

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

O.A.NO.3668 OF 2015
New Delhi, this the 13th day of February, 2018

CORAM:
HON'BLE SHRI RAJ VIR SHARMA, JUDICIAL MEMBER
AND
HON'BLE MS.PRAVEEN MAHAJAN, ADMINISTRATIVE MEMBER

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1. Anoop Singh Gurjar,
Aged 25 years,
s/o Sh.Gyan Singh,
R/o Vill Naurangabad,
PO Sh. Mahaveer Ji, the Hindun City,
Dist. Karauli, Rajasthan

2. Pradeep Kumar,
Aged 30 years,
s/o Dharampal,
R/o V & PO Issapur,
New Delhi 110073

3. Parveen Kumar,
Aged 25 years,
s/o Sh.Harbajan Singh,
R/o Vill Sadullapur Bangar,
PO Mahalwala
Dist.Meerut, Uttar Pradesh Applicants

(By Advocate: Mr.Harpreet Singh)

Vs.

1. The Commissioner of Police,
Police Headquarters,
MSO Building, ITO,
New Delhi 110002

2. The Deputy Commissioner of Police,
(Recruitment Cell),Delhi,
MSO Building, ITO,
New Delhi 110002 Respondents

(By Advocate: Ms.Nitu Mishra, proxy for Ms.Rashmi Chopra)

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ORDER
Per RAJ VIR SHARMA, MEMBER(J):

On the basis of certain information received from the PIO of the respondent-Department that they had scored 66 marks in the Recruitment Examination for the post of Constable (Executive) Male 2009-Phase I, the applicants have filed the present O.A. under Section 19 of the Administrative Tribunals Act, 1985, seeking a direction to the respondents to consider their cases for appointment as Constables (Executive) Male in Delhi Police, consequent to the cancellation of candidatures of three OBC candidates who were included in the additional list of OBC candidates prepared by the respondent-Department, in compliance with direction contained in the judgment dated 14.8.2013 passed by the Hon'ble High Court of Delhi in W.P. (C) No.323 of 2012(*Government of NCT of Delhi and others vs. Naresh Kumar*) for filling up 25 vacancies in the OBC category.

2. Resisting the claim of the applicants, the respondents have filed counter reply and also an affidavit in compliance with Tribunal's order dated 6.9.2017. The applicants have not filed any rejoinder reply refuting the stand taken by the respondents.

3. We have carefully perused the records and have heard Mr.Harpreet Singh, learned counsel appearing for the applicants, and Ms. Nitu Mishra, proxy for Ms.Rashmi Chopra, learned counsel appearing for the respondents.

4. It transpires from the records that total 132 candidates under the OBC category were kept in the Additional List strictly on merit basis at the time of declaration of final result. In the said Additional List, the names of the applicants appeared at sl.nos.50, 47, and 92 respectively. Applicant nos. 1 and 2 were shown to have scored 66 marks, whereas applicant no.3 was shown to have scored 65.5 marks in the recruitment examination. On 2.2.2010, 18 candidates out of those 132 OBC candidates were declared selected from the Additional List strictly on the basis of their merit for the replacement of candidates who were selected earlier but could not/did not join the Department due to various reasons. Thus, 114 OBC candidates were left behind in the Additional List. Out of those 114 OBC candidates, 71 candidates had scored 66 marks, 34 candidates had scored 65.5, and remaining 9 candidates had scored 65 marks. In the list of those 71 OBC candidates, who had scored 66 marks, the names of applicant nos. 1 and 2 appeared at sl.nos. 32 and 29 respectively. In compliance with the direction of the Hon'ble High Court of Delhi in *Government of NCT of Delhi and others vs. Naresh Kumar's* case (supra), the respondents issued offers of appointment to the candidates in order of their merit. By the date of filing of the affidavit by the respondents, i.e., 7.11.2017, it transpires that out of 30 candidates, 24 candidates had joined the service, the candidatures of 5 candidates were cancelled, and the pre-joining formality in respect of 1 candidate was not completed. It also appears that applicant no.2, whose merit position was 29, has already joined the service. As already noted, the

merit position of applicant no.1 was 32. The merit position of one Mr.Kuldeep Yadav, s/o Chhote Lal Yadav, was 31, who has not yet been issued the offer of appointment inasmuch as all the 25 vacancies in OBC category have already been exhausted. In the above view of the matter, we do not find any merit in the O.A.

5. Accordingly, the O.A. is dismissed. No costs.

(PRAVEEN MAHAJAN)
ADMINISTRATIVE MEMBER

(RAJ VIR SHARMA)
JUDICIAL MEMBER

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