment shall for all intent and purpose be treated as fresh appointment and they would not be entitled for any back wages, seniority or other benefit based on their earlier appointment/promotion. The Single Judge placed reliance on ***Vikas Pratap Singh & Others. v. State of Chhattisgarh & Others***[1] wherein this Court had held that where a wrongful or irregular appointment is made without any mistake on the part of the appointee and upon discovery of such error or irregularity, the appointee is terminated, taking a sympathetic view, order of termination ought to be quashed, and appointee should be reinstated. Accordingly, the Single Judge observed that candidates/appointees have not committed fraud, and having fulfilled all eligibility criteria their appointment cannot be held to be unconstitutional or illegal.

12. The findings of the Single Judge were challenged by both JSEB as well as the appellants. While JSEB in L.P.A. No. 647 of 2018 sought to challenge the direction of fresh appointments to the appellants, the appellants in L.P.A. No.512 of 2018 challenged the denial of consequential benefits such as seniority and back wages. The Division Bench by its order/judgement dated 22.12.2021 allowed L.P.A. No. 647 of 2018 and dismissed L.P.A. No.512 of 2018. The Division Bench was of the view that

[1] **(2013) 14 SCC 494**

even though there is no element of fraud but if the process of selection has been found to suffer from unfairness and malpractice, then the entire selection process is required to be cancelled. Further, it held that appointments were held to be illegal since they were beyond the sanctioned strength, and in such a situation there is no question of consideration of the element of fraud. The Division Bench also distinguished between irregular and illegal appointment and reiterated that appointment made beyond sanctioned strength is illegal as it is an encroachment upon the quotas of posts to be filled up from direct recruitment.

13. The appellants took exception to the above order dated 22.12.2021 and preferred Civil Review No. 5 & 6 of 2022 to assail the findings of the Division Bench. The High Court in exercise of its review jurisdiction dismissed the review petitions on the ground that no new facts were made out by the appellants and as such, the scope of review is extremely limited, and finding no infirmity with the Division Bench's order dated 22.12.2021, the High Court vide Order dated 07.08.2023 dismissed the Civil Review No.5 & 6 of 2022 filed by the appellants. Hence, the appellants are now before us.

14. We have heard Shri Gopal Shankarnarayanan and Shri Puneet Jain, learned Senior Counsels appearing for the appellants and Shri Navaniti Prasad Singh, learned Senior Counsel appearing for the respondents.

15. Shri Gopal Shankarnarayanan, the learned Senior Counsel appearing for the appellants No.1 and No.3 challenged the findings of the Division Bench on various grounds. It was submitted that appointment of the appellants Nos.1 and 3 to promoted Class III posts was not beyond the cadre strength and even the report of the Enquiry Committee found that appointment of Routine Clerk was not beyond the cadre strength. The cadre strength of routine clerk posts was 23, out of which 22 were lying vacant and 50% were to be filled through in-service candidates through internal advertisement which would come to 11 posts. He would also contend that appellants had also fulfilled the criteria of two years' experience which is very much evident from the date of joining of appellants. It was further submitted that orders of cancellation of appointment are hit by principles of natural justice as before issuance of said orders, appellants were not given any notice or show cause. It was also contended that it is not a case where any misconduct is alleged to have been committed by the appellants, but for no fault on part of the appellants, they are subjected to suffer. Additionally, Shri Puneet Jain, the Learned Senior Counsel appearing for appellant No.2 submitted that for Lower Division Assistant (LDA) 5 posts were available

as per rules and the approval was given for 25 posts by the Secretary in the interest of JESB due to extreme shortage of LDA, and that the approval was with the knowledge of the Chairman. Further, it was submitted that 10% of the vacant posts were allocated for internal recruitment, and 51 posts were vacant, hence 10% of that would be minimum 5 posts which was within the cadre strength. It was further urged that appellant No.2 has attained the age of 50 years and has lost his eligibility to appear in any departmental examination once he attained the age of 50 years, hence this was his last opportunity for promotion.

16. Per contra, Shri Navaniti Prasad, learned Senior Counsel for the respondents urged that the findings of the Division Bench which were confirmed in Review did not call for any interference. It was also urged that no substantial question of law was raised in the present appeals.

