

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**



**OA No-795/2020
MA No-1015/2020
MA No-1016/2020**

New Delhi, this the 20th day of March, 2020

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

1. Vishvendra Singh, aged about 28 years
S/o Sh. Ram Khiladi
R/o House No. 1276, Sector-5, R.K. Puram
New Delhi-110066, Presently working as Sepoy
Zonal Unit, Delhi, NCB, Govt. of India
West Block No. 1, Wing-V, R.K. Puram
New Delhi-110066.
2. Babulal Meena, aged about 35 years
S/o Sh. Nawarang Lal Meena
R/o D-212, Munirka Village, New Delhi-110067
Presently working as Sepoy
Zonal Unit, Delhi, NCB, Govt. of India
West Block No. 1, Wing-V, R.K. Puram
New Delhi-110066.
3. Yogesh Kumar Sharma, aged about 29 years
S/o Sh. Jagannath Prasad Sharma
R/o H. No. 1276, Sector-5, R.K. Puram
New Delhi-110066, Presently working as Sepoy
Zonal Unit, Delhi, NCB, Govt. of India
West Block No. 1, Wing-V, R.K. Puram
New Delhi-110066.
4. Sanjeev Kumar, aged about 29 years
S/o Sh. Charan Singh
R/o House No. 116, Gali No. 7/8
Shakti Vihar, Badarpur, New Delhi-110044
Presently working as Sepoy
Zonal Unit, Delhi, NCB, Govt. of India
West Block No. 1, Wing-V, R.K. Puram
New Delhi-110066.



5. Balraj, aged about 27 years
S/o Sh. Rajbir
R/o VPO, MP Majra the Beri
Jhajjar, Haryana-124133, Presently working as Sepoy
Headquarter, NCB, Govt. of India
West Block No. 1, Wing-V, R.K. Puram
New Delhi-110066.
6. Sandeep Kumar, aged about 30 years
S/o Sh. Bru Lal
R/o House No. 1335, Sector-5, R.K. Puram
New Delhi-110066, Presently working as Sepoy
Zonal Unit, Delhi, NCB, Govt. of India
West Block No. 1, Wing-V, R.K. Puram
New Delhi-110066.
7. Sumit Kumar, aged about 31 years
S/o Sh. Om Prakash
R/o VPO Nangal Kalan, Sonipat
Haryana – 131023, Presently working as Sepoy
Zonal Unit, Delhi, NCB, Govt. of India
West Block No. 1, Wing-V, R.K. Puram
New Delhi-110066.
8. Bhupender Kumar, aged about 29 years
S/o Sh. Nem Singh
R/o Village: Ali Nagar Kenjar
Post: Raja Ka Taal, District: Firozabad
Uttar Pradesh-283203, Presently working as Sepoy
Zonal Unit, Delhi, NCB, Govt. of India
West Block No. 1, Wing-V, R.K. Puram
New Delhi-110066.
9. Akash Kumar, aged about 27 years
S/o Sh. Raghuraj Singh
R/o House No. 15/3, Block-D
Bagu Sidharth Vihar, Vijay Nagar Bypass
Ghaziabad, UP-201009, Presently working as Sepoy
Zonal Unit, Delhi, NCB, Govt. of India
West Block No. 1, Wing-V, R.K. Puram
New Delhi-110066.

...Applicants

(through Sh. S.K. Das)

Versus



1. Union of India through
The Secretary, Ministry of Home Affairs
North Block, New Delhi-110001.
2. The Director General
Narcotics Control Bureau
Govt. of India, West Block No. 1
Wing-V, R.K. Puram, New Delhi-110066.
3. The Zonal Director
Narcotics Control Bureau, Zonal Unit NCB Delhi
West Block No. 1, Wing-V, R.K. Puram
New Delhi-110066. ...Respondents

(through Sh. Hanu Bhaskar)

ORDER(ORAL)

Mr. Justice L. Narasimha Reddy

The applicants are working as Constables in the Delhi Zone of Narcotics Control Bureau (NCB). An advertisement was issued on 20.01.2020 by the NCB- 2nd Respondent herein, proposing to conduct the Limited Departmental Competitive Examination (LDCE) in Level 6 for promotion to the post of Junior Intelligence Officer (JIO). The members of the regular service in NCB with eleven years of service in the Grade in Level 1, i.e. Sepoy, or Havaladar with six years regular service rendered in Level 4, are made eligible to apply. The applicants do not fit into those parameters. They filed this OA challenging the action of the respondents in stipulating such conditions. They contend that there is a post of Intelligence Officer (IO) in the second



respondent organization and for LDCE, the Sepoy/Havaldar with five years of service, subject to their holding Bachelor's Degree, are made eligible whereas for an inferior post of JIO, the requirement is eleven years.

2. We heard Sh. S.K. Das, learned counsel for the applicants and Sh. Hanu Bhaskar, learned counsel for the respondents, at the stage of admission.

3. The post of JIO is created in the recent past. Since there are no recruitment rules for it, the Ministry of Home Affairs-respondent no. 1 herein, accorded one time permission for filing up of the posts through its order dated 10.10.2018. The notification shows that there exist 195 vacancies and out of them, 85% are to be filled by deputation and remaining 15% through LDCE. The eligibility criteria for LDCE are stipulated as under:

“Limited Departmental Competitive Examination (LDCE):

(As per scheme of exam devised by the Department)

The departmental Sepoy (Level-1), Havaldar (Level-1) and Surveillance Assistant (Level-4) of NCB (Relaxable for the Scheduled Caste and Schedule Tribe candidates as per Rles) with the following qualifications:

- i) Bachelor's degree from a recognized University
- ii) 11 Years regular service rendered in the grade in Level 1 (for Sepoy or Havaldar)

- iii) 6 years regular service rendered in the grade in Level 4 (for Surveillance Assistant)”



4. It is on the basis of this notification, that the qualifications are stipulated in the advertisement. It is always for the concerned Ministry or Department or any other employer, to prescribe the qualifications for any post or to decide whether the process is through direct recruitment or LDCE or promotion. It is only when the qualifications so stipulated are shown to be in contravention of any statutory provision, that the Court or Tribunal can interfere. The applicants do not have any vested right to insist on appearing in the LDCE examination. It is one of the methods, chosen by the respondents for filling certain percentage of posts. The effect would be that experienced personnel would be in a position to take part in the examination and the department would have the corresponding benefit.

5. We do not find any merit in the OA and accordingly, the same is dismissed. There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/ns/