

6

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

OA No. 1558/2004

New Delhi this the 30<sup>th</sup> day of September, 2004

Hon'ble Mr. Justice V.S. Aggarwal, Chairman  
Hon'ble Mr. S.A. Singh, Member (A)

Vipin Kumar  
Head Constable (Communication) in Delhi Police  
(Roll No.1210373)  
PIS No.27950001  
R/o B-64, Police Colony, Sector-12,  
R.K.Puram, New Delhi.  
(By Advocate Shri Anil Singal)

..Applicant

VERSUS

1. Union of India,  
Through its Secretary,  
Ministry of Home Affairs,  
North Block, New Delhi.

5. Staff Selection Commission  
Through its Chairman,  
C.G.O. Complex, Lodhi Road,  
New Delhi -110003.

2. Lt. Governor of Delhi  
Raj Niwas, Delhi.

3. Govt. of NCT of Delhi  
through its Chief Secretary  
Delhi Secretariat,  
IP Estate, New Delhi.

4. The Commissioner of Police  
Police Head Quarters  
I.P.Estate, New Delhi.

... Respondents

(By Advocate Shri Ajesh Luthra for respondent nos 2 to 4)

Shri S.M.Arif, counsel for respondent no.5 & None for respondent No.1)

O R D E R (ORAL)

Mr. Justice V.S. Aggarwal, Chairman

The applicant Vipin Kumar by virtue of the present application seeks a direction to treat him as OBC for recruitment to the post of SI(Ex.) Delhi Police through Combind Graduate Level Examination-2003 .

2. Some of the relevant facts would precipitate the question in controversy. He had applied for the post of Sub-Inspector in Delhi Police, in response to an advertisement for Combind Graduate Level (Preliminary) Examination, 2003. The applicant applied as OBC candidate. The contention of the applicant is that after qualifying both the preliminary and the main examination as an OBC category candidate, he has been informed that he was not being considered as OBC category

*ls Ag*

X

because he belongs to Jat Community, which is considered as OBC in the Delhi List of OBCs but he is not covered under the Central List of OBCs.

3. Needless to state that in the reply filed, the application has been contested..

4. It is unnecessary for this Tribunal to dwell into the merits of the case, the reason being that one Rakesh Rana had filed OA 1414/2004, which was decided on 22.9.2004. The same controversy had been raised in the present case. The said application was disposed of with the following directions:

“14. Resultantly, we allowe the present applications and direct


a) the applicant should be treated as OBC candidates for recruitment to the post of Sub-Inspector (Executive) and  
b) the claim of the applicants should be considered on its merits and thereafter necessary benefits should be accorded to them, if any.”

5. Once if the controversy is the same and the reason given therein as in the case of Rakesh Rana (OA 1414/2004 ), this application can also be disposed of on the same lines.


6. Resultantly, we allow the present application and direct:

a) the applicant should be treated as OBC candidates for recruitment to the post of Sub-Inspector (Executive) and

b) the claim of the applicant should be considered on its merits and thereafter necessary benefits should be accorded to them, if any.

  
( S.A. Singh )  
Member (A)

/kdr/

  
V.S. Aggarwal )  
Chairman