17. We have given our thoughtful consideration to the present appeals and considered the submissions of the rival parties and perused records. It is relevant to note that while the Enquiry Report held various appointments unconstitutional, namely 537 posts which were filled up through internal appointment in different cadres such as Routine Clerk, Lower Division Assistant, Correspondence Clerk, Junior Accounts Clerk, Manpower and Branch Clerk, and Writ Petitions and LPAs were preferred by various

appointees, our findings and observations are confined only to the appellants herein, namely, Pawan Kumar Tiwary, Hemant Kumar Choubey, and Amar Kumar.

18. The questions that arise for our consideration are as below:

I. Whether the findings of the Division Bench with respect to illegality in the appointment of appellants warrant interference?

II. If the appointment is held to be legal, whether they are entitled to any consequential benefits?

RE: POINT 1

19. The primary basis on which the Division Bench set aside the appellants' appointments was on the basis of conclusion having been arrived at that appointments were made beyond the sanctioned strength. However, we find this conclusion to be factually incorrect and legally unsustainable as evident from the analysis that follows.

20. The contention that there was an "excess appointment" namely it was beyond the sanctioned strength was not substantiated by any reliable material by the respondent – Board. No contemporaneous record has been shown that contradicts the sanctioned strength status at the time of appointments. In fact, the Standing Order No.812 highlights the posts were

duly sanctioned and advertised through proper channels, followed by selection through established norms of scrutiny.

21. Evidently, the Enquiry Report itself records that appointments to the post of Routine Clerk were within the sanctioned strength. Specifically, out of 23 sanctioned posts, 22 were vacant, and internal recruitment was permitted for 50%, i.e., 11 posts. The appellants Pawan Kumar Tiwary and Amar Kumar were appointed within this quota. Similarly, in the case of Hemant Kumar Choubey, the post of LDA had 51 vacancies, and the 10% quota allowed for at least 5 appointments, which were duly approved by the competent authority. Despite this, the Division Bench broadly stated that appointments were made beyond sanctioned strength and hence illegal, without distinguishing between individual cases. During oral arguments, this Court demanded an explanation regarding this specific finding in the Enquiry Report, at which point the learned Senior Counsel for the respondents fairly submitted that the appointments of the present appellants was within prescribed sanctioned strength. At the outset, this admission during the course of hearing would deter us from going into every factual aspect, however, given that the Division Bench and the Review Court has overlooked these glaring facts, we deem it necessary to satisfy our conscience and make our detailed observations.

22. The Division Bench also placed reliance on the procedural deviation from the regular advertisement process, by observing that the internal notice issued by the Chief Engineer did not amount to a proper recruitment notification. While procedural irregularities, if proven to be mala fide or substantially affecting fairness, may vitiate a selection process, in the present case, the selection was conducted through tests and interviews overseen by a selection committee. The entire process culminated in formal appointment letters being issued. As held by this Court in ***Secretary, State of Karnataka and Others v. Umadevi (3) and Others***[2], mere technical irregularities in appointment processes and in the absence of evidence of illegality, arbitrariness or fraud cannot be a ground to undo appointments, especially when the appointees are not at fault.

23. The Division Bench appears to have blurred the distinction between irregular and illegal appointments. In ***Vikas Pratap Singh*** (supra), this Court held that an appointment made without following every procedural formality may be irregular, but it does not become illegal unless it violates statutory provisions or is made without the existence of a post. This Court observed that if the appointment is to a sanctioned post, made by a competent authority, and not tainted by fraud or deceit, it cannot be labelled illegal

[2] (2006) 4 SCC 1

merely due to some procedural lapse. The facts of the present case are squarely covered by this reasoning. The posts were sanctioned, the appellants were duly qualified, and the appointments were made by the competent authority after following due process of selection and at worst, any infirmity could only render the appointments irregular, not illegal. In ***R.S. Garg v. State of U.P. and Others***[3], this Court held that appointments made within sanctioned strength, even if temporary or irregular, do not automatically become illegal unless shown to be in violation of statutory rules. There is no evidence or even a finding that the posts were not available or were created in violation of recruitment rules.

