

12

CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH

Original Application No. 1194 of 1993

New Delhi, this the 15th day of March, 1999

HON'BLE MR. JUSTICE V. RAJAGOPALA REDDY, VICE CHAIRMAN (J)
HON'BLE SHRI N. SAHU, MEMBER (A)

Inder Singh Bisht, S/o Shri Rattan Singh
Bisht, Resident of WB-106, Shakarpur,
Delhi-110092

-APPLICANT

(By Advocate: None)

Versus

Delhi Administration through

1. The Chief Secretary, Delhi
Administration, 5, Shyam Nath Marg,
Delhi.
2. The Transport Commissioner, Delhi
Administration, 5/9, Under Hill Road,
Delhi.

-RESPONDENTS

(By Advocate: Shri B.S. Gupta through
proxy counsel Shri S.K. Gupta)

O R D E R (ORAL)

By Reddy, J. -

None appeared for the applicant and the proxy
counsel for the respondents Shri S.K. Gupta stated that he
has not received any instructions from the party.

2. After perusing the record we have dictated the
judgement and thus disposed of the case by dismissing the
O.A.

3. After we have dictated the judgement, Shri
V.S.R. Krishna counsel for the applicant who was absent
when the case was taken up, appeared later before the
court and requested for a hearing. Since judgement was
not signed, we permitted him to argue the matter.
Learned proxy counsel for the respondents strenuously
contends that it is not open to this court to allow the

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counsel for the applicant to make further submissions as the judgement has already been dictated and the case has been disposed of. He has also contended that unless application was made by way of review, this court should not permit the counsel for the applicant to make further submissions. We do not agree. Since we have not signed the order, it is open to this court, if we feel it appropriate, to hear the applicant on merits. Since the case was heard in the absence of the counsel for the applicant and immediately after judgement was delivered learned counsel for the applicant appeared before the court and requested to make short submissions we allowed him to do so. The objection raised by the learned counsel for the respondents is not tenable and is therefore rejected.


4. We have heard the counsel for the applicant. It is contended by learned counsel for the applicant that the recruitment rules of 1989 are made without any application of mind and they are arbitrary and violative of Articles 14 & 16 of the Constitution. It was elaborated by contending that the method of promotion of ASI to the post of SI in the Directorate of Transport Delhi, inasmuch as the rules permit, stipulates experience of five years as A.S.I. of Enforcement Branch of the Directorate of Transport, whereas for transfer on deputation the only stipulation is that one should hold the post of A.S.I. in Delhi Police/CRPF/RPF and have educational and other qualifications. No minimum requirement of experience is stipulated. Thus, an ASI of Delhi Police/RPF with even a single day's experience becomes eligible for consideration to the post of S.I.,

V.A.

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in the Directorate of Transport whereas the departmental candidates should have five years experience. Learned counsel for the respondents however submits that the deputation is sought to be made for persons holding the minimum educational qualifications prescribed for direct recruits from Delhi Police/CRPF/RPF. The persons working in Delhi Police/CRPF/RPF belong to a higher stream of discipline and work experience.

5. The recruitment rules stipulate filling up of the posts 33-1/3% by promotion failing which by transfer on deputation failing both by direct recruitment and 66-2/3% by transfer on deputation failing which by direct recruitment. Therefore in the absence of any candidate for promotion for the 33-1/3% post only then the question of deputation would arise. It is true that no experience is prescribed for the persons deputed in the Delhi Police/CRPF/RPF but it should be noted that this promotion is only for temporary period and thereafter they are liable to be reverted back to the parent department. In the circumstances we do not think that the rule is arbitrary in any way. His contention therefore fails and the O.A. is dismissed.


(N. SAHU)
MEMBER(A)


(V. RAJAGOPALA REDDY)
VICE CHAIRMAN(J)