

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL NEW DELHI

O.A. No.
T.A. No.

1625

1995

DATE OF DECISION 19.9.1996

Arbind Singh ~~Petitioner~~ Applicant
Shri G. D. Gupta Advocate for the ~~Petitioner(s)~~ Applicant
Versus
Union of India & Ors. Respondent
Shri Amresh Mathur Advocate for the Respondent(s)

CORAM

The Hon'ble Mr. JUSTICE CHETTUR SANKARAN NAIR, CHAIRMAN

The Hon'ble Mr. R. K. AHOOJA, MEMBER (A)

1. To be referred to the Reporter

(Justice C. Sankaran Nair)
Chairman

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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. NO.1625/1995

New Delhi this the 19th day of September, 1996.

HON'BLE SHRI JUSTICE CHETTUR SANKARAN NAIR, CHAIRMAN
HON'BLE SHRI R. K. AHOOJA, MEMBER (A)

Arbind Singh S/O Shiv Kumar Singh,
R/O Vill. Morath, P.O. Kasap,
Distt. Bhojpur (Ara),
Bihar.

... Applicant

(By Shri G. D. Gupta, Advocate)

-Versus-

1. Union of India through the
Secretary to the Govt. of India,
Ministry of Home Affairs,
North Block,
New Delhi-110001.

2. The Lt. Governor/Administrator,
Govt. of N.C.T. of Delhi,
Raj Niwas, Delhi-54.

3. The Commissioner of Police,
Delhi Police Headquarters,
M.S.O. Building, I.P.Estate,
New Delhi-110002.

4. The Dy. Commissioner of Police,
III Battalion, Delhi Armed Police,
Police Headquarters,
M.S.O. Building, I.P.Estate,
New Delhi-110002.

... Respondents

(By Shri Amresh Mathur, Advocate)

The application having been heard on 19.9.1996
the Tribunal on the same day delivered the
following :

O R D E R

CHETTUR SANKARAN NAIR, J./CHAIRMAN —

Applicant seeks a declaration that he is entitled
to be considered for appointment as a Constable in the
Delhi Police by reason of the orders of this Tribunal
in Annexure-2. In the year 1985 the Delhi Police
initiated selection proceedings for filling up

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vacancies of Police Constables. After the process commenced, the eligibility conditions were varied and that was challenged in Annexure-2 (O.A. 640/1986) before this Tribunal. This Tribunal relying on the authority of the Apex Court held that conditions of eligibility cannot be varied subsequent to the commencement of the selection process as selection is to be governed by the rules in force at the time the vacancies arise. The Bench observed, "amendment to the Standing Order No. 212 introduced w.e.f. 31.3.1986 could not be made applicable..." We understand this to mean that the entire selection was quashed with a direction to make fresh selections in accordance with the rules in force at the time of commencement of the selection process. There were Special Leave Petitions, Review Petitions and other litigations.

2. To cut a long story short, the position is that selections have to be made in terms of the rules in force when the process commenced. Applicant, though he was not a party to the earlier proceedings, is eligible to be considered because the order issued by the Tribunal is not in favour of one or the other but is with reference to the process of selection and those who are involved in it. Therefore, the ground of delay cannot be held out against applicant.

3. Having considered the elaborate submissions on both sides, we direct respondents to consider the case of applicant for appointment as Police

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Constable on the basis of the qualifications he possessed at the time the selection process commenced. Subsequent events shall not take away his eligibility.

4. Application is allowed to the extent aforesaid. Parties will suffer their costs.

Dated, 19th September, 1996.

R. K. Ahooja
(R. K. Ahooja)
Member (A)

Chettur Sankaran Nair
(Chettur Sankaran Nair, J.)
Chairman

/as/