

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



**O.A. No. 3406/2017
O.A. No. 3298/2017**

**O.A. No. 2636/2018
M.A. No. 2448/2020**

With

O.A. No. 2235/2016

This the 16th day of February, 2021

(Through Video Conferencing)

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Ms. Aradhana Johri, Member (A)**

O.A. No. 3406/2017

1. Rohit Kumar
S/o Sh. Rohtas
R/o H. No. -200, Gali No -2.
Shalimar Village, Delhi - 110088
Aged about 24 years
2. Pawan
S/o Sh. Prem Sukh
R/o H. No. 128, Gali No 8,
Gautam Colony, Narela, Delhi — 110040
Aged about 23 years
3. Amit Kumar
S/o Sh. Pritam Singh
R/o 1429/28, Garhi Gashita — Gopal Nagar.
Madan School Wali Gali, Sonipat — 131001
Aged about 28 years
4. Vikram
S/o Sh. Karamvir
R/o Village Jhinjholi, PO Halalpur,
Tehsil Kharkhoda, Dist. Sonepat — 131103
Aged about 23 years
5. Pankaj Kaushik
S/o Sh. Yogesh Kaushik
R/o H. No. 41, Gali No. 6, Gautam Colony,



Narela, Delhi - 110040
Aged about 27 years

6. Sonu Rana
S/o Sh. Ramavtar Rana
R/o Village — Bajghera, Near Jat Chopal,
PO - Palam Vihar, Gurgaon, Haryana - 122017
Aged about 28 years

7. Ankit Jain
S/o Sh. Vipin Kumar Jain
R/o 698/C, Gali No – 16, Adarsh Mohalla,
Maujpur, Delhi- 110053
Aged about 27 years

8. Vinay
S/o Sh. Subhash Verma
R/o H. No. - 15/138, Kacha Bagh,
Jatwara Moholla, Bahadurgarh (Jhajjar)- 124507
Aged about 28 years

9. Manish Chhikara
S/o Sh. Satbir Singh
R/o VPO Khairpur, Tehsil — Bahadurgarh,
Jhajjar — 124507
Aged about 28 years

10. Bhawana
D/O Sh. Jagdish kumar
R/O H — 2/32, First Floor, Sector— 16.
Rohini, Delhi
Aged about 27 years

11. Amit Kumar
S/o Sh. Sanehi Lal
R/o 24/77, Trilok Puri, New Delhi - 110091
Aged about 29 years

12. Aakash
S/o Sh Prabhu Dayal
R/o 124, Double Storey, Janta Flats,
Madipur, New Delhi - 110063
Aged about 27 years

13. Lalit Kumar
S/o Sh. Tara Chand
R/o A — 37, Madipur Colony, New Delhi — 110063
Aged about 29 years



14. Narender Kumar
S/o Sh. Dhanpat
R/o A/55/A, DDA Flats, Shivaji Enclave,
Rajouri Garden, New Delhi — 110027
Aged about 35 years
15. Tarun
S/o Sh Ram Niwas
R/o B - 227, Gali No- 28, Chandan Vihar,
Nihal Vihar, Nangloi, New Delhi
Aged about 28 years
16. Anish Kumar
S/o Shi Azad Singh
R/o H. No. 982, Tigi Pur Road,
Bakhtawar Pur, Delhi -110036
Aged about 36 years
17. Akhilesh
S/o Sh. Ramdeen
R/o H. No — 5A, Block —A, Roshan Vihar,
Old Kakrola Road, Najafgarh, New Delhi — 110043
Aged about 26 years
18. Harsh Bharti
S/o Sh. Mahender Pal
R/o H. No- 179, Pocket- 3, Paschim Puri,
New Delhi - 110063
Aged about 29 years
19. Atul Kumar
S/o Sh. Om Prakash
R/o D - 8/321. Amar Colony,
East Gokal Pur, Delhi - 110094
Aged about 27 years
20. Shalendra Kumar
S/o Sh. Jai Bhagwan
R/o H No – 926, VPO, Bakhtawar Pur, Delhi — 110036
Aged about 31 years
21. Sumit Kumar
S/o Sh. Mahavir Sharma
R/o H. No. – 77, Pocket — 26, Sector —24,
Rohini, Delhi – 110085
Aged about 26 years
22. Umesh Kumar
S/o Sh. Babu Lal



R/o H.No. – 119, Block No. 36,
Trilok Puri, Delhi – 110091
Aged about 29 years (Group ‘C’)
(For the post Grade-IV-DASS)

...Applicants

(By Advocate : Sh. M.K. Bhardwaj)

VERSUS

1. Govt. of NCT of Delhi
Through its Chief Secretary,
A-Wing, 5th Floor,
Delhi Secretariat, I.P. Estate, New Delhi.
2. Delhi Subordinate Services Selection Board,
Through its Chairman,
FC-18, Karkardooma, Institutional Area,
Delhi – 92
3. The Secretary
Services Department-III,
(GNCT of Delhi),
7th Level, B-Wing, Delhi Secretariat,
I.P. Estate, New Delhi.

