



**Central Administrative Tribunal
Principal Bench, New Delhi**

O.A. No.255/2021
M.A. No. 303/2021
M.A. No. 304/2021

O.A. No. 256/2021
M.A. No. 305/2021
M.A. No. 306/2021
M.A. No. 410/2021

and

O.A. No. 305/2021
M.A. No. 391/2021

Reserved on 26.02.2021
Pronounced on 25.03.2021

(Through Video Conferencing)

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

O.A. No. 255/2021

1. Arun Kumar Mavi,
Aged about 33 years
S/o Sh. Jagat Singh
R/o H.No. 194, Village Teela Shahbajpur,
Post Office Loni, Ghaziabad – 201102
2. Manish Kaushik
Aged about 32 years
S/o Sh. Babu Lal Sharma,
R/o H.No. 20 B Kh. No. 327
Gali no. 09, Madanpuri West
Sagarpur, Delhi – 110046
3. Deepak Saini
Aged about 34 years
S/o Sh. Samer Singh Saini
R/o Hari Murti Sadan,
Bhagtani, Parvesh Nagar.



4. Parmod Kumar
Aged about 39 years
S/o Sh. T.S. Taank
R/o H.No. 60, Block – A/4
Sector – 16, Rohini,
New Delhi – 110089
5. Ashwani Kumar Solanki
Aged about 35 years
S/o Raj Kumar Solanki
R/o A-56, Vishnu Garden, New Delhi.
6. Vinayak Sharma
Aged about 31 years
S/o Sh. Ravinder Dutt Sharma,
R/o Munna Lal Enclave
District Baghpat,
Uttar Pradesh 250609
7. Shilpi Chaudhary
Aged about 32 years
D/o Col. Videsh Kumar
R/o A2/286, 2nd Floor,
Sector – 8, Rohini,
New Delhi – 110085
8. Shalini Naval
Aged about 37 years
D/o Dr. T.R. Naval
R/o H.No. 968 Sec 38,
Gurugram, Haryana – 122001

...Applicants

(By Advocate : Ms. Rashmi Chopra)

VERSUS

1. Govt. of NCT of Delhi
Through Chief Secretary,
Delhi Secretariat, I.P. Estate,
New Delhi – 110002
2. The Principal Secretary (Home),
Home Department,
Govt. of NCT of Delhi,
Delhi Secretariat, I.P. Estate,
New Delhi – 110002



3. Union Public Service Commission,
Dholpur House,
Shah Jahan Road,
New Delhi - 110069

...Respondents

(By Advocate : Sh. R.V. Sinha with Sh. Amit Sinha;
Ms. Esha Mazumdar)

O.A. No. 256/2021

1. Surender Kumar
Aged about 33 years
S/o Sh. Pawan Kumar
R/o 580, Ground Floor, Sector 46, Noida – 201303
2. Vishv Jeet Yadav
Aged about 34 years
S/o Sh. Dharamvir Yadav,
R/o RZ-6, Phase-I, Prem Nagar,
Najafgarh, New Delhi – 110043
3. Priya Narang
Aged about 30 years
D/o Sh. Manjeet Lal Narang
R/o H.No. 12/604, 2nd Floor,
Friends Society, Sector – 12,
Vasundhara, Ghaziabad – 201012
4. Dhruv Malik
Aged about 30 years
S/o Sh. Parveen Malik
R/o 3703, Lords CGHS, Plot – 7,
Sector – 19 B, Dwarka,
New Delhi – 110075
5. Poonam Devi,
Aged about 31 years
D/o Sh. Baljit Singh,
R/o H. No. 23/180, Gali No. 5,
Mahavir Park, Bhadurgarh, Haryana - 124507
6. Gaurav Mehta
Aged about 30 years
S/o Sh. Kulwant Kumar Mehta
R/o GC-534 CHD City, Karnal,
Haryana – 132001



7. Shivani Joshi,
Aged about 31 years
D/o Sh. K.D. Joshi,
R/o 32-D, OCS Appartments,
Mayur Vihar Phase-I Extension,
New Delhi – 110091
8. Tanya Uppal
Aged about 31 years
D/o Sh. Subhaah Chander Uppal,
R/o B-6/144-145, First Floor,
Sector – 11, Rohini,
New Delhi – 110085
9. Ranjeet Singh,
Aged about 35 years
S/o Sh. Rajesh Kumar,
R/o 196/7 CD 9,
Than Singh Nagar, Anand Parbat,
Karol Bagh, New Delhi – 110005
10. Sonam Datta Mehta
Aged about 30 years
W/o Sh. Nikhil Mehta,
R/o 397, DDA –SFS Flats, Sector – 22,
Pocket – 1, Dwarka, New Delhi- 110077
11. KM Rekha,
Aged about 32 years
D/o Sh. Ram Prasad
R/o 6/17, B Block, Vijay Nagar Double Story,
North Delhi – 110007
12. Aparna Vashishth
Aged about 30 years
D/o Sh. Haresh Vashishth
R/o 9C, Surya Apartment,
Sector – 13, Rohini,
New Delhi – 110085
13. Vijay Dagar
Aged about 34 years
S/o Sh. Ved Prakash Dagar
R/o H. No. 106, Model Basti,
Rani Jhansi Road, Karol Bagh,
New Delhi – 110005



