



**Central Administrative Tribunal  
Principal Bench, New Delhi**

**O.A. No. 2113/2016**

**This the 07<sup>th</sup> day of January, 2021**

(Through Video Conferencing)

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman  
Hon'ble Mr. Mohd. Jamshed, Member (A)**

Shri Bhajhani Ram Meena IPS,  
S/o Sh. J.R. Meena,  
R/o H. No. D-6/6099/1 Vasant Kunj,  
New Delhi -110070 and presently working as  
Inspector General of Police,  
Police Training College,  
Moradabad (Uttar Pradesh)

... Applicant

(through Mr. Ajit Kumar Ekka and Mr. K. S. Chauhan, Advocate)

## Versus

1. Union of India,  
Through its Secretary,  
Ministry of Home Affairs,  
(Union Territories Section)  
North Block, New Delhi- 110001.
2. Central Vigilance Commission,  
Through its Commissioner/Secretary,  
Satarakta Bhawan, INA,  
New Delhi – 110023.
3. Govt. of NCT of Delhi,  
Through its Chief Secretary,

Govt. of NCT of Delhi,  
New Secretariat, IP Estate,  
New Delhi – 110002,

4. South Delhi Municipal Corporation,  
Thorough its Commissioner,  
Dr. S.P.M. Civic Centre (22<sup>nd</sup> Floor),  
JLN Marg, New Delhi – 110002.
5. Mr. Mangesh Kashyap, DANIPS,  
Chief Vigilance Officer,  
South Delhi Municipal Corporation,  
Dr. SPM Civic Centre (22<sup>nd</sup> Floor),  
JLN Marg, New Delhi – 110002 and Working as Dy.  
Commissioner of Police – II EOW,  
Through Commissioner of Police,  
Police Headquarters,  
New Delhi – 110002.

... Respondents

(through Mr. Gyanendra Singh and Mr. R. K. Jain,  
Advocate)

### **ORDER (Oral)**

#### **Justice L. Narasimha Reddy, Chairman:**

The applicant is an IPS officer of UP Cadre. The SDMC issued an advertisement inviting applications for appointment to the post of Chief Vigilance Officer (CVO). The applicant is one of the contenders. As a result of the selection process involving various authorities, the 5<sup>th</sup> respondent was selected and

appointed as CVO. The applicant filed this OA challenging the order dated 07.06.2016 through which the 5<sup>th</sup> respondent was appointed. The principal ground urged by the applicant is that the Selection Committee did not forward the panel consisting of three names.

2. The 1<sup>st</sup> respondent filed a detailed counter affidavit. It is stated that three names were forwarded to the concerned authority by the Selection Committee and on consideration of the relevant material, the 5<sup>th</sup> respondent was chosen by the appointing authority. It was also mentioned that the applicant has lobbied for the post by bringing extraneous pressure and in fact addressed a letter dated 11.05.2016. It is mentioned that efforts/lobbying for the post manifested his intention and since the post of CVO is very sensitive, necessary decision was taken, keeping in view, all the relevant aspects.

4. The applicant filed a rejoinder to the counter affidavit.

5. We heard Dr. K C Chauhan with Shri Ajit Kumar Ekka, learned counsel for the applicant and Shri Gyanendra Singh & Shri R. K. Jain, learned counsel for the respondents.

6. The challenge in this O.A., is to the appointment made to the post of CVO in SDMC, which took place way back in the year 2016. The applicant was one of the 15 candidates. The Selection Committee short listed the names. The applicant is under the impression that the panel of three names was not forwarded. In the counter affidavit, in para 4, the respondent stated as under:-

“4. That in accordance with the laid down criteria, South Delhi Municipal Corporation (SDMC) issued a Vacancy Circular dated 9.7.2015 for filling up the post of Chief Vigilance Officer in SDMC on deputation basis. In response SDMC received 15 applications for the post of Chief Vigilance Officer (CVO). After scrutiny of service records of the candidates, SMC found 02 candidates viz. (1) Sh. Mangesh Kashyap, DANIPS, (2) Sh. Bhajani Ram Meena, IPS (UP:1997) (Applicant) suitable for the post of CVO and forwarded their names to the Govt. of NCT of Delhi (GNCTD) for onward submission to the Respondent Ministry (MHA) for selecting one of the most suitable candidates. However, GNCTD has forwarded name Sh. H.P.S. Sran, DANICS and Sh. Bhajani Ram Meena, IPS (UP:1997). Finally, the respondent Ministry prepared eligible list of three officers viz. (1) Sh. Mangesh Kashyap, DANIPS, (2) H.P.S. Sran,

DANICS and (2) Sh. Bhajani Ram Meena, IPS (UP:1997)."

7. From this, it is evident that 3 names were forwarded and the appointing authority has chosen one of them. The law accords that much liberty to the appointing authority. Everybody, who is in the panel, cannot insist on being appointed. Added to that, the applicant is said to have done lobbying. If that is attempted in respect of a post of CVO, the nature of functioning, on being appointed, can easily be imagined.

8. We do not find any merit in the OA. At any rate, the deputation itself has come to an end and the incumbent is said to be continuing on extension. Nothing remains to be decided in this OA at this stage. It is accordingly dismissed. There shall be no order as to costs.

**(Mohd. Jamshed)**  
**Member (A)**

**(Justice L. Narasimha Reddy)**  
**Chairman**

/pj/sunil/vb/ankit/