...Respondents

(By Advocate : Ms. Rashmi Chopra, Shri Amit Anand and
Shri Amit Yadav)

O.A. No. 3298/2017

1. Varun Kaushik, Recruitment, Group ‘C’,
Aged about 28 years,
S/o Sh. Hem Chander Kaushik,
R/o Village & Post Office Dhansa, New Delhi.
2. Vinay Kumar Goyal, Recruitment, Group ‘C’,
Aged about 26 years
S/o Sh. Mahesh Kumar Goyal,
R/o H. No. 322, Village & Post Office Dhansa,
New Delhi.
3. Rahul Dua, Recruitment, Group ‘C’,
Aged about 25 years,
S/o Sh. Praveen Kumar Dua,
R/o C4H/40, Pkt-9, DDA MIG Flats,
Janak Puri, New Delhi.



4. Kulbhushan Singh, Recruitment, Group 'C',
Aged about 33 years,
S/o Sh. Prem Singh,
R/o A-13, Gali No. 2, Kamal Vihar,
Karawal Nagar, Delhi
5. Neeraj, Recruitment, Group 'C',
Aged about 24 years,
S/o Sh. Bijender,
R/o H. No. 257, VPO Mungeshpur, Delhi
6. Naresh Kumar, Recruitment, Group 'C',
Aged about 25 years,
S/o Sh. Ma Chand,
R/o H. No. 102, Gali No. 3, Nehru Nagar, New Delhi.
7. Saurabh, Recruitment, Group 'C',
Aged about 29 years,
S/o Sh. Jai Prakash,
R/o C-315, Street No. 4, Mukund Vihar,
Karawal Nagar, Delhi-110094
8. Rajender Singh, Recruitment, Group 'C',
Aged about 31 years,
S/o Sh. Hari Singh,
R/o H. No. 217, Street No. 11, Block-E-1,
Near Bal Vikas Public School, Khajoori Khas,
North East Delhi – 110094
9. Arti Tripathi, Recruitment, Group 'C',
Aged about 31 years,
S/o Sh. Ram Prakash Tripathi,
R/o 196/7 CBN, St. No. 9, Than Singh Nagar,
New Delhi-110005
10. Dhanraj, Recruitment, Group 'C',
Aged about 26 years,
S/o Sh. Vijender Singh,
R/o 706, Bakhtawar Pur, Delhi-110036
11. Ravinder Sehrawat, Recruitment, Group 'C',
Aged about 24 years,
D/o Sh. Anand Prakash,
R/o H. No. 3, Pole No. 1, VPO Bakkarwala,
Delhi - 110041
12. Archana, Recruitment, Group 'C',



Aged about 29 years,
D/o Sh. Ram Avtar Goel,
R/o 112, Bakhtawar Pur, Delhi – 110036

13. Rakesh Singh Rawat, Recruitment, Group 'C',
Aged about 31 years,
S/o Sh. Mahabir Singh Rawat,
R/o D-821, Netaji Nagar, New Delhi.
14. Sachin, Recruitment, Group 'C',
Aged about 26 years,
S/o Sh. Rishi Dutt,
R/o H. No. 128, Gali No. 8,
Gautam Colony, Narela, Delhi.

...Applicants

(By Advocate : Shri M.K. Bhardwaj)

VERSUS

1. Govt. of NCT of Delhi
Through its Chief Secretary,
Delhi Secretariat, I.P. Estate, New Delhi.
2. The Secretary (Services),
Govt. of NCT of Delhi,
Delhi Secretariat, I.P. Estate, New Delhi.
3. Delhi Subordinate Services Selection Board,
Through its Chairman,
FC-18, Karkardooma, Institutional Area,
Delhi - 110092

...Respondents

(By Advocate : Shri Amit Yadav and Ms. Rashmi Chopra)

