

Item Nos.18, 19 and 20



Central Administrative Tribunal Principal Bench, New Delhi

**O.A. No.3292/2015
with
O.A. No.3293/2015
O.A. No.3390/2015**

Today, this the 7th day of July, 2021

(Through Video Conferencing)

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Ms. Aradhana Johri, Member (A)**

OA No. 3292/2015

Amit Rawal
Jr. Engineer on Contract basis (Delhi Jal Board)
S/o Shri Amar Singh Rawal
R/o A-1/55, Street No.4, Near Shiv Mandir
100 Ft. Road, Shahdara, Delhi-110094.

.. Applicant

(By Advocate: Mr. M.K. Bhardwaj)

VERSUS

1. Deputy Secretary, CC-II
Delhi Subordinate Services Selection Board (DSSSB)
Govt. of NCT of Delhi
FC-18, Institutional Area, Karkardooma
Delhi-110092.
2. Chairman
Delhi Subordinate Services Selection Board (DSSSB)
Govt. of NCT of Delhi
FC-18, Institutional Area, Karkardooma
Delhi-110092.
3. CEO, Delhi Jal Board (DJB)
Varunalaya Building Ph-II
Karol Bagh, New Delhi-110005.

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4. Anirudh Dube, JE (E&M)
S/o A.P. Dube
Employee No. 20018906
Delhi Jal Board (DJB)
Varunalaya Building Ph-II
Karol Bagh, New Delhi-110005.
5. Saurabh Kumar Patel, JE (E&M)
S/o Bittan Singh
Employee No. 20018908
Delhi Jal Board (DJB)
Varunalaya Building Ph-II
Karol Bagh, New Delhi-110005.
6. Rajmani Singh, JE (E&M)
S/o Harendra Pratap Singh
Employee No. 20018923
Delhi Jal Board (DJB)
Varunalaya Building Ph-II
Karol Bagh, New Delhi-110005.
7. Ved Prakash Pandey, JE (E&M)
S/o Ram Dev Pandey
Employee No. 20018907
Delhi Jal Board (DJB)
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8. Rohit Kumar, JE (E&M)
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9. Ashish Kumar Gupta, JE (E&M)
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10. Piyush Gupta, JE (E&M)
S/o Manmohan Gupta
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11. Amit Kumar, JE (E&M)
S/o Satya Pal Singh
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12. Manish Seth, JE (E&M)
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13. Pradeep Poswal, JE (E&M)
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14. Ashish Tomar, JE (E&M)
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15. Amit Kumar Tripathi, JE (E&M)
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16. Irshad Alam, JE (E&M)
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17. Nadeem Ahmed, JE (E&M)

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S/o Jalees Ur Rehman
Employee No. 20008737
Delhi Jal Board (DJB)
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18. Nitesh Mulhall, JE (E&M)
S/o Krishan Chand Mulhall
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19. Nikhil Kumar, JE (E&M)
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Employee No. 20018902
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Karol Bagh, New Delhi-110005.

20. Anil Kumar Sharma, JE (E&M)
S/o Shashi Mohan Sharma
Employee No. 20009640
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21. Sunny Prasad, JE (E&M)
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22. Raghubir Singh Bisht, JE (E&M)
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S/o Rajender Kumar Saini
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30. Namonarayan Meena, JE (E&M)

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S/o Lodhe Ram Meena
Employee No. 20019130
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32. Nitin Kumar, JE (E&M)
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S/o Om Prakash Kaim
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39. Kuldeep Singh, JE (E&M)
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Employee No. 20007616
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40. Amit Kumar, JE (E&M)
S/o Goverdhan Dass Verma
Employee No. 20019422
Delhi Jal Board (DJB)
Varunalaya Building Ph-II
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.. Respondents

(By Advocates: Mr. Amit Yadav for Mr. Ankur Chhibber for R-1 & 2,
Ms. Sakshi Popli for R-3 and Mr. Padma Kumar S. for
private respondents No. 4 to 40)

OA No. 3293/2015

Puneet Kumar Gupta
Aged about 32 years
S/o Shri Anil Kumar
R/o 1/4257 E-2, Ram Nagar Extn.
Shahdara, Delhi-110032.

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.. Respondents

(By Advocates: Ms. Neetu Mishra for Mr. K.M. Singh for R-1 & 2,
Ms. Sakshi Popli for R-3 and Mr. Padma Kumar S. for
private respondents No. 4 to 40)

OA No. 3390/2015

1. Lokit Prakash
Aged about 28 years
S/o Shri Ved Prakash
R/o D-5/45, Street No.5, Dayalpur
Karawal Nagar Road, Delhi-110094.
2. Jitesh Bendersh
Aged about 31 years
S/o Shri Sispal Bendersh
R/o H.No.6/3, VPO Bawana
Delhi-110039, Haryana.
3. Kaptan Singh
Aged about 30 years
S/o Shri Rajpal
R/o P-4/433, Sultanpuri
New Delhi-110086.

.. Applicants

(By Advocate: Mr. M.K. Bhardwaj)

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34. Yogesh Kumar, JE (E&M)
S/o Babu Ram
Employee No. 20019119
Delhi Jal Board (DJB)
Varunalaya Building Ph-II
Karol Bagh, New Delhi-110005.
35. Mohit Kumar, JE (E&M)
S/o R.P. Singh
Employee No. 20018912
Delhi Jal Board (DJB)

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Varunalaya Building Ph-II
Karol Bagh, New Delhi-110005.

36. Rohan Kumar Arvind, JE (E&M)
S/o Narender Kumar
Employee No. 20018926
Delhi Jal Board (DJB)
Varunalaya Building Ph-II
Karol Bagh, New Delhi-110005.

37. Manish Kaim, JE (E&M)
S/o Om Prakash Kaim
Employee No. 20018933
Delhi Jal Board (DJB)
Varunalaya Building Ph-II
Karol Bagh, New Delhi-110005.

38. Siddharth Handa, JE (E&M)
S/o Surender Mohan
Employee No. 20019129
Delhi Jal Board (DJB)
Varunalaya Building Ph-II
Karol Bagh, New Delhi-110005.

39. Kuldeep Singh, JE (E&M)
S/o Balbir Singh
Employee No. 20007616
Delhi Jal Board (DJB)
Varunalaya Building Ph-II
Karol Bagh, New Delhi-110005.

40. Amit Kumar, JE (E&M)
S/o Goverdhan Dass Verma
Employee No. 20019422
Delhi Jal Board (DJB)
Varunalaya Building Ph-II
Karol Bagh, New Delhi-110005.

.. Respondents

(By Advocates: Mr. Swetank Shantanu with Mr. Ankit Kumar for R-1
& 2, Ms. Sakshi Popli for R-3 and Mr. Padma Kumar S.
for private respondents No. 4 to 40)

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ORDER (ORAL)**Justice L. Narasimha Reddy:**

In these three OAs, selection/appointments to the post of Junior Engineers (JEs) in the Delhi Jal Board (DJB), pursuant to an advertisement issued on 15.05.2012 by the Delhi Subordinate Services Selection Board (the Board) are in challenge. Hence, they are being disposed of through a common order.

2. The Board issued an advertisement on 15.05.2012 inviting applications for various posts, including the post of JE, in DJB. The applicants in the OAs responded to the same. According to the advertisement, the method of selection comprises of conducting of written test in two stages, followed by interview. However, at a later stage, the Board issued a corrigendum to the effect that in case the applications for any post are less than 500, the written test would not be conducted and the selection would be undertaken on the basis of marks allocated to the academic qualification, experience and interview. The grievance of the applicants is that in the ultimate result, that was published on 26.08.2015, the candidates were selected only on the

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basis of the marks awarded in the interview, and without taking the academic qualification or the experience, into account. They contend that the respondents have violated the conditions stipulated in the advertisement as well as the corrigendum issued on 25.07.2014.

3. On behalf of respondents, separate counter affidavits are filed. The main contest is by the Board. According to them, the post of JEs were advertised in the year 1991 and the process was not concluded thereafter. The persons who responded to the advertisement, filed WP (C) No. 4930/1993 before the Hon'ble High Court of Delhi, which in turn, was transferred to the Tribunal and renumbered as TA No. 987/2009. The advertisement dated 15.05.2012 itself is said to have been issued in pursuance of the direction issued by the Tribunal in its order dated 13.11.2009. It is also stated that the candidates who responded to the 1991 notification, expressed their reservation about the participation in the written test. The Hon'ble High Court, in its order in WP (C) No. 4239/2013, enabled them to be selected only on the basis of the interview, and the Lieutenant Governor also issued instructions in that behalf. They contend that faced with a situation, where a section of the candidates were

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directed to be selected, only on the basis of the interview, it has been decided to select all the candidates only through a uniform process, namely interview. According to them, the written test was conducted only for the purpose of short-listing of the candidates, who responded to the advertisement dated 15.05.2012 for the first time. The counter affidavits filed by the other respondents are on the same lines.

4. Today, we heard Mr. M. K. Bhardwaj, learned counsel for the applicants and Mr. Amit Yadav for Mr. Ankur Chhibber, Ms. Neetu Mishra for Mr. K.M. Singh, Mr. Swetank Shantanu with Mr. Ankit Kumar, Ms. Sakshi Popli & Mr. Padma Kr. S., learned counsel for the respective respondents.

5. The grievance of the applicants is that the DSSSB did not follow the prescribed procedure, for the purpose of selection of JEs in DJB. It is true that in the advertisement, it was clearly mentioned that the selection will be on the basis of performance in the written test, conducted at two stages, followed by interview. In fact, that process was common for all the posts advertised. In respect of the post of JE, a modification was made through memo dated

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25.07.2014. It was mentioned that in case the number of applicants would be more than 500, written test would be conducted and once the candidates are shortlisted, the selection would be on the basis of marks allocated to the candidates for: (a) academic qualification; (b) experience; and (c) interview, at the ratio of 40:20:40, respectively. However, the ultimate selection was made only on the basis of marks awarded to the candidates in the interview, conducted for 50 marks.

6. If one takes into account the parameters stipulated in the advertisement, it would be clear that the method adopted by the respondents is illegal. The matter, however, is not that simple. The candidates who responded to the notification in the year 1991 felt aggrieved by the failure of the respondents in taking further steps and approached the Hon'ble High Court. That, in turn, resulted in issuance of the directions to the respondents to come forward with a fresh advertisement. Accordingly, the advertisement dated 15.05.2012 was issued. The vacancies that arose subsequent to 1991 were also notified.

7. The process for selection in the year 1991 was only on the basis of interview. Therefore, those candidates who

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responded to 1991 notification insisted that they shall not be subjected to any written test at all. Specific direction was issued by the Hon'ble High Court, to the effect that the candidates who applied in 1991, shall be selected only on the basis of interview. Faced with this situation, the Board has restricted the relevance of the written test, only for the purpose of short listing the candidates and nothing more. It was proposed to accord marks for academic qualification, experience and interview. Even that had to be given up in view of the fact that some of the candidates, who too responded to the advertisement dated 15.05.2012 need to be selected only on the basis of marks in interview. Therefore, they adopted uniform procedure for all. If these facts are taken into account, the selection undertaken by the respondents cannot be said to be illegal. The applicants were not apprised of these special circumstances either when the selection took place or when the results were declared. Once the selection made by the respondents was based upon the direction issued by the Tribunal as well as by the Hon'ble High Court, no exception can be taken to it notwithstanding the apparent deviation from the prescribed procedure.

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8. We do not find any merit in the O.As. They are accordingly dismissed. There shall be no order as to costs.

(Aradhana Johri)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

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