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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.1182/2000

New Delhi, this 11th day of December, 2000

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

Mahavir Prasad

Keshompur, PO Arya Khera
Dt. Mathura (UP)

... Applicant

(By Shri R. Gopal, Advocate)

Y.E.R.S.U.S

Union of India, through

1. Secretary
Ministry of Home Affairs
North Block, New Delhi

2. Dy. Commissioner of Police
2nd Bttn.DAP, Delhi-110009

3. Commissioner of Police
Police Hqrs.
I.P. Estate, New Delhi

... Respondents

(By Mrs. Sumedha Sharma, Advocate)

O.R.D.E.R

By Shri V.K. Majotra

Applicant is an ex-serviceman who retired from Army on 31.3.1997. He applied for recruitment in Delhi Police in the year 1998 under the category of ex-serviceman. He appeared in physical measurement and endurance tests and was declared qualified. He was called for interview vide letter dated 17.5.2000 (Annexure B). According to the applicant whereas from the date of interview recorded in Annexure B he got the impression that interview was to be held on 2.7.2000, while interview was actually conducted on 2.6.2000. He made a representation on 16.6.2000 (Annexure C) to Deputy Commissioner of Police (DCP, for short) seeking opportunity to appear before the interview board. The decision thereupon was not communicated to him, which

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has resulted in a very peculiar situation in so far as the applicant being ex-serviceman, he can appear in the selection for the post of Constable in Delhi Police only within two years of his retirement from the Army. Applicant has sought direction to R-2 to give an opportunity to him to appear before the interview board.

2. In their reply respondents have stated that all candidates who have been declared qualified for interview were informed through three leading newspapers dated 24.5.2000 i.e. Punjab Kesari, Nav Bharat Times and Pioneer (Annexure R-1) that the results of the written test for the post of Constable (Executive) in Delhi Police, 1998 (Phase II) have been declared on 8.5.2000. Interviews will commence from 25.5.2000 at Community Hall, New Police Lines, Kingsway Camp, Delhi. Call letters for interview have been issued by post to all the successful candidates. Successful candidates who have not received their call letters for interview may contact the Reception of II Bn. DAP, M.T.Park, Delhi Armed Police, New Police Lines, Kingsway Camp, Delhi on 24.5.2000. In case the applicant had any doubt regarding the date of interview, he should have contacted the office of R-2 but he did not do so. The style of writing the date of interview in the call letter dated 17.5.2000 (Annexure B) clearly shows that it is 2.6.2000 and not 2.7.2000 as read by the applicant of OA.

3. We have heard the counsel of both sides and perused the material placed on record.

4. Learned counsel of the applicant referring to Annexure B interview call letter stated that in the date of interview there is a clear figure '0' before the month '7' and the figure '6' appears under the signature



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of DCP which is absolutely different than the so called figure 6 mentioned in the date of interview which the applicant has understood as zero. He also mentioned that the applicant who had put in 17 years service in the Army will not have another opportunity to appear for the test of Police Constable as the period of two years has already passed after the date of his discharge from the Army.

5. Learned counsel of the respondents contended that if the applicant had any doubt about the date of interview, he should have contacted the DPC for clarification of the doubt which obviously he did not. The applicant had not alleged any malafide intention against the respondents.

6. We have carefully perused Annexure B which is the interview letter. In our view, the figure '6' appearing in the date 16.5.2000 under the signature of DCP cannot be confused with the figures in the date of interview whereas at the bottom of the letter, the date under the signature of DCP has been recorded by DCP in his own hand, the dates of interview and Memo are recorded by some ministerial staff of the office. When the figure 'zero' has not been put in the date of memorandum before the figure of month, normally the same person writing date of interview will not put "zero" before the month in the date of interview.

7. In this view of the matter, the contention of the applicant that he read the figure "zero and the oblique" as '7' getting the impression that it was the month of July is not tenable. When the writer of this figure has not put the figure 'zero' in the date of memorandum in the month column and in the date of interview in the date column, the figure in the month column should not

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have been read as "zero". In the above view of the matter the interview month had to be read as figure "6" and not "zero 7".

8. However, the petition is the case in which an ex-serviceman after having put in 17 years of service in the Army was the candidate for the post of Constable in Delhi Police and he will not have another opportunity to face the examination afresh as the stipulated period of two years after his retirement under the rules will have already expired. Although we do not find much merit in the present petition, in the interest of justice and peculiar facts and circumstances of an extraordinary case, we find it appropriate to direct R-2 to take a compassionate view in the matter and take appropriate steps for relaxation under Rule 30 of the Delhi Police (Appointment & Recruitment) Rules, 1980 and allow the applicant to appear in a special interview to be organised for the applicant for the post of Constable (Executive) in Delhi Police. Necessary action in this regard to be taken by R-2 within two months from the date of communication of this order.

9. This order will not be a precedent in the peculiar facts and circumstances of the case. No costs.

S. Raju

(Shankar Raju)
Member(J)

V.K. Majotra

(V.K. Majotra)
Member(A)

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