24. It is by now well settled in service jurisprudence that the validity of an individual appointment must be assessed on the basis of the appointee's own merit, eligibility, and conformity to the applicable rules. Courts must resist the tendency to issue blanket invalidations of entire batches of appointments merely on the basis of procedural infirmities that affect only a portion of the appointments. The principles of fairness, proportionality, and individual justice are foundational to administrative law and demand that a case-by-case analysis be undertaken before issuing sweeping orders of cancellation.

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[3] **(2006) 6 SCC 430**

25. This Court has in several decisions, including ***State of Bihar v. Upendra Narayan Singh and Others***[4] , emphasized that when appointments are found to be irregular, the inquiry must focus on whether such irregularity amounts to illegality, and whether the appointee had any role or knowledge of the deviation. If not, and the appointee was otherwise eligible, qualified, and appointed against a sanctioned vacancy, there is no justification for nullifying such appointment. The present appellants, as evidenced by record, fulfilled all eligibility conditions, were appointed within the sanctioned strength, and underwent the requisite selection process.

26. It is here that the doctrine of severability assumes great significance. The rule is grounded in equity and legal logic: where bad can be separated from good, the good must not perish with the bad. The doctrine, though largely applied in constitutional and statutory interpretation, has gained considerable traction in service jurisprudence where a set of appointments are sought to be invalidated *en masse*.

27. The doctrine of severability is not merely a tool of constitutional adjudication but a principle of fairness. In service law, it protects deserving employees from the fallout of administrative missteps not attributable to them.

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[4] **(2009) 5 SCC 65**

28. In ***Kumari Shrilekha Vidyarthi and Others v. State of U.P. and Others***[5], this Court has emphasized that the State, even in contractual or administrative matters, cannot act arbitrarily and must be guided by constitutional values. These observations gain special relevance in cases where authorities, rather than conducting granular scrutiny, proceed to cancel entire appointments in a sweeping manner.

29. The case in hand presents a textbook scenario where the appellants' appointments were lumped together with others without individualized examination. The Enquiry Report itself conceded that appointments of Routine Clerks were within the cadre strength, and there is no dispute that the appellants fulfilled the prescribed qualifications and eligibility norms. There is also no suggestion of mala fides, misrepresentation or procedural breach on their part. At this juncture, it is pertinent to mention, that learned Senior Counsel appearing for the respondents during the course of hearing fairly submitted that the appointments of the present appellants fell within the sanctioned strength.

30. The right to employment, though not a fundamental right, is nevertheless protected under Article 14 and 16 of the Constitution insofar as

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[5] **(1991) 1 SCC 212**

it requires fair, just, and non-arbitrary treatment of similarly situated individuals. The appellants' dismissal, without issuing a show cause or opportunity of hearing, is a clear violation of principles of natural justice, and falls afoul of the law laid down in ***Maneka Gandhi v. Union of India and Another***[6], wherein it was held that *"even an administrative order which involves civil consequences must be made consistently with the rules of natural justice."*

31. The jurisprudence around *irregular* versus *illegal* appointments must not be blurred. An irregular appointment is one where procedure is not strictly followed but the appointee is otherwise qualified and the post is sanctioned. An illegal appointment, on the other hand, is *void ab initio*, such as where the appointee is ineligible or the post does not exist. When appointments are questioned on grounds of irregularity, the inquiry must not end with detecting the infirmity but must proceed further to distinguish those whose appointments are unimpeachable. Justice demands separation, not erasure.

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[6] (1978) 1 SCC 248

32. The High Court failed to apply the test of individual scrutiny, which is now a bedrock requirement in service jurisprudence. When appointments of large numbers of persons are questioned, courts and authorities must:

(i) Separate the legally sustainable from the unsustainable

(ii) Apply the test of eligibility and sanctioned strength

(iii) Assess whether there was fraud or misrepresentation

(iv) Provide an opportunity of hearing before cancellation

33. The action of the Board in cancelling the appellants' appointments *en masse* without affording them an opportunity of hearing and without considering the legality of each appointment separately reflects not only a violation of principles of natural justice but also abdication of the duty to make reasoned, individualized decisions.

34. As discussed hereinabove, facts upon being evaluated in their entirety, reveal that the appellants were appointed against sanctioned vacancies, pursuant to an internal selection process, and were fully eligible for the posts in question. There is neither any suggestion nor proof of fraud, collusion, or misrepresentation on their part. At best, the process suffers from procedural lapses not attributable to the appointees. Such infirmities, however, render the appointments irregular, not illegal.