O.A. No. 2636/2018 & M.A. No. 2448/2020

1. Praveen Kumar, Recruitment, Group 'C',
Aged about 31 years,
S/o Sh. Jagbir Singh,
R/o 927/28, Dev Nagar, Gali No. 1, Sonepat,
Haryana,
2. Swati Kandwal, Recruitment, Group 'C',
Aged about 28 years,
D/o Sh. Harsh Prakash Kandwal,
R/o X-312, Raghubar Pura No. 1, Street No. 1,
Gandhi Nagar, Delhi – 110031



3. Deepak, Recruitment, Group 'C',
Aged about 27 years,
S/o Sh. Ram Kumar,
R/o H. No. 405/20, DC Road, Shanker Colony,
Sonipat, Haryana.
4. Sonu Kumar, Recruitment, Group 'C',
Aged about 31 years,
S/o Sh. Ramesh Kumar,
R/o Plot No. 08, Pocket – 7, Sector – 2, Rohini,
Delhi – 110085
5. Vinod Kumar, Recruitment, Group 'C',
Aged about 30 years,
S/o Sh. Om Prakash,
R/o D-436, Gali No. 4, Amar Colony,
East Gokal Pur, Delhi – 94
6. Ankit Bhardwaj, Recruitment, Group 'C',
Aged about 27 years,
S/o Sh. Rajpal Bhardwaj,
R/o A-540, Shastri Nagar, Near Gurudwara,
Delhi – 110052
7. Azad, Recruitment, Group 'C',
Aged about 29 years,
S/o Sh. Sharan Pal,
R/o D-28, East Jawahar Nagar, Loni Road,
Ghaziabad, U.P-201102
8. Ajit Kumar Singh, Recruitment, Group 'C',
Aged about 26 years,
S/o Sh. Jayram Singh,
R/o Village Sonra P.O Bairka,
P.S Atri, Distt. Gaya, Bihar
9. Sikander, Recruitment, Group 'C',
Aged about 32 years,
S/o Sh. Mahabir Singh,
R/o 646, Village Farmana, Tehsil Kharkhoda,
Distt. Sonepat, Haryana.

...Applicants

(By Advocate : Shri M.K. Bhardwaj)



VERSUS

1. Govt. of NCT of Delhi
Through its Chief Secretary,
Delhi Secretariat, I.P. Estate, New Delhi.
2. The Secretary (Services),
Govt. of NCT of Delhi,
Delhi Secretariat, I.P. Estate, New Delhi.
3. Delhi Subordinate Services Selection Board,
Through its Chairman,
FC-18, Karkardooma, Institutional Area,
Delhi - 110092

...Respondents

(By Advocates: Sh.Anuj Kumar Sharma & Sh.Ujjawal K.Jha)

O.A. No. 2235/2016

1. Sonu, aged about 28,
S/o Sh. Gyanender Singh,
R/o B-87, F-1, D.L.F., Dilshad Ext. II,
Sahibabad, Gaziabad-201005.
[Roll No. 20010495 – Marks : 147.0]
2. Saurabh, aged about 28,
s/o Sh. Jai Prakash,
R/o C-315/4, Mukund Vihar,
Karawal Nagar, Delhi – 110030.
[Roll No. 20016389- Marks : 146.75]
3. Atul Sharma, aged about 30,
s/o Sh. Nathuram Sharma,
r/o C-6/455, Yamuna Vihar,
Delhi – 110053
[Roll No. 20009164-Marks: 145.25]
4. Rohit Kumar Joshi, aged about 27,
s/o Sh. Bhagwat Prasad,
r/o 185/35 C, Krishna Gali No. 7, Maujpur,
Delhi – 110053
[Roll No. 20015368-Marks : 127.25]
5. Rakesh Singh Rawat, aged about 30,
s/o Sh. Mahabir Singh Rawat,
r/o D-821, Netaji Nagar, New Delhi – 110023.
[Roll No. 20017362-Marks : 147.5]



6. Jyotsna Mishra, aged about 25,
d/o Sh. Ved Prakash Mishra,
r/o H. No. 134, DDA Flat, South Enclave,
Dakshin Puri, New Delhi
[Roll No. 20013368-Marks : 136.0]
7. Chandrika Mathur, aged about 29,
d/o Sh. R.B. Mathur,
r/o GH-14/444, Pashchim Vihar, New Delhi.
[Roll No. 20016760 – Marks : 139.5]
8. Ritika Sharma, aged about 27,
D/o Sh. Narendra Sharma,
R/o Flat No. 4, Type 3, Jal Vihar Colony,
Lajpat Nagar I, New Delhi – 110024.
[Roll No. 20002119-Marks: 147.25]

...Applicants

(By Advocate : Shri M.K. Bhardwaj)

VERSUS

1. The Chairman,
Delhi Subordinate Services Selection Board,
FC-18, Institutional Area, Karkardooma,
[Near Railway Reservation Center],
New Delhi – 110092
2. The Secretary,
Delhi Subordinate Services Selection Board,
FC-18, Institutional Area, Karkardooma,
[Near Railway Reservation Center],
New Delhi – 110092
3. The Controller of Examination,
Delhi Subordinate Services Selection Board,
FC-18, Institutional Area, Karkardooma,
[Near Railway Reservation Center],
New Delhi – 110092
4. Govt. of National Capital Territory of Delhi,
Services Department,
Delhi Secretariat Complex,
7th Level, B- Wing & 5th Level, A-Wing,
I.P. Estate, New Delhi - 11002

...Respondents

(By Advocates: Ms. Sangita Rai)

ORDER (Oral)**Justice L. Narasimha Reddy, Chairman:**

By this common order, we dispose of four OAs (OA No.3406/2017, OA No. 3298/2017, OA No.2636/2018 & OA No.2235/2016), as common question of facts and law are involved.

2. The Delhi Subordinate Services Selection Board (in short, DSSSB) issued an advertisement in the month of May, 2012, inviting applications for selection to the post of Lower Division Clerk (LDC) in the Delhi Jal Board (DJB)(52) and Govt. of NCT of Delhi (NCTD)(1659) under the Post Codes 48/12 and 68/12, respectively. The applicants in these OAs responded to the advertisement.

3. A written test for the selection was held on 16.11.2014 and the result thereof was declared on 20.03.2015. The skill test for the selection of the candidates was conducted between 16.05.2015 to 24.05.2015. The result of the skill test was published on 14.12.2015 and the documents verification was undertaken on 29.12.2015. Thereafter, the final list of the selected candidates was published on 11.05.2016.

4. The applicants contend that the user department addressed a letter dated 07.06.2017, stating that 173



selected candidates did not join and made a request to the DSSSB for sending equal number of dossiers of the candidates of the respective categories and that the DSSSB did not comply with the same.

5. In this background, they filed these OAs with a prayer to direct the respondents to declare the action of the DSSSB, in not sending the dossiers of candidates to the user department, as illegal and arbitrary, and to direct the respondents to take necessary steps to issue orders of appointment against the unfilled vacancies. According to the applicants, there are 474 unfilled vacancies.

6. The Respondents filed the counter affidavits in respective cases. It is stated that the final results were declared on 11.05.2016 and though a reserved list was prepared for 10% of vacancies, it lapsed on expiry of one year. It is further mentioned that any requisition received after the lapse of reserved panel, cannot be acted upon. In some cases, joint affidavit filed by the user department as well as the DSSSB stating that the unfilled vacancies are available to be filled at this stage.

7. We heard Shri M.K. Bhardwaj, counsel for the applicants and Ms. Esha Mazumdar, Shri Ujjwal Kumar Jha, Shri Amit Yadav and Ms. Sangita Rai, counsel for the respondents.



8. The selection process for the post of LDC in DJB and GNCTD commenced with the issuance of advertisement in the year 2012. The examination was conducted between 16.05.2015 and 24.05.2015, and the ultimate selection emerged by 11.05.2016. The applicants did not figured in the list of selected candidates. They do not even mention that their names figure in the reserve list, maintained by the DSSSB. The applicants could have got a right of being considered, if only;

- (a) their names figures in the reserved lists; and
- (b) the user department notified the resultant vacancies before the lapse of the reserved list.

In none of these four OAs, the particulars in this behalf are furnished. Assuming that the names of some or all the applicants figured in the reserve lists, the fact remains that the request from the user department emanated only on 07.06.2017, i.e., beyond one year from the date on which the results were declared.

9. Added to that, the pleadings in these OAs disclose that the DSSSB could not take further steps on the basis of the situation obtaining on 07.06.2017 on account of the fact that there were already excess appointments in various categories and no vacancies existed. The Tribunal cannot disbelieve the statement made by the responsible



organisation on oath. The process which commenced about 11 years ago cannot be continued particularly when the selections are made or required to take place year after year.

10. We do not find any merit in the OAs and accordingly dismiss the same. There shall be no order as to costs.

All ancillary applications shall stand disposed of.

(Aradhana Johri)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/pj/rk/akshaya/sd