

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

OA No.2809/2008

New Delhi, this the 28 day of September, 2015

Hon'ble Mr. Justice B.P. Katakey, Member (J)
Hon'ble Mr. K.N. Shrivastava, Member (A)

1. Onkar Nath Kashyap
Sub-Inspector(Ex.) in Delhi Police
PIS No.16050044
Roll No. 1220461
S/o Sh.Rajhubar Dayal Gupta
R/o 101-A/1, Phase -I
Ashiana Nagar, Patna, Bihar
 2. Pankaj Kumar
Sub-Inspctor (Ex.) in Delhi Police
PIS No. 16050035
Roll No. 1215130
S/o Sh. Kailash Prasad
R/o Satnaganma Chakusain,
Khusropur, Patna, Bihar
 3. Prashant Anand
Sub-Inspector (Ex.) In Delhi Police
PIS No. 16050041
Roll No. 1229019
S/o Sh.subodh Kumar Sah
R/o VPO, Kalyanpur
Distt. Munger, Bihar.
 4. Manish Kumar
Sub-Inspector (Ex.) in Delhi Police
PIS No. 16050034
Roll No. 1214503
S/o Sh. Ramashish Prasad Singh
R/o O-15 Police Colony
Model Town-II, Delhi
 5. Alok Kumar
Sub-Inspector (Ex.) in Delhi Police
PIS No. 16050056
Roll No. 1214502
S/o Sh. Lagan Dev Rai
R/o Aziz Road, Gorai Math
Mithapur, Patna, Bihar
- Applicants.

(By Advocate:Mr. Anil Singal)

Vs.

UOI & others Through;

1. The Secretary
Ministry of Home Affairs
North Block, New Delhi.
2. Lt. Governor
Raj Niwas, Delhi.
3. Commissioner of Police
PHQ, IP Estate, New Delhi.
4. Staff Selection Commission
Through its Chairman
C.G.O. Complex, Lodhi Road,
New Delhi. -110003.
5. Ministry of Personnel Public
Grievances and Pension through its Secretary
North Block, New Delhi. .. Respondents

(By Advocate: Mr. Ashish Nischal for Mr.Rajinder Nischal for R-1&R-5,
Ms. Rashmi Chopra for R-2&3 Mr.S.M.Arif for R-4)

ORDER (ORAL)

By Justice Mr. B.P. Katakey, Member (J):-

The applicants, who are employed in Delhi Police, by the present application has challenged the communication dated 30.12.2004 issued by the Under Secretary to Govt. of India, Ministry of Personnel, Public Grievances and Pensions, Department of Personnel & Training (DOP&T) to the Secretary, SSC, conveying that persons serving in Delhi Police are not eligible for age relaxation as departmental employees for appointment in Central Government posts.

2. Learned counsel appearing for the applicants referring to Office Memorandum dated 1st /4th Sept, 2006 issued by the Govt.of India, Ministry of Home Affairs, submitted that since personnel of Delhi Police are treated as Central Government employees and not the employees of the Union Territory of NCT of Delhi, the applicants are

entitled to age relaxation as provided in the Advertisement dated 5.4.2008 published in the Employment News, which provides that the upper age limit as prescribed in 5 (A) will be relaxable up to the age of 32 (37 years for SC/ST and 35 years for OBC) in respect of Central Government Civilian Employees with not less than 3 years continuous and regular service as on 01.01.2009. Learned counsel, therefore, submits that the aforesaid communication dated 30.12.2004 may be set aside directing the respondents authority to consider the applicants' candidature for selection by treating them as Central Government Civilian Employees for the purpose of age-relaxation, and also to declare their result, which has been withheld pursuant to the Interim Relief granted by this Tribunal.

3. Learned counsel appearing for the respondents Nos. 1 & 5 has submitted that since the Govt. of India, Ministry of Home Affairs, vide the Office Memorandum dated 1st/4th September, 2006, has clarified that the personnel of Delhi Police are treated as Central Government employees and not the employees of the Union Territory of NCT of Delhi, the order dated 30.12.2004 issued by the Govt. of India, Ministry of Personnel and Training (DOP&T), needs to be revised.

4. Learned counsel appearing for the respondents Nos. 2 & 3 has submitted that since the Under Secretary to the Govt. of India, (DOP&T), has informed that the employees of Delhi Police are not eligible for age relaxation for appointment in Group 'C' posts, the applicants candidature for selection has not been considered, they having crossed the upper age limit.

5. Learned counsel appearing for the respondent No.4 submits that in view of the aforesaid communication dated 30.12.2004, necessary age relaxation was not provided to the applicants.

6. We have considered the submissions advanced by the learned counsel for the parties. The Under Secretary to the Govt. of India (DP&T) has issued the communication dated 30.12.2004 intimating the Secretary of SSC that personnel of Delhi Police, are not treated as departmental candidates for appointment in Group "C" posts. It appears from the pleadings that at the relevant point of time persons serving in Delhi Police were not treated as Central Government. The said position, however, was clarified by the Office Memorandum dated 1st/4th September, 2006, issued by the Director (Delhi) Govt. of India, Ministry of Home Affairs, referring to in the note dated 4.7.2006 of the DOP&T, to the effect that personnel of Delhi Police, are the employees of the Central Government and not the Union Territory. Nothing has been placed before this Tribunal contrary to the said decision taken and intimated vide the aforesaid Office Memorandum dated 1st/4th September 2014. The fact remains that personnel of Delhi Police are to be treated as Central Government employees and, hence, the applicants are eligible for age relaxation. It appears that pursuant to the Interim Relief granted on 30.12.2008 by this Tribunal directing the respondent No.4 to allow the applicants to appear for selection in Combined Graduate Level Exam-2008 provisionally, they have been allowed to appear. However, the result of the applicants has been withheld.

7. In view of the aforesaid position, we allow the OA directing the respondent No.4 to declare the result of the applicants, quashing the order dated 30.12.2004 to the extent it relates to the personnel of Delhi Police and direct the respondents to take consequential decision pursuant to the result declared by the SSC within a period of two months from the date of receipt of a copy of this order.

8. The OA is, accordingly, allowed as indicated above. No cost.

(K.N.Shrivastava)
Member (A)

(B.P. Katakey)
Member (J)

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