35. It must be underscored that the jurisprudential divide between irregular and illegal appointments is neither artificial nor academic. An appointment may be irregular if it deviates from established procedure, but it crosses into the realm of illegality only where it violates statutory mandates, is made without the existence of a sanctioned post, or is tainted by fraud. Conflating the two categories leads to manifest injustice, particularly when individuals, who have no role in the procedural defect, are visited with the severest consequence of termination.

36. There is also an urgent need to discourage the mechanical application of cancellation orders affecting large groups of appointees without differentiation. Service jurisprudence in India must evolve to reflect a nuanced, fact-specific approach that separates the legally sustainable appointments from those that are vitiated. It is neither just nor desirable to extinguish the careers of deserving employees merely for administrative convenience or to avoid the labour of segregation. A practice of indiscriminately declaring entire batches of appointments as void undermines not only the morale of sincere employees but also the credibility of the public administration. This Court deems it necessary to underscore that in all future cases of large-scale appointment irregularities, authorities and courts must mandatorily consider the possibility of segregation and

apply the doctrine of severability before taking the extreme step of cancellation.

37. Courts, therefore, must exercise heightened care and adopt a calibrated approach, especially in matters involving mass appointments. The doctrine of severability must not be relegated to a post-facto exercise; it ought to inform the judicial inquiry from the threshold. Early-stage discernment of whether appointments can be segregated based on sanctioned strength, eligibility, and absence of wrongdoing, enables the court to preserve what is lawful while excising only what is vitiated. Such an approach aligns with constitutional morality, protects institutional credibility, and ensures that administrative missteps do not culminate in judicial overcorrection.

38. In the present case, each appellant: (i) fulfilled the eligibility conditions; (ii) was appointed through a transparent internal selection process; (iii)was within the sanctioned cadre strength; (iv) was not found guilty of any misconduct or fraud. To uphold the Division Bench's order would be to punish the innocent for faults not attributable to them. This would be a miscarriage of justice.

39. The present case, resting as it does on demonstrably sanctioned posts and unblemished individual merit, deserves protection under these

principles. Accordingly, we have intervened and the impugned orders passed by the Division Bench and confirmed in review are set aside to the extent they relate to the appellants herein. The appointments of the appellants vide Office Orders dated 24.04.2009 are declared to be legal and valid.

40. Before concluding, we are constrained to clarify that the observations made in the present case, particularly our invocation of the doctrine of severability and the imperative of individualized scrutiny, must not be construed as laying down an inflexible rule of universal application. We are fully cognizant of the cautionary principles articulated by this Court in ***State of West Bengal v. Baishakhi Bhattacharyya (Chatterjee) and Others***[7], wherein, after an exhaustive analysis of precedent and the evidentiary record, this Court observed:

> *"19. The following principles emerge from the aforesaid discussion:*
> *• When an in-depth factual inquiry reveals systemic irregularities, such as malaise or fraud, that undermine the integrity of the entire selection process, the result should be cancelled in its entirety. However, if and when possible, segregation of tainted and untainted candidates should be done in consonance with fairness and equity.*
> *• The decision to cancel the selection en masse must be based on the satisfaction derived from sufficient material collected through a fair and thorough investigation. It is not necessary for the material collected to conclusively prove malpractice beyond a reasonable doubt. The standard of evidence should be reasonable certainty of systemic malaise. The probability test is applicable.*
> *• Despite the inconvenience caused to untainted candidates, when broad and deep manipulation in the selection process is*

[7] **(2025) SCC OnLine SC 719**

proven, due weightage has to be given to maintaining the purity of the selection process.
• Individual notice and hearing may not be necessary in all cases for practical reasons when the facts establish that the entire selection process is vitiated with illegalities at a large scale."

41. The ***Baishakhi*** principle rightly recognizes that where the recruitment process is irredeemably marred by pervasive fraud or institutional malaise, the Court may be compelled albeit reluctantly to nullify the entire selection process in the larger interest of constitutional integrity. In such cases, exception to the principle of natural justice would not lead to potential injustice to untainted candidates and the necessity of maintaining public confidence in institutional processes ought to take precedence.

