

Central Administrative Tribunal
Principal Bench
New Delhi

O.A.No.585/2017
with
M.A.No.597/2017

Order Reserved on: 17.02.2017
Order pronounced on 23.02.2017

Hon'ble Shri V. Ajay Kumar, Member (J)
Hon'ble Shri Shekhar Agarwal, Member (A)

1. Surender, Constable (C)
No.437/RB, PIS No.28070845
Aged about 30 years
S/o Sh. Zile Singh
R/o VPO Assan, Distt. & Tehsil Rohtak
Haryana-124001.
2. Sandeep, Constable (C)
No.342/F, PIS No.28082113
Aged about 30 years
S/o Sh. Dilbagh Singh
R/o VPO Kheri Damkan, Tehsil Gohana
Distt. Sonepat, Haryana-131301.
3. Ajay, Constable (C)
No.1936/N, PIS No.29102842
Aged about 28 years
S/o Sh. Anand Kumar
R/o VPO Neemli, Tehsil Dadri
Distt. Bhiwani, Haryana-127306. ... Applicants

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

Versus

1. The Chairman

Staff Selection Commission
CGO Complex, Lodhi Road
New Delhi.

2. The Commissioner of Delhi

Police Headquarter
I.P.Estate
New Delhi.

3. The Dy. Commissioner of Police (Rectt.)

Kingsway Camp, Model Town
Delhi.

...

Respondents

ORDER**By V. Ajay Kumar, Member (J):**

Heard the learned counsel for the applicants.

M.A.No.597/2017:

2. The MA, filed for joining together, is allowed for the reasons stated therein.

O.A.No.585/2017:

3. The applicants filed the OA, seeking the following relief(s):

"(i) To declare the action of respondents in not filling up all the vacancies of departmental category of SI (Executive)-Male, Delhi Police became available till 09.01.2016, as illegal, arbitrary and unconstitutional and direct the respondents to fill up all the available vacancies of SI (Executive)-Male, Delhi Police meant for departmental category on the basis of advertisement dated 09.01.2016 issued under the Heading of 'Recruitment of Sub-Inspectors in Delhi Police, CAPFs & Assistant Sub-Inspector in CISF Examination, 2016'.

(ii) To declare the action of respondent no.2 & 3 in not reporting 44 vacancies of SI (Executive) meant for departmental category to Staff Selection Commission for filling up the same as per Standing Order No.321/2013 and on the basis of advertisement dated 09.01.2016 as illegal and issue appropriate directions for reporting the said 44 vacancies to Respondent No.1 for filling up the same as well as 10% of 231 advertised vacancies amongst departmental candidates and on the basis of merit list to be prepared by Staff Selection

Commission on finalization of selection process initiated vide advertisement dated 09.01.2016 and consider the claim of applicants against the said vacancies as per their merit in the select list of departmental candidates.

(iii) To consider the claim of applicants for appointment to the post of SI (Executive)-Male against 10% vacancies (44 as mentioned in RTI dated 17.11.2016 and 10% of 231 advertised vacancies) meant for Departmental Candidates serving in Delhi Police as Constable, Head Constable & ASI with all consequential benefits and appoint them to the said post of SI (Executive)-Male as per their merit acquired in the selection process initiated vide advertisement dated 09.01.2016 **(Annexure A-2)**.

(iv) To allow the OA with exemplary costs on the respondents.

(v) Any other or further relief which the Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case."

4. The applicants, who are presently working as Constables in the 2nd Respondent-Delhi Police, filed the OA mainly seeking to fill up the vacancies meant for Departmental candidates out of the Annexure A2-Notification, dated 09.01.2016, which was exclusively issued for direct recruitment. In reply to the applicants' representation under RTI Act, the respondents vide Annexure A4 dated 17.11.2016 categorically stated as under:

"Reply
The departmental vacancy for the post of SI(Exe.) Examination 2014 & 2015 were conveyed to the SSC but the SSC did not advertise these vacancies. Hence, 44 vacancies under departmental category are lying vacant upto 2016. The recruitment of these vacancies will be conducted by Delhi Police itself shortly."

5. A perusal of Annexure A2-Notification, dated 09.01.2016 clearly indicates that the same was issued exclusively in respect of the vacancies meant for direct recruitment. Since the respondents vide Annexure A4 dated 17.11.2016 categorically mentioned that 44 vacancies meant for departmental candidates are lying vacant and the

recruitment process for the same will be conducted by Delhi Police shortly, we do not find any merit in the present OA.

6. Accordingly, the OA is dismissed. There shall be no costs.

(Shekhar Agarwal)
Member (A)

(V. Ajay Kumar)
Member (J)

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