14. Namrata Chauhan
Aged about 30 years
D/o Sh. Jaiveer Singh Chauhan
R/o C-1/5, Ashok Vihar, Phase – 2
New Delhi – 110052
15. Arvind Dahiya
Aged about 33 years
S/o Sh. Mehar Singh Dahiya
R/o H.No. 33, Pocket -6,
Sector – 24, Rohini, New Delhi – 110063
16. Dhirendra Kumar Yadav
Aged about 33 years
S/o Sh. Devkinandan Yadav
R/o H. No. 11B/1, Top Floor,
Street No. 1, Lajwanti Garden,
New Delhi – 110046
17. Neema Noor Mohamed
Aged about 33 years
D/o Sh. Noor Mohamed
R/o Flat No. 9, Sreeniketan Apartment,
Vasundhra Enclave, New Delhi – 110096
18. Bandhuraj Baghrawat
Aged about 31 years
S/o Sh. Ravi Shankar
R/o 370, Millennium Apartment,
Sec-18, Rohini, Delhi – 110089
19. Mohit Gupta,
Aged about 30 years
S/o Sh. Subhash Gupta
R/o A/38, Kewal Park Extension,
Mandi Marg, Azadpur, Delhi – 110033
20. Arib Ahmad Ansari,
Aged about 33 years
S/o Sh. Naushad Ahmad Ansari
R/o D-40, Nangal Dewat, Vasant Kunj,
New Delhi – 110070
21. Nadeem
S/o Mohd. Anees
Aged about 31 years
R/o 134, Purwa Elahi Baksh
Meerut City 250002



22. Satyajeet Kumar Singh,
Aged about 31 years
S/o Sh. Randhir Singh,
R/o H. No. A-243, 1st Floor,
Harit Vihar, Sant Nagar, Delhi – 110084
23. Aniket Kumar
S/o Sh. Arvind Kumar
R/o B2-16C Keshav Puram
Delhi – 110035
24. Ronak Kumar
S/o Sh. Arvind Kumar
R/o B2-16C, Keshav Puram, Delhi -110035
25. Tanuja Malik
D/o Sh. Ramesh Malik
R/o RZG-17, Mandir Marg,
Mahavir Enclave, Dwarka,
New Delhi – 110045.

...Applicants

(By Advocate : Ms. Rashmi Chopra)

VERSUS

1. Govt. of NCT of Delhi
Through Chief Secretary,
Delhi Secretariat, I.P. Estate, New Delhi – 110002
2. The Principal Secretary (Home),
Home Department,
Govt. of NCT of Delhi,
Delhi Secretariat, I.P. Estate,
New Delhi – 110002
3. Union Public Service Commission,
Dholpur House,
Shah Jahan Road,
New Delhi - 110069

...Respondents

(By Advocate : Sh. R.V. Sinha with Sh. Amit Sinha;
Ms. Esha Mazumdar)



O.A. No. 305/2021

Dishank Dhawan
 Aged about 30 years
 S/o Late S.K. Dhawan,
 R/o B-43, Pandara Road, New Delhi – 110003
 Mob.No. 7440000000
 Post : Assistant Public Professor
 Group : B

...Applicant

(By Advocate : Sh. Anuj Aggarwal)

VERSUS

1. Govt. of NCT of Delhi
 Through Chief Secretary,
 Delhi Secretariat, I.P. Estate, New Delhi – 110002
2. The Principal Secretary (Home),
 Home Department,
 Govt. of NCT of Delhi,
 Delhi Secretariat, I.P. Estate,
 New Delhi – 110002
3. Union Public Service Commission,
 Through its Secretary
 Dholpur House,
 Shah Jahan Road, New Delhi - 110069

...Respondents

(By Advocate : Sh. R.V. Sinha with Sh. Amit Sinha;
 Ms. Esha Mazumdar)

ORDER**Justice L. Narasimha Reddy, Chairman**

Since the facts and the relief claimed by the applicants in all these OAs are one and the same, they are being disposed of by a common order.

