

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

O.A. No.3956/2016

M.A. No.3529/2016

Order reserved on: 29.11.2016.

Order pronounced on: 10.02.2017

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

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

1. Manjeet Kumar, Warder,
S/o Shri Jagdish,
R/o H.No.A-99, VPO Chhawla,
New Delhi-71.
2. Devender Singh, Warder,
S/o Shri Rohtash,
R/o Qtr. No.794, Type-2,
NRC, Tihar Jail,
New Delhi-110064.

-Applicants

(By Advocate Shri Bharat Bhushan)

-Versus-

1. Govt. of NCT of Delhi,
Through Principal Secretary,
Delhi Secretariat,
New Delhi-110002.
2. Principal Secretary (Services),
Govt. of NCT of Delhi,
Delhi Secretariat,
New Delhi-110002.
3. Director General of Prisons,
Govt. of NCT of Delhi,
Near Lajwanti Chowk,
Janak Puri,
New Delhi-110064.

-Respondents

ORDER

Mr. K.N. Shrivastava, Member (A):

MA No.3529/2016 for joining together in single Application under Rule 4 (5) (a) of the Central Administrative Tribunal (Procedure) Rules, 1987 is allowed.

2. The applicants, through the medium of this Original Application, filed under Section 19 of the Administrative Tribunals Act, 1985, have prayed for the following main reliefs:

“1. That the Hon’ble Tribunal be pleased to direct the Respondents to pay the allowances of HW (Drill Instructor) as are in vogue in Police Training College to the applicants since the day they have been imparting training to the personnel of Delhi Prison.

2. That the Respondents be directed to incorporate the provision in RRs of promotion of Warder for such warders who undergo and secure 1st Class proficiency certificate in Drill Instructor Course similar to the provisions in the RRs for Head Constable in Delhi Police as recommended by DG(P) (Respondent No.3), retrospectively and...”

3. The brief facts of the case are as under:

3.1 The applicants joined as Warders on 14.05.2004 at Central Jail, Tihar, which comes under the Government of National Capital Territory of Delhi (GNCTD). They were deputed for nine months basic drill instructor training at PTC, Jharoda Kalan, New Delhi, vide order dated 24.03.2009. They successfully completed the said training and they were duly given the Proficiency Certificate (Annexure A-III). After

completion of the training they were posted in the Training Branch of the Prison.

3.2 The applicants claim that Warder and Head Warder in Central Prison are equivalent to Constable and Head Constable respectively in Delhi Police. It is their case that the Delhi Police in terms of their SO No.300/2008 (Annexure A-V) promote their Constables who secure 1st class Proficiency Certificate to the grade of Head Constable whereas similar promotion to the Warders of Central Prison to the post of Head Warder is not given. In this connection the applicants have mentioned that this Tribunal in OA No.80/1987 vide order dated 07.12.1990 had granted pay parity to Warders and Head Warders of the Central Prison with Constables and Head Constables respectively of the Delhi Police.

3.3 They further contend that similar view has been taken by the Hon'ble High Court of Delhi in WP(C) No.1764/2007, decided on 18.04.2007. The applicants further contend that the Delhi Police Constables who undergo drill instructor training and are awarded 1st class Proficiency Certificate become eligible for consideration by the DPC for promotion to the grade of Head Constable irrespective of their seniority but for the Prison staff no such provision exists in their Recruitment Rules (RRs).

3.4 When the OA was considered at the admission stage on 29.11.2016, Shri Bharat Bhushan, learned counsel for the applicants, besides highlighting the averments made in the OA, also brought to our notice Rule 12 (2) (a) & (b) and Rules 13 and 14 of the Delhi Police (Promotion & Confirmation) Rules, 1980, according to which, the Delhi Police Constables (Executive), on completion of five years of good service, become eligible for selection for lower school course and on completion of the said course, they are placed in the promotion list to the grade of Head Constable (Executive). It was also submitted that the applicant No.1 has submitted a representation to the Head of Department, i.e., Director General (Prisons) (Annexure A-VI, P.39) and applicant No.2 has also submitted a representation to DG (Prisons) (Annexure A-VII, P-38) seeking parity for Warder/Head Warder of the Prisons with Constables/Head Constables respectively of Delhi Police. They have also stated in their representations that Justice A.N. Mulla Committee and Officers' Committee headed by Shri R.