

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

**OA-1778/2017
MA-1930/2017
MA-1929/2017**

New Delhi, this the 22nd day of May, 2017.

Hon'ble Mr. Shekhar Agarwal, Member (A)

Hon'ble Mr. Raj Vir Sharma, Member (J)

- | | | |
|---|-----|-------------|
| 1. Ombir
S/o Sh. Ratan Singh
R/o Village Ridhau, District Sonipat,
Haryana
Aged about 33 years | | |
| 2. Krishan Kumar
S/o Sh. Bhim Singh
R/o Village & PO Farmana,
Sonipat, Haryana
Age about 33 years
(Candidates for the post of Constable (Driver)

(through Sh. Ajesh Luthra) | ... | Applicants |
| Versus | | |
| 1. Commissioner of Police
PHQ, MSO Building
IP Estate, New Delhi | | |
| 2. The Deputy Commissioner of Police
(Recruitment Cell)
New Police Lines,
Kingsway Camp, Delhi. | | |
| 3. The Deputy Commissioner of Police
(Establishment)
PHQ, MSO Building
IP Estate, New Delhi. | ... | Respondents |

ORDER (ORAL)

Mr. Shekhar Agarwal, Member (A)

MA No. 1929/2017

MA No. 1929/2017 filed for joining together is allowed.

OA No. 1778/2017

This OA has been filed seeking the following reliefs:

- "a) call for the records of the case.
- b) direct the respondents to extend the benefit of order dated 07/02/2017 passed by this Hon'ble Tribunal in OA No. 1505/2015 and
- c) declare that the respondents have wrongly denied selection and appointment to the applicants for the post of Constable (Driver) in Delhi Police recruitment initiated in the year 2012.
- d) direct the respondents to re-draw and publish the complete merit list and
- e) direct the respondents to further consider and appoint the applicants to the post of Constable (Driver) with all consequential benefits
- f) Award the costs of the proceedings and,
- g) pass any other order/direction which this Hon'ble Tribunal deem fit and proper in favour of the applicants and against the respondents in the facts and circumstances of the case."

2. Learned counsel for the applicants submitted that the issue involved in this OA has been settled by this Tribunal vide judgment dated 07.02.2017 in OA No. 1505/2015, the operative part of which reads as follows:

"8.Going by the above reply, it would appear that there were a total of 194 vacancies but we need not go into that. Based on para 19 of the judgment of the Hon'ble Supreme Court, quoted above, the department has retained 45 candidates, some of whom have now on reevaluation got 72 marks and Raj Kiran Yadav is younger to the applicant, though with the same marks, namely 73. The Hon'ble Supreme Court has also stated that they will be at the bottom of the list. Therefore, the only solution seems to be that the respondents prepare a revised merit list based on re-evaluated marks and then fill up the vacancies according to this merit list and, if the applicant qualifies in this merit list for appointment, he should be appointed. After the vacancies are filled up, if there are some candidates left out of 45 candidates whom the respondents decided to retain, then the department would have to create supernumerary posts for that purpose till such time vacancies arise in future.

9.The OA is disposed of with the direction to revise the merit list as stated above and fill up the post strictly according to the revised merit list and directions above. There shall be no order as to costs."

3. Applicants submitted a representation to the respondents on 01.03.2017 seeking benefit of the aforesaid judgment. However, the respondents have not

taken any decision on the same so far. Learned counsel for the applicants submitted that the applicants would be satisfied in case directions were given to the respondents to dispose of their representation within a given time frame.

4. Accordingly, we dispose of this OA at the admission stage itself without issuing notice to the respondents and without going into the merits of the case with a direction to them to decide the aforesaid representation of the applicants in the light of aforementioned judgments by means of a reasoned and speaking order within a period of sixty days from the date of receipt of certified copy of this order.

(Raj Vir Sharma)
Member (J)

(Shekhar Agarwal)
Member (A)

/ns/