2. The applicants in these two OAs i.e. 255 and 256 of 2021 were appointed as Assistant Public Prosecutors (APP) in the Directorate of Prosecution, Home Department, Government of NCT of Delhi on contract basis in the year 2014. The applicant in OA.305 of 2021 was appointed in the same manner in the year 2015. On a request made by the Government of Delhi, the UPSC issued an advertisement in January 2021, inviting applications for selection of candidates against 80 posts of APP. The educational qualification stipulated for the posts are (a) Degree in Law from a recognized University or its equivalent and (b) experience of 3 years at bar. The age limit for submitting applications stipulated as 30 years. Provision is made for relaxation of age limit in respect of certain categories.

3. The applicants crossed the age of 30 years. They are also not within the category of candidates in whose favour the relaxation is provided for. Therefore they filed these OAs with a prayer to direct the respondents to treat them as being within



the age limit, duly taking into account, the service rendered by them ever since they were appointed to the post of APP and accordingly, assess their suitability. Reliance is also placed upon the judgement of Hon'ble High Court of Delhi in UPSC vs. Dr. Akshay Bahadur & Ors in WP (C) No. 6260/2013.

4. The applicants contend that a thorough and perfect selection process was undertaken when they were appointed, and there was absolutely no complaint about the discharge of their duties over the past five or six years. They contend that it is a settled norm, to take into account, the service rendered on contractual basis while subjecting the contractual employees to the regular selection process. The applicants have also placed reliance upon various orders passed by the Delhi Administration providing for relaxation of age limit, at the time of regular selection, in favour of the candidates who were already working on contractual or adhoc service.

5. At the stage of admission itself, the OAs were heard on number of occasions, having regard to the urgency. At one stage the Delhi Administration was required to make its stand clear. In an affidavit filed by them it is stated that, a letter was addressed to UPSC stating that the age limit can be relaxed to the extent of contractual service rendered by the candidates.



6. Learned standing counsel for the UPSC on instructions has stated that the Commission cannot take into account any such letters and it is strictly guided by the recruitment rules for the posts. It is stated that it is only when the recruitment rules are modified by the Government that the question of relaxation will arise.

7. We heard Ms.Rashmi Chopra and Mr.Anuj Agarwal, learned counsel for the applicants and Ms.Esha Mazumdar, learned counsel for GNCT of Delhi and Mr.R.V.Sinha, learned counsel for UPSC.

8. It is not in dispute that the applicants herein were appointed as APPs in the year 2014 and 2015 on contractual basis. It is true that an advertisement was issued and a selection process was also undertaken at that time. The fact remains that it was not referable to any recruitment rule or by an agency which is competent to do so. Such recruitment was almost a measure to meet the immediate needs. The ultimate orders were issued only in the form of contractual appointments, unlike in many other cases, where the employees appointed on contractual basis claim the relief of regularization on passage of time. The applicants did not pray for any such relief. Their effort is to overcome the age limit stipulated in the advertisement.



9. Though the posts are in the service of the Government of NCT of Delhi, the selection is entrusted to the UPSC, a body constituted under the Constitution of India. Once the selection process is entrusted to it, the UPSC is strictly guided by the recruitment rules. Though the State Governments may be too willing or eager to accommodate the demands of the candidates for relaxation of qualification or age limits, the UPSC does not recognize such gestures. It should be nothing short of an amendment to the recruitment rules.

10. Another aspect is that even if the recruitment rule is amended, the changed criteria would become relevant with reference to the selections that are made thereafter, on application of the principle that the selection process cannot be altered halfway through. The UPSC is strictly guided by the recruitment rules that are in force, as of now. Even if the Government amends the rules, particularly in the context of age limits, that would be of no use to the present notification. Therefore, the entire issue is now squarely in the court of Delhi Administration, whether or not to permit the selection process in pursuance of the advertisement issued by the UPSC or to take any further steps if it is willing to accommodate the request of the applicants. The Government has to take a decision in this behalf and communicate it to the UPSC. Though the learned counsel for the respondents sought to rely



on certain precedents, we are of the view that the facts of the present case do not permit of any alteration of the rules, particularly the one pertaining to age limits, through administrative orders.

11. We, therefore, dispose of the OAs directing that the Government of NCT of Delhi shall make its stand very clear as to

- (a) whether it wants the UPSC to proceed with the selection of candidates for the posts of APP in accordance with the recruitment rules, as they stand now;
- (b) or whether it proposes to amend the rules by acceding to the request of the applicants and thereby wants to discontinue the ongoing process.
- (c) Either way, it shall be decided by the respondents within four weeks from the date of receipt of a copy of this order, strictly in accordance with the relevant provisions of law.

There shall be no order as to costs.

(Mohd.Jamshed)
Member (Admn.)

sd

(Justice L.Narasimha Reddy)
Chairman