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**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI**

OA No. 2026/90

Date of decision: 14.07.1993.

Shri Mahender Swarup & Another

...Petitioners

Versus

Union of India through Delhi
Administration and Others

...Respondents

Coram:

**The Hon'ble Mr. I.K. Rasgotra, Member (A)
The Hon'ble Mr. C.J. Roy, Member (J)**

For the petitioners

Shri G.D. Gupta, Counsel.

For the respondents

Mrs. Avnish Ahlawat, Counsel.

Judgement(Oral)
(Hon'ble Mr. I.K. Rasgotra)

The petitioners Shri Mahender Swarup and Shri Rajan Bhagat, Inspectors in the Delhi Police have filed this Original Application under Section 19 of the Administrative Tribunals Act, 1985 praying that the impugned letters dated 4.9.1990 and 13.9.1990, nominating the Selection Board to adjudge the suitability of the applicants for the posts of Assistant Commissioner of Police (ACP) (Programmer) be quashed. It is further prayed that the applicants be declared as entitled to join the posts of A.C.P. (Programmer) on the basis of the appointment letters earlier issued with retrospective effect from 12.4.1990 with consequential benefits.

2. The case of the petitioners in brief is that they have been associated with the computerisation in the Delhi Police for a long period. In recognition of their association and special training imparted to them for programming, they were approved for appointment on ad hoc basis for a period of six months till such time the posts are filled up on regular basis,

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whichever is earlier. These orders, however, were not implemented and they were directed to appear before a Selection Board for determining their suitability. The petitioners, did not appear before the suitability test although three opportunities were provided to them. In the meantime, they are continuing to work at the Computer Centre, Crime Records Office by virtue of the interim order dated 4.10.1990 given by the Tribunal in their favour. Our attention was drawn to the recruitment rules, according to which only Inspectors EDP are in the feeder category for promotion as ACP (Programmer). There is, however, a proposal to amend the recruitment which would bring the petitioners also within the ambit of the feeder category of regular promotion. These facts are not in dispute.

3. The stand of the respondents is that admittedly the petitioners were approved for appointment on ad hoc basis for a period of six months as ACP (Programmer). The Commissioner of Police, however, considered it desirable to have their suitability determined by an Expert Board before they are appointed in the said posts. They were given three opportunities but they did not appear.

4. We have heard the learned counsel for both the parties and gone through the matter carefully. We find that the draft recruitment rules have still not been approved. As such the recruitment rules of 1980 continue to hold the field. In the meantime, the petitioners by virtue of their training and


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practical experience have continued to work in the Computer Cell as Inspectors. We understand that the posts against which the petitioners were proposed to be appointed as ACPs (Programmer) are lying vacant. Having regard to the peculiar facts and circumstances of the case, we are of the opinion that it is for the Commissioner of Police to determine, if it is desirable or necessary, to hold a suitability test for giving ad hoc appointment to the petitioners or not. We, therefore, direct that the Commissioner of Police shall look into the matter afresh and take a decision in this behalf for making ad hoc appointment to fill up the posts of ACP (Programmer). This shall be done within a period of three months from the date of communication of this order. No costs.

5. A copy of this order be furnished on emergency basis to the learned counsel for both the parties.


(C.J. ROY)
MEMBER(J)


(I.K. RASGOTRA)
MEMBER(A)

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