42. However, the case at hand stands on a demonstrably different factual and legal footing. There is neither any allegation nor proof of fraud, impersonation, or collusion by the appellants. The internal recruitment process in question, albeit allegedly irregular in procedural respects, was conducted through a structured examination and selection mechanism pursuant to duly sanctioned vacancies. The selection was made by a competent authority, and the appointments were not impugned on grounds of mala fides, corruption, or extraneous considerations.

43. It is precisely this material distinction that warrants a calibrated approach. To mechanically apply the drastic remedy of en masse cancellation in such a scenario where the appointments are otherwise regular, fall within the sanctioned strength, and are untainted by illegality, would be to conflate irregularity with illegality, and to punish the innocent for administrative lapses they neither caused nor participated in. The doctrine of severability is not only available but must be invoked to uphold the constitutional guarantee of equal treatment under Articles 14 and 16.

44. Thus, while we draw guidance from the ***Baishakhi*** judgment as to the outer limits of judicial tolerance in the face of systemic corruption, we hold that in the absence of demonstrable malaise and where individual appointments are legally sustainable, we must lean in favour of preservation, not obliteration.

RE: POINT 2

45. While we have held that the appellants' appointments were legal and within the sanctioned strength, we are also mindful of the settled principle that in the absence of actual service rendered, back wages are not ordinarily granted, particularly where the employee did not discharge any duties during the period of cancellation. Accordingly, while the appellants shall be entitled to continuity in service and restoration of seniority with effect from the date

of their initial appointment on 24.04.2009, they shall not be entitled to arrears of salary for the period they were out of service. However, to protect their future service rights, they shall be granted notional fixation of pay and other consequential benefits subject to applicable rules such as increments and promotion eligibility.

46. We refer to the principles laid down in ***Union of India and Others v. K.V. Jankiraman and Others***[8], where this Court held that seniority and other service benefits can be protected through notional fixation, even if back wages are not granted. Similarly, in ***Gowramma C. (Dead) by legal representatives v. Manager (Personnel), Hindustan Aeronautical Limited and Another*** [9], it was held that the doctrine of *"no work, no pay"* does not preclude the grant of notional service benefits, particularly where the fault lies not with the employee but with the administration.

47. Thus, the appellants shall be deemed to have continued in service from the date of their original appointments for the purpose of seniority, promotion, and pensionary benefits, but shall not be entitled to actual back wages for the intervening period. Their pay shall be notionally fixed as per rules, and future emoluments shall be computed accordingly.

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[8] (1991) 4 SCC 109
[9] (2022) 11 SCC 794

48. At the cost of repetition, we reiterate that our findings and observations made herein above are limited and confined to the appellants only and it does not apply to none else of these proceedings.

49. We reiterate for future guidance that where multiple appointments are challenged on general grounds, authorities and courts must undertake a detailed fact-specific analysis before concluding that all such appointments are void. The doctrine of severability must not remain a mere theoretical doctrine but must guide real administrative action and judicial reasoning in service matters.

50. In consequence to the above discussion, the appeals stand allowed and the appointments of the appellants made by Office Order Nos.758 and 759 dated 24.04.2009 are declared to be legal and valid by quashing the Office Order No.860 dated 7.05.2009 and the Office Order No.881 dated 22.07.2010 insofar as appellants are concerned. In the light of the facts of this case, we make no order as to costs.

51. We have also considered I.A. No. 184914 of 2024 seeking impleadment. The *lis* before us is confined to the appellants, namely, Pawan Kumar Tiwary, Hemant Kumar Choubey and Amar Kumar, whose appointments have been examined in detail above and found sustainable only because they were within the sanctioned strength. The scope of these

appeals is thus case-specific and limited to them alone. The applicants in the present I.A. are not necessary parties for the adjudication of the issues arising here, and their rights, if any, are not concluded by this judgment. They are at liberty to pursue the remedies available to them in accordance with law and no opinion is expressed in that regard. Accordingly, the I.A. stands dismissed.

……., J.
[J.K. MAHESHWARI]

……., J.
[ARAVIND KUMAR]

New Delhi;
August 19, 2025.