

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

**OA No.504/2010
MA No.384/2010**

Order Reserved on:25.08.2015

Order pronounced on:04.09.2015

Hon'ble Shri A.K. Bhardwaj, Member (J)

Hon'ble Shri K.N. Shrivastava, Member (A)

- (1) Ms.Poonam Tomar
W/o Sh.Naresh Kumar
R/o A-19, II Floor, Panpanshin Cly,
Gaziabad (UP)
- (2) Saroj Bala
W/o Sh.Umed Singh
R/o 710 A/2, Street No.3,
Patel Nagar, Gurgaon
- (3) Pushpa Yadav
W/o Sh.Suresh Yadav
R/o 341/3, Prem Nagar Bus Stand,
Gurgaon
- (4) Jag Roshini
D/o Sh. Chattar Singh
R/o (1) Ms.Poonam Tomar
W/o Sh.Naresh Kumar
R/o Vill Patla, PO Jakhauli,
Distt. Sonipat (HR)
- (5) Rekha
W/o Sh.Rajesh
R/o 418, DDA Flat Kalkaji,

Delhi-19

(6) Veena Devi
W/o Sh.Chetan Sharma
R/o 5785/6, New Chandrawal,
Delhi-7

(7) Pushpa Jaggi
W/o Sh.S.S. Jaggi
R/o Qtr. No.163, Police Colony,
IIT Gate Hauz Khas,
Delhi-16

(8) Nageshwari
W/o Sh.Ramesh Chand
R/o 171-72/C Naya Khand-II,,
Indrapuram, Gaziabad

(9) Kavita
W/o Sh.Sudhir
R/o A-1/4, Bhajanpura,
Delhi-53

(10) Savitri Thakur
W/o Sh.Suresh Chander
R/o B-113, Poorvi Kidwai Nagar,
New Delhi

(11) Ramwati
W/o Sh.Jitender Pawar
R/o F-601, Palam Extension,
Ramphal Chowk

(12) Veena
W/o Sh.Tilak Raj
R/o H No. 7026, Nabi Karim,
Paharganj, New Delhi-55. Applicants

(By Advocate: Shri Ajesh Luthra)

Versus

1. The Commissioner of Police
PHQ, M.S.O. Building,
I.P.Estate,
New Delhi.
2. Union of India
Through its Secretary,
Ministry of Home Affairs,
North Block, New Delhi. Respondents

(By Advocate: Mrs. P.K.Gupta)

ORDER

By Hon'ble Sh. K.N. Shrivastava, M(A):

This OA has been filed by the applicant under Section 19 of the Administrative Tribunal Act, 1985. Specific relief(s) sought in the OA are as below:-

- "8. (a) direct the respondents to raise the strength of women police personnel in Delhi Police to at least 15% of total man-power as per proposal contained in letter dated 23.9.2009, including the post of W/SI (Ex.)
- (b) Quash the respondents action in initiating direct recruitment to the post of SI (Ex) (Male) and W/SI(Ex.)
- (c) further direct the respondents to convert the newly created posts of SI (Male) to SI (Women) in

accordance with the prescribed ratio

(d) further direct the respondents to allocate correct number of existing posts of W?SI(Ex.) to promotion quota and

(e) consequently consider the applicants for promotion to the rank of W/SI (Ex.)

(f) award costs of the proceedings and;

(g) pass any other order/direction which this Hon'ble Tribunal deem fit and proper in favour of the applicant and against the respondents in the facts and circumstances of the case."

2. The brief facts of the case as stated in the OA are as under:-

A. The applicants are working as Assistant Sub-Inspector (Exe.) (in short ASI (Exe.), in Delhi Police. They were directly recruited to the post in the year 1994. As per Rule 14 (2) of Delhi Police (Appointment & Recruitment) Rules 1980, 50% of the total sanctioned posts for women police in the rank of Sub-Inspector (Exe.) and in the rank of ASI (Exe.) shall be filled up by direct recruitment.

B. The applicants are seeking promotion to the post of SI(Exe.). In support of their claim, they have mentioned

that in terms of Ministry of Home Affairs (MHA) letter No. F.No.-14011/132/2009-UTP dated 23.09.2009 (pg. 43), the strength of women personnel in Delhi Police is to be raised to at least 15% of the total manpower

C. The MHA vide their letter No. 14011/132/2009-UTP dated 31.08.2009 (pg. 38) have sanctioned 6478 posts in various cadres for the Delhi Police in connection with 29 Police Station - 22 new and 7 notified earlier without sanction of manpower. Out of the newly sanctioned posts, 535 posts have been sanctioned in the cadre of SI(Exe.). The Delhi Police vide their letter No.15172/Estt.(1)/PHQ dated 12.10.2009 (pg.44) *inter alia*, had sought approval of MHA to divide the newly sanctioned 535 posts of SI(Exe.) as 455 Male SI(Exe.) and 80 women SI(Exe.) In the said letter they have given reference to MHA letter dated 23.09.2009 (ibid) and had said that the 80 posts of SI (Exe.) proposed to be filled up by women comes to 15% of the newly sanctioned 535 posts of SI (Exe.)

