

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA 1878/1998

(29)

New Delhi this the 4th day of June, 2002

Hon'ble Smt. Lakshmi Swaminatha, Vice Chairman (J)
Hon'ble Shri M.P.Singh, Member (A)

1. Shri Sajan Pal Singh,
Head Constable
No. 22/S.D., Delhi Police
2. Shri Vijay Singh
Head Constable
No. 1705 PCR, Delhi Police.

(By Advocate Mrs.Avnish Ahlawat)

..Applicants

VERSUS

1. Commissioner of Police, Delhi
Police Headquartets,
MSO Building, I.P.Estate,
New Delhi-110002
2. Chairman,
Staff Selection Commission,
CGO Complex, Lodhi Road,
New Delhi-110003

(By Advocate Shri S.K.Gupta along
with Ms.Nimmi Dhar, Under
Secretary, Depttl.representative)

.. Respondents

O R D E R (ORAL)

(Hon'ble Smt.Lakshmi Swaminathan, Vice Chairman (J)

This is the second round of litigation, the earlier OA being OA 1749/1992 which was decided on 18.9.1992. That OA was disposed of with a direction to the Staff Selection Commission (SSC) to complete the enquiry expeditiously giving liberty to respondent No.2 (the Delhi Police) to appoint the successful candidates, on a provisional basis. In the present Original Application, two applicants have sought a direction to the respondents to operate the merit list of 1991 selection held for appointment of Sub Inspectors (S.I.s.) against direct recruits ^{next} as Departmental

✓ candidates, as according to them, the candidature of two persons who were earlier in the merit list has since been cancelled by the S.S.C.

2. The present application had been disposed of by the earlier order of the Tribunal dated 24.4.2000, on the ground of bar of limitation. However, the applicants had filed Civil Writ Petition (CWP No.4372/2000) in the Hon'ble Delhi High Court. By order dated 9.1.2002, the Tribunal's order was set aside and the case was remitted to the Tribunal for consideration on merits.

3. We have heard, Mrs. Avnish Ahlawat, learned counsel for the applicants and Shri S.K.Gupta, learned counsel for the respondents and perused the relevant documents on record. Learned counsel for the respondents has also produced the final detail result (Roll number order of Sub Inspectors of Police (Delhi Police, C.B.I. and C.P.Os Examination, 1991) and the Departmental relevant file, which we have perused.

4. When the case was earlier heard, learned counsel for the respondents had produced the document which was opened in our presence. This document showed the marks obtained by the applicants and other persons, in which it has also been stated that there are more candidates whose marks are higher than the applicants in the aforesaid Departmental Examination, which was held in 1991 for recruitment to the post of S.Is.etc under 10% quota of

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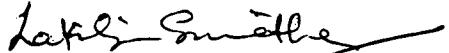
(31)

Departmental candidates. We had wanted to see this merit list maintained by the SSC (i.e. respondent No. 2) which has now been produced and we have seen the same. We are satisfied that the stand taken by the learned counsel for the respondents on the facts is correct, as seen from the original records of the Department, namely, final detail result (Roll number order of Sub Inspectors of Police (Delhi Police, CBI and C.P.Os) and the Departmental relevant file that there are two other candidates who have obtained higher marks as compared to the applicants, in the merit list which would, therefore, have prior claim to the applicants. Therefore, the contentions of the applicants that they are next in the merit list in the examination held in 1991 and they ought to be given appointments as Sub-Inspectors based on the merit, cannot be accepted.

5. In view of the above position, the OA fails on merits and is accordingly dismissed. No order as to costs.


(M.P. Singh)
Member (A)

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(Smt. Lakshmi Swaminathan)
Vice Chairman (J)