

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

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R.A. No.11/94 in O.A.1675/93.

New Delhi, this the 27th day of January, 1994.

Shri Shiv Narain
(By Shri B.S.Oberoi, Advocate) ...Applicant

Versus

A Govt. of National Capital Territory of
Delhi.

Through Secretary (Services),
5, Sham Nath Marg, Delhi.

2. Commissioner Transport,
5/9, Under Hill Road, Delhi-54. ...Respondents

W I T H

R.A. No.12/94 in O.A.1676/93.

Shri R.K.Dhama
(By advocate: Shri B.S.Oberoi) ...Applicant

Versus

A Govt. of National Capital Territory of
Delhi.

Through Secretary (Services),
5, Sham Nath Marg, Delhi.

2. Commissioner Transport,
5/9, Under Hill Road, Delhi-54. ...Respondents

O R D E R

By Circulation:

Shri J.P.Sharma, Member(J) :

Both the review applicants are taken together as they involve the same issues and almost the same grounds have been taken for review of the judgments dated 19-11-93 passed in OA 1675/93 and 1676/93, respectively, and the judgments are almost the same in both the cases, though passed separately.

2. Both the applicants were promoted to the post of Sub Inspector (S.I.) in Delhi Police in the year

1990. Both the applicants joined Directorate of

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Transport as Head Constable on 13-2-67. They were subsequently promoted as A.S.I. in 1985. The next higher post in the Department is that of Inspector (Enforcement). According to the recruitment rules for the post of Inspector, 50 per cent of the vacancies are to be filled by promotion from departmental candidates and 50 per cent by deputation of eligible/suitable candidates holding analogous post in Delhi Police/RPF/CRPF. The recruitment rules for the post of Inspector lay down that the person must have put in 5 years regular service as Sub Inspector with due qualifications prescribed for direct recruits. The applicants have not fulfilled the requisite qualifications of regular service.

3. The matter has already been considered and the plea of discrimination alleged by the review applicants has also been considered by the judgments under review. So, no fresh ground exist for reviewing the aforesaid judgments. The respondents' counsel has given a statement which has been noted in the judgment under review that the post of Inspector (Enforcement) will be filled by following the statutory recruitment rules in letter and spirit.

4. The applicants have taken almost the same grounds in both the review applications and it is contended that the respondents have committed irregularity in filling up 50 per cent of vacancies by promotion in arbitrary, illegal and unconstitutional manner because the vacancies have been filled up by persons on deputation. Since the department

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candidates were not eligible by virtue of regular service in the feeder grade, so this action of the respondents cannot be said to be against the statutory rules to call for judicial review and a direction in that regard to the respondents. Merely because some persons senior to the present applicants have been given certain relaxation would not by itself give any right to the applicants for relaxation of rules in their cases. The matter has already been considered in these judgments under review.

5. The applicants have also filed certain more documents annexure A-2 to annexure A-4 regarding promotion of certain Sub Inspectors to the rank of Inspector (Enforcement). These documents even if taken into account will not give a ground for review of the judgment because the applicants did not fulfil the eligible minimum qualifications of regular service in the feeder post for promotion to the post of Inspector (Enforcement).

6. Both the review applications, therefore, are devoid of merit and are dismissed, by circulation.

(B.K.SINGH)
MEMBER (A)

'Kalra'
27011994.

Attested
H.C. Mittal

(J.P.SHARMA)
MEMBER(J)

(एच. सी. मित्तल)
(H. C. MITTAL)

निजी सचिव/Private Secretary
केन्द्रिय प्रशासनिक आयोग
Central Administrative Tribunal
प्रधान न्यायालय/Principal Bench
नई दिल्ली/New Delhi.