D. The applicants claim that pursuant to the MHA's directions contained in their letter dated 23.09.2009 (ibid),

all the newly sanctioned 535 posts of SI(Exe.) were required to be converted to Women/Sub-Inspector (Exe.)

E. Vide their employment notification dated 12.12.2009 (pg.24), the Delhi Police have intended to fill up 82 posts of W/SI(Exe.) through direct recruitment. The applicants grievance is that while in one hand the Delhi Police are showing alacrity to fill up direct recruitment quota of W/SI(Exe.) but on the other hand they are not showing any urgency to fill up the promotion quota for W/SI(Exe.) which could help the applicants in getting their promotion.

3. In response to the notice, the respondents entered appearance and filed their reply by way of an affidavit (pg 59-69). The applicants filed their rejoinder to the reply of the respondents (pg 71-77). The respondents also filed an additional affidavit (pg. 78-82) to which a rejoinder was filed by the applicants (pg 83 to 86).

4. As the pleading were complete, the case was taken for final hearing on 25.08.2015. Shri Ajesh Luthra learned counsel for the applicants and Mrs. P.K.Gupta, learned counsel for the respondents argued the case.

5. Shri Ajesh Luthra learned counsel for the applicants, besides highlighting the issues raised by the applicants in the OA as well as in their rejoinders, submitted that the respondents are not taking adequate measures to implement the direction issued by MHA vide letter dated 23.09.2009 (ibid) in which MHA had directed Delhi Police to increase the strength of the women police personnel to at least 15%. He stated that in terms of the said letter of MHA the intake of women in new recruitments should be much higher than 15% so that the overall strength of women police personnel in Delhi Police becomes 15% atleast in the near future. He said that applicants were directly recruited as ASI way back in the year 1994 and are languishing in the same position and have been deprived of their next promotion as SI. He said that cadre strength of Male SI (Exe.) in January, 2009 was 4055 out of which 3434 posts were filled up whereas the corresponding figures of W/SI (Exe.) were 149 and 134 respectively. The learned counsel further submitted that out of 545 newly sanctioned posts of SI for the 29 new police stations, @15%, only 80 posts have been sanctioned for W/SI(Exe.) which are to be filled up by Direct Recruitment and Promotion on 50:50 basis.

According to him, in the true spirit of the MHA letter dated 23.09.2009, the number of SI(Exe.) posts converted to W/SI(Exe.) out of the newly sanctioned posts of 545, should have been much more than 80. Concluding his arguments, the learned counsel for the applicant prayed that the respondents may be directed to enhance the strength of women police personnel in Delhi Police in terms of the MHA letter dated 23.09.2009(ibid) and the action initiated by the respondents for direct recruitments to the posts of Male/SI (Exe.) and W/SI(Exe.) vide their advertisement dated 12.12.2009 should be quashed.

6. Mrs. P.K. Gupta, learned counsel for the respondents stated that the sanctioned strength of women police personnel in Delhi Police as in the year 2010 was – Inspector 73, Sub-Inspector 229 and Assistant Sub-Inspector 347. In terms of Rule 14(2) of Delhi Police (Appointment & Recruitment) Rules, 1980, 50% of the total sanctioned posts of W/ASI (Exe.) and 75% in the rank of W/ASI(Exe.) are to be filled up by direct recruitment. Therefore, 115 posts of W/SI(Exe.) are earmarked for promotion quota for W/ASI(Exe.). She stated that the Delhi Police had initiated action to fill up 23 posts of W/SI(Exe.) w.e.f. 22.06.2004

and accordingly a list of candidates in the zone of consideration was drawn up on 25.06.2004. The said list also included the names of present applicants who were directly recruited as W/ASI(Exe.) in the year 1994. Unfortunately, MHA vide its order No.14014/23/01-UTP dated 7.7.2004 abolished 79 posts of W/SI(Exe.) consequent upon security of IGI Airport , New Delhi having been transferred to CISF from Delhi Police. Due to this development, 17 existing W/SI(Exe.) became excess. She further submitted that out of 535 posts of SI (Exe.) sanctioned for the 29 newly created Police Station, @ 15%, 80 posts have been earmarked for W/SI(Exe.); 40 of these posts were to be filled up by promotion and the remaining 40 by direct recruitment. Elaborating further, she said that in November, 2009 the total sanctioned strength of W/SI(Exe.) under DR quota was 114 against which the existing strength was just 34. The Delhi Police vide their impugned notification dated 12.12.2009 (pg.24) have intended to fill up the 82 vacant posts of W/SI (Exe.) (114-34 =80 (vacant) + 3 sanctioned vacancies – 1 (reserved as per CAT order = 83). Regarding the status of the promotion quota, for W/SI(Exe.), the learned counsel for the

