

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. NO.1194/99

New Delhi this the 20th day of February, 2001

(b)

Hon'ble Shri V.K. Majotra, Member (A)
Hon'ble Shri Shanker Raju, Member (J)

1. Shri Vijay Pal
S/o Shri Ved Parkash
R/o Village Zafrabad Bhatana
District Sonepat
(Haryana)

2. Shri Mandeep Dahiya
S/o Shri Ramphal
R/o Village & P.O. Kakri
District Sonepat
(Haryana)

-Applicants

(None Present)

Versus

1. Union of India
Through Secretary
Ministry of Personnel &
Public Grievances,
Department of Personnel & Training
North Block,
New Delhi.

2. Secretary,
Staff Selection Commission,
CGO Complex, Lodhi Road,
New Delhi.

3. Deputy Director (NR)
Staff Selection Commission
CGO Complex, Lodhi Road,
New Delhi.

4. The Commissioner of Police,
Police Headquarters,
MSO Building, IP Estate,
New Delhi-110 002.

-Respondents

(By Advocate: Shri V.S.R. Krishna)

ORDER (Oral)

Mr. V.K. Majotra, Member (A)

As the applicants have not come present, we proceed
to dispose of the matter under Rule-15 of the CAT (Procedure)
Rules, 1987.

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2. The applicants have assailed respondents' communication dated 24.11.97 (Annexure A-1) whereby they have been informed that as the respondents do not have any vacancy of SI(Exe) relating to Delhi Police examination 1994 conducted by Staff Selection Commission alleging it to be arbitrary and discriminatory. It has been stated that vide order dated 26.7.96 ⁱⁿ OA-2226/95, OA-1880/95 and OA-1975/95, it was held that the applicants who have not obtained the minimum standard in Paper-III, cannot succeed against the decision of the Commission in imposing the minimum qualifying standard. In the conspectus of the facts and circumstances of the case, the OAs were dismissed. The matter reached upto the Hon'ble Supreme Court of India in SLP 16356-16358/96 (Annexure A-2) wherein on 14.8.1997, it was directed as follows:-

"In case vacancies are available for appointment on the posts of Sub-Inspector (Executive) in Delhi Police for which the impugned selection was made, the respondents may consider for appointment against those vacancies the petitioners and other similarly situated candidates on the basis of merit as per the aggregate of the marks obtained by them in all the papers and if on the basis of such consideration it is found that the petitioners can be so appointed the respondents shall appoint them against the existing vacancies by relaxing the requirement of minimum qualifying marks prescribed for Hindi in Paper-III. The special leave petitions are disposed of accordingly".

3. The applicants have sought quashing of order dated 24.11.97 by which they have communicated that respondents do not have any vacancy to accommodate the applicants. They have also sought direction to the respondents to appoint them against the fresh vacancies of Sub-Inspectors that would have arisen/would be arising in future as their preferential right.

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4. We have seen the pleadings of both sides and heard Shri V.S.R. Krishna, learned counsel of the respondents. Shri Krishna has stated that the Hon'ble Apex Court vide its orders dated 14.8.97 had required the respondents to consider appointment of the applicants against existing vacancies on the basis of their merit in the examination. As there are no existing vacancies relating to the 1994 examination, the question of adjusting the applicants against any future vacancies does not arise at all. We are satisfied with the explanation of the learned counsel of the respondents that the applicants' claim for appointment as Sub-Inspector could be considered against existing vacancies relating to 1994 examination only ^{and} as no such vacancies now exist with the respondents. We do not find fault with the respondents' communication to the applicants dated 24.11.97 stating that "they do not have any vacancy for the year 1994 pending for which the impugned selection was made through the Sub-Inspector of Delhi Police, CBI and CPO's Examination, 1994 conducted by the Commission". The relief claimed by the applicant for accommodation against future vacancies by way of a preferential right is beyond the relief accorded by the Hon'ble Supreme Court and cannot be granted here.

5. In this view of the matter, the OA is dismissed being devoid of merit. No costs.

S. Raju
(Shanker Raju)
Member (J)

V.K. Majotra
(V.K. Majotra)
Member (A)

cc.