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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

Regn.No. OA 1749/1992

Date of decision: 18.09.1992

Shri Ram Niwas & Others

...Applicants

Vs.

The Chairman, Staff Selection Commission
and Others

...Respondents

For the Applicants

..Mrs. Avnish Ahlawat,
Counsel

For the Respondents

..S/Shri N.S. Mehta,
Sr. Counsel, G.D.
Gupta, A.K. Sikri,
Pawan Bahl, Gyan
Prakash & Mahabir
Singh, Counsel

CORAM:

The Hon'ble Mr.P.K. Kartha, Vice Chairman(J)

The Hon'ble Mr.B.N. Dhoundiyal, Administrative Member

1. Whether Reporters of local papers may be allowed to see the Judgment? *Yes*
2. To be referred to the Reporters or not? *Yes*

JUDGMENT

(of the Bench delivered by Hon'ble
Shri P.K. Kartha, Vice Chairman(J))

The three applicants before us who are working as Constables in the Delhi Police have challenged the selection by the Staff Selection Commission (SSC) of Respondent Nos.3 to 10 who are also working in the Delhi Police, on a variety of grounds. We have gone through the records of the case carefully and have heard the learned counsel for both parties. We feel that the application could be disposed of at the admission stage itself and we proceed to do so.

2. Recruitment to the post of Sub Inspector (Executive) in the Delhi Police is on the basis of the Examination conducted by the S.S.C. Initially, the Delhi Police had
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requested the S.S.C. to conduct the Examination for filling up 40 vacancies but subsequently on 10.12.1991 they wrote to the S.S.C. stating that the vacancies have been increased to 120. Out of these, 72 were unreserved, 16 were for Scheduled Castes, 8 for Scheduled Tribes, 12 for Ex-servicemen and 12 for Departmental candidates (out of which 2 were for SC and 1 for ST).

3. The applicants and Respondent Nos. 3 to 10 belong to the Delhi Police and all of them applied to the S.S.C. as departmental candidates for appearing in the Examination held on 4.8.1991. Appointment to the post of Sub Inspector in Delhi Police is made 50% by Direct Recruitment and 50% by Promotion. 10% of the vacancies notified are reserved for departmental candidates.

4. The S.S.C. have stated in their counter-affidavit that the applicants who wish to compete against the vacancies for departmental candidates are asked to indicate the same in the application form in the column earmarked for this purpose. The scheme of the examination, however, is common for all, irrespective of the fact they are departmental or otherwise. Hence every candidate takes the common examination and also is assessed by common standard. As a matter of internal procedure in the S.S.C., in order to facilitate verification of eligibility conditions the applications of such candidates who claimed departmental status are segregated and assigned a separate block of Roll Numbers. Such candidates ~~are, however,~~ ^Q ~~as mentioned in the preceding para~~ ^Q have to undergo the same scheme of examination as other candidates from open market. Due to mistake on the part of staff who were handling the applications of respondent Nos. 3 to 10 who had claimed departmental status, ^{they} ~~were~~ assigned roll numbers meant for open market candidates. After the processing of written examination which is common for all the categories of candidates, it was noticed during scrutiny of applications of qualified candidates in written examination that the respondents

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belonged to the departmental category and hence ought to be considered as a separate category in their own group and accordingly for further processing they were correctly treated as departmental candidates. The Respondent Nos. 3 to 10 are some of those successful candidates who made to the final select list after the Physical Endurance Test and Personality Test against the vacancies reserved for departmental candidates.

5. Although the respondent Nos. 7 and 10 claimed departmental status but on final scrutiny, it has been found that they did not belong to Departmental category and their result has accordingly been revised under their revised categories. During the hearing of the case, we have been informed by the learned counsel for the S.S.C. that the result of Respondent Nos. 7 and 10 has been cancelled on the ground that they do not belong to the Departmental category eligible to appear in the examination as Departmental candidates.

6. The applicants have stated that in the written test, they were declared successful as Departmental candidates but in the final result notified on 29.05.1992, their names did not figure.

7. The applicants have contended that Respondent Nos. 3 to 10 had applied directly to the S.S.C. and as such they appeared along with other general candidates. They were not allotted the Departmental Roll Numbers with Code 12 and they were shown as successful candidates in the general category list but in the final result notified after holding the interview, their names appeared as successful candidates in the Departmental category. After careful consideration of the records, we are satisfied that Respondent Nos. 1 to 6, 8 and 9 were Departmental candidates and were eligible to appear in the Examination as Departmental candidates and though they had applied directly to the S.S.C., their applications had also been duly forwarded

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to the S.S.C. by the Delhi Police separately and they had produced 'No Objection Certificates' before or at the time of Interview. The S.S.C. had initially made a mistake of treating them as belonging to the general category and allotting to them Roll Numbers of the general category. The mistake came to be detected by the time interviews were held. We see no reason to disbelieve the version of the S.S.C. or doubt their bona fides in this regard.

8. The applicants have alleged that there were serious irregularities and fraud in the conduct of the written examination, vitiating the entire process of selection. They have alleged that in the case of Respondent Nos. 3 to 10, "papers were attempted by some impostor though the signatures on the paper are of the individual officers. The handwriting is not of Respondent Nos. 3 to 10".

9. The S.S.C. have stated in their counter-affidavit that they have initiated enquiry into the aforesaid allegations and that the same is in progress.

10. It is not known as to when the S.S.C. would complete enquiry into the aforesaid allegations. In our opinion, it would not be fair and just to deny appointment to the successful candidates on the basis of mere allegations and till the enquiry is completed.

11. We, therefore, direct the S.S.C. to complete the enquiry expeditiously and before 31.12.1992 as the outerlimit. In the meanwhile, the Respondent No.2 (the Delhi Police) will be at liberty to appoint the successful

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candidates, on a provisional basis and subject to the outcome of the enquiry. The interim order passed on 09.07.1992 and ~~*****~~ continued thereafter, is hereby vacated.

12. The application is disposed of on the above lines. There will no order as to costs.

B. N. Dhoundiyal
(B.N. DHOUNDIYAL)
ADMINISTRATIVE MEMBER
18.09.1992

P. K. Kartha
(P.K. KARTHA)
VICE CHAIRMAN(J-1)
18.09.1992

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