respondents submitted that in March 2010, the sanctioned strength was 115 out of which 82 posts were filled up of the 33 vacancies, one post has been kept reserved to accommodate an officer who is on deputation and is expected to be repatriated. She further submitted that as per MHA order dated 7.7.2004 (ibid), 17 existing W/SI(Exe.) personnel of promotion quota had become surplus. However, it was decided by the respondents not to revert any one of them and to accommodate them against the vacancies occurring in future from time to time. Because of this, the promotion list that was drawn on 25.06.2004 to fill up 23 posts of W/SI(Exe.) by promotion w.e.f. 30.02.2014 was withdrawn by notification dated 03.4.2006. She further stated that out of the 17 posts of W/SI(Exe.) rendered surplus under promotion quota in terms of MHA letter dated 7.7.2004(ibid), after adjusting some of them against the vacancies that arose thereafter from time to time, the surplus has come down to 7. The Delhi Police have therefore, decided to adjust these 7 posts against the 40 posts newly sanctioned for the new Police Station under the promotion quota for W/SI(Exe.) After keeping a post reserved for accommodating a deputationist who is to be

repatriated in Delhi Police, action is being taken by Delhi Police to fill up the remaining 32 Posts of W/SI(Exe.) under the promotion quota by promoting the eligible W/ASI(Exe.) including the applicants.

7. We have gone through the pleadings of both sides and perused the documents annexed to them. We have also considered the arguments put forth by the learned counsel of both the parties. Before dwelling upon the controversy raised in the O.A, we would like to deal with the MA No.384/2010 in the OA. The prayer made in the MA is that the applicants have a common cause of action and, therefore, they may be permitted to file a joint OA. We note that the applicants were directly recruited as W/ASI(Exe.) in Delhi Police in the year 1994 and as such have common interest with regard to the issues raised in the OA No.504/2010. As such the prayer is granted and the MA stands disposed of accordingly.

8. Coming to the issue raised in the OA, we take cognizance of and appreciate the intent of the MHA to gradually raise the strength of women police personnel in Delhi Police to least 15% of the total strength by way of

direct recruitments as expressed in their letter dated 23.09.2009. There is no denial to the fact that at present the representation of women police personnel in Delhi Police is highly inadequate and far below the MHA's desired level of 15% but at the same time it is also to be appreciated that the strength of police personnel in various cadres of Delhi Police cannot be increased all of a sudden through a quantum jump. Even, MHA letter dated 23.09.2009 intends that the increase in the strength of women police personnel should be gradually done through recruitments from time to time. While the contention of the applicants that their promotion to the cadre of W/SI(Exe.) has been inordinately delayed is well understood and appreciated. At the same time one cannot suspect the intent of the Delhi Police in this connection. The respondents have given a credible reason for this delay and that is due to the security of IGI Airport, Delhi having been transferred from Delhi Police to CISF in the year 2004, 17 serving W/SI(Exe.) under the promotion quota had been rendered surplus. These officials were to be adjusted against the future vacancies as well as against any additional posts that the Government might sanction in the future. The respondents have clearly indicated that after

adjusting the surplus serving W/SI(Exe.) vis-à-vis MHA letter dated 7.7.2004 against the vacancies that accrued thereafter as well as against the additional strength of 40 W/SI(Exe.) sanctioned vide MHA letter dated 31.08.2009 (ibid), 32 posts of W/SI(Exe.) are available under the promotion quota. Accordingly they have held DPC meeting on 4.3.2010. Applicants are also going to be the beneficiaries of it.

9. After taking note of the sanctioned strength, we do not find any fault with the action taken by the respondents in the matter. We would like to observe that the strength of women in Delhi Police in various cadres should be increased in a gradual manner so that in a planned time span, their representation can reach to the intended level as desired by the Government in the Ministry of Home Affairs. We cannot accept the argument of learned counsel for the applicants that most of the recruitments in future in various cadres, should be meant for women only till the women police strength reaches at 15% level. After all Delhi Police have to maintain a proper gender balance in their various cadres so as to attend to myriad security requirements.

10. In view of the above, we do not find much substance in the OA and feel that it deserves to be dismissed and it is done accordingly. The respondents are directed to fill up the vacant posts of W/SI(Exe.) under the promotion quota within 8 weeks from the date of receipt of a copy of this order.

11. No order as to costs.

(K.N.Shrivastava)
Member(A)

(A.K.Bhardwaj)
Member(J)

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