

2032
LL.M., First Semester
(Dept. of Laws- One Year Course)
Group – I: Constitutional and Administrative Law
Paper – III [Opt. (iii)]: Service Law

Time allowed: 3 Hours

Max. Marks: 75

NOTE: Attempt five questions in all, including Question No. I (Unit-I) which is compulsory and selecting two questions each from Unit II-III.

x-x-x

UNIT – I

I. Write short notes on following:-

- a) Difference between date of appointment and date of the order of appointment
- b) Difference between permanent and temporary government employee
- c) Qualifications of members of Administrative Tribunal
- d) Review of suspension order
- e) Deputation

(5x5)

UNIT - II

- II. Discuss reservation provided under Article 16(4) of the Constitution of India with special reference to latest case laws. Why Reservation should be based on the basis of caste not on economic criterion? Will reservation affect the merit? (12½)
- III. Under what provision of the government the appointment on compassionate grounds is regulated? Whether dependent of a missing government employee can be considered for compassionate appointment? (12½)
- IV. Why adhocism is considered arbitrary and discriminatory? Discuss it with the help of case laws (12½)
- V. What are the safeguards provided to civil servants under the Constitution of India? Explain. Whether the temporary employee can be removed on any valid-ground without any inquiry? (12½)

P.T.O.

(2)

UNIT - III

- VI. a) Under what circumstances the disciplinary authority may exercise his discretion to place a government servant under suspension even when the case is under investigation and before a prima facie case has been established?
- b) What is subsistence allowance? Whether non-payment of subsistence allowance shall vitiate inquiry? (7½,5)
- VII. Discuss the appointment and role of inquiry officer. What is the time limit for completing the inquiry and submit report by Inquiring Authority? Whether non-compliance with the mandatory provision in holding the inquiry is vitiating the final order even though it imposes only a minor penalty? (12½)
- VIII. Discuss in detail Annual Performance Appraisal Report. Whether an employee has right to know personal information recorded in the APAR of any other employee under the Right to Information Act, 2005? (12½)
- IX. Discuss with the help of case laws the seniority between direct recruits and promotes. How the seniority of a re-employed officer is determined? (12½)