



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

O.A. No. 1930/2019

M.A. No. 1264/2020

M.A. No. 4051/2019

With

O.A. No. 4312/2016

M.A. No. 1953/2020

This the 20thday of January, 2021

(Through Video Conferencing)

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

O.A. No. 4312/2016

Sh. Pawan,
S/o, Sh. Ramesh Kumar,
H.No.441, VPO, Auchandi, Delhi-39 – Applicant

(By Advocate: Mr.RaghavKapoor)

Versus

1. Govt. of GNCT Delhi
(Through Chief Secretary)
3rd level, Delhi Secretariat
I.P. Estate, Delhi – 110002.

2. Delhi Subordinate Service Board
(Through Chairman)
At F-18, Institutional Area, Karkadooma,
Delhi – 92.

...Respondents
(through Shri KM Singh)

O.A. No. 1930/2019

1. Vikas, Age-32 years
(Post-Asst. Superintendent) 'C'
(Roll No. 13000505)

S/o Krishan
 R/o B-257, Panna Bhatpara,
 Near Chaupal, Village-Karala, Delhi – 110081.



2. Shyam Singh Rathi, Age-30 years,
 (Post-Asst. Superintendent) 'C'
 (Roll No. 13000991)
 S/o Sh. Mahinder Singh
 R/o RZ-47, Gali No. 10,
 Vinova Enclave, Near CRPF Camp,
 Jharoda Kalan, New Delhi – 72.
3. Niraj Kumar, Age-26 years,
 (Post-Asst. Superintendent) 'C'
 (Roll No. 13004885)
 S/o Sh. Suresh Kumar
 R/o VPO-Jasaur Kheri,
 Tehsil – Bahadurgarh,
 District – Jhajjar (Haryana).
4. Manjeet, Age – 32 years,
 (Post-Asst. Superintendent) 'C'
 (Roll No. 13006463)
 S/o Sh. Jaipal
 R/o Sampla Road, Ward No. 9,
 Kharkhoda, Sonipat, Haryana.
5. Sandeep Dagar, Age-32 years,
 (Post-Asst. Superintendent) 'C'
 (Roll No. 13006347)
 S/o Sh. Diwan Singh
 R/o VPO – Dhansa,
 Dhadhia Chowk, New Delhi – 73.

...Applicants
 (through Shri Yashpal Rangi, Advocate)

Versus

Govt. of NCT of Delhi & Ors. Through:

1. Chief Secretary,
 Govt. of NCT of Delhi,
 New Secretariat, IP Estate,
 New Delhi.
2. Director General (Prisons),
 Prisons Headquarter,

Near Lajwanti Garden Chowk,
Janakpuri, New Delhi - 64.

3. Delhi Subordinate Service Selection Board,
Through its Chairman,
FC-18, Institutional Area,
Karkadooma, Delhi. ... Respondents
(through Shri Jagdish N. and Ms. Esha Mazumdar,
Advocates)

ORDER (Oral)

Justice L. Narasimha Reddy, Chairman:

O.A.4312/2016 :

The Delhi Subordinate Selection Services Board (DSSSB) issued an advertisement in the year 2013 inviting applications for selection of candidates for the post of Assistant Superintendent in Delhi Prisons under Post Code 38/13. The applicant was one of the candidates. He claimed the status of SC.A written test was conducted on 09.03.2014 and the results were declared on 27.08.2014. Selection was undertaken for 82 candidates and they were called for Physical Endurance Test. The applicant contends that though several posts remained vacant, he did not find place in the list of 82 candidates.

2. It is stated that the respondents have resumed the selection process in June, 2016 in respect of candidates who took the examination on 09.03.2014. The applicant is said to have received a letter dated 11.07.2016 on





16.07.2016, stating that he is also one of the candidates for conducting physical endurance test which is to take place on 12.07.2016. Since the applicant received the communication after the actual date of conducting the PET, he made several representations. Since there was no positive response from the respondents to his representations, he filed this OA with a prayer to direct the respondents to consider his case for appointment, if necessary, by conducting the PET.

3. The applicant contends that there was a serious lapse in sending the communication for the PET and since it reached after the actual event, he deserves to be subjected to the PET and appropriate steps need to be taken.

4. Respondents filed detailed counter affidavit. Various facts mentioned by the applicant are not disputed. However, it is stated that though written communication was sent on 11.07.2016, it was preceded by various press notes that the applicant ought to have been careful and vigilant about this.

5. This Tribunal passed an interim order dated 09.01.2017, taking note of the various facts mentioned in

the OA and directed that one post of Assistant Superintendent (Jails) under SC category be kept vacant.



6. We heard Shri YashpalRangi and Shri RaghavKapoor, counsel for the applicant and Shri Jagdish N., Ms.Esha Mazumdar and Shri K.M. Singh, counsel for the respondents, at some length.

7. The selection undertaken by the DSSSB in the year 2013, remained incomplete by the year 2014. As against the 82 vacancies, only 35 candidates were shortlisted, but many of them did not come up to selection. Several vacancies remained unfilled. Obviously with a view to speed up the process, they have fallen back upon the candidates who have already cleared the written test held on 09.03.2014. Adequate number of candidates were issued the intimation to take part in the PET and the applicant was one of them. The plea of the applicant that he received letter dated 11.07.2016 intimating that the test would be conducted on the next date i.e. 12.07.2016; only on 16.07.2016, remains unrebuted. Even otherwise, it is just unthinkable as to how the written intimation through post can be given for an event which is to take place on the next day. The mere fact that press notes were issued earlier, hardly makes any difference in this

behalf. No candidate can take part in a test on the basis of press note or general instructions. One post was already kept vacant on the basis of the interim order. No prejudice would be caused to anyone, if the applicant is subjected to PET even at this stage also.



8. We, therefore, allow the OA and direct the respondents to subject the applicant to the PET for the post of Assistant Superintendent (Prison) within four weeks from the date of receipt of a copy of this order. In case he is found fit, further steps shall be taken within four weeks thereafter. We make it clear that since the appointment would take place on the strength of this order, the applicant shall not be entitled to claim any seniority or other benefits from any date, anterior to the date of actual appointment.

There shall be no order as to costs.

OA 1930/2019 :

9. The applicants, herein, responded to an advertisement issued by the DSSSB in the year 2013 for the post of Assistant Superintendent (Jails). The written test was conducted on 09.03.2014. The list of 82 candidates were shortlisted against 35 posts. The names of the applicants did not figure therein. This OA is filed



stating that though several posts remained vacant, the respondents did not consider their case.

10. The respondents filed the reply narrating the entire events that have taken place in the selection process.

11. We heard Shri Raghav Kapoor, counsel for the applicant and Shri K.M. Singh, counsel for the respondents at some length.

12. During the pendency of the OA, the respondents resumed the selection process for the remaining posts and out of 5 applicants, 3 were selected and appointed. As regards the other two applicants, four vacancies are available which are earmarked for ex-servicemen. Since the applicants are not ex servicemen, they cannot claim the benefit. Therefore, we close the OA as infructuous in respect of these three applicants.

Pending MAs shall also stand disposed of.

There shall be no order as to costs.

(Mohd. Jamshed) (Justice L. Narasimha Reddy)
Member (A) Chairman