

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



**O.A. No. 1342/2021
M.A. No. 1699/2021**

This the 26th Day of July, 2021

(Through Video Conferencing)

**Hon'ble Mr. Justice L. Narasimha Reddy,
Chairman
Hon'ble Mr. A.K. Bishnoi, Member (A)**

1. Jamshed Ansari
Asstt. Public Prosecutor
(Age-32, Group-B, Gazetted),
Directorate of Prosecution, GNCT of Delhi,
Presently posted at Karkardooma Courts Complex,
East Distt., Delhi – 110032
2. Andy Sehgal
Asstt. Public Prosecutor
(Age-35, Group-B, Gazetted),
Directorate of Prosecution, GNCT of Delhi,
Presently attached with Police Training College,
New Delhi - 110072

... Applicants

(Applicants in person)

Versus

1. Govt. of NCT of Delhi,
Through the Chief Secretary,
Delhi Secretariat, I.P. Estate,
New Delhi – 110002
2. Director,
Directorate of Prosecution, GNCT of Delhi,
First Floor, Tis Hazari Courts Complex,
Delhi - 110054

... Respondents

(By Advocate : Ms. Esha Mazumdar)



ORDER (ORAL)

Justice L. Narasimha Reddy:

The applicants herein are working as Assistant Public Prosecutors in the Directorate of Prosecution in the Delhi Administration. One of the clauses contained in the orders of appointment is that they shall be under obligation to attend to teaching duties in the Police Training Collage. At one point of time, the applicants herein were entrusted with those duties. It is brought to our notice that the 1st applicant has since been relieved of such duties. This OA is filed challenging the very condition contained in the order of appointment and for a direction to the respondents to withdraw the Prosecutors, including applicant No.1, who are transferred to Police Training College.

2. The applicants placed reliance upon Section 24 of the Cr.P.C. and contend that a Public Prosecutor, appointed under the Provision, cannot be entrusted with any other duties.

3. Learned counsel for the respondents, on instructions, submits that the cadre strength of Assistant Public Prosecutor in the Directorate includes 10 posts of



Instructors in the Police Training College and in the order of appointment also, it is clearly mentioned that an Assistant Public Prosecutor shall be under obligation to serve as Instructor as and when he is assigned duty. It is also contended that apart from the teaching duties; over the period, Assistant Public Prosecutors are promoted and entrusted with the administrative duties which have nothing to do with the conducting of cases in the courts.

4. We heard the applicants, who argued in person, and Ms. Esha Mazumdar, learned counsel for the respondents.

5. The prayer in the OA is somewhat typical. It is to declare clause 2(g) of offer of appointment issued to them, in order of appointment as well as the transfer order dated 15.01.2019 as illegal. The said clause reads as under:-

“2(g) The appointee may be required to teach law and allied subjects at Police Training College, Jharodakalan, Delhi.”

6. This was very much present in the offer of appointment. In case the applicants had any reservation about that, they ought to have protested or challenged the condition before joining duty. Once they accepted the offer

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and joined the duties unconditionally, they are precluded and estopped from challenging that condition.

7. Secondly, it is not as if the Assistant Public Prosecutors remain in the same position for rest of their career. Over the period, they earn promotions to the post of Assistant Director, Deputy Director or even Director of Prosecution and incumbents of those offices are unconnected with the conducting of cases. They are purely administrative posts. If the applicants are of the view that they cannot be entrusted with any duties other than those of the courts, they can file an undertaking to that effect that they shall not claim promotion to the post of Assistant Director or Deputy Director nor shall they be entrusted with any administrative functions for rest of the career and that they shall be only conducting the cases in the courts. In case such undertaking is filed by them, the Director shall consider the feasibility of passing appropriate orders.

8. The O.A. is accordingly disposed of. There shall be no order as to costs.

(A.K. Bishnoi)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/sd/jyoti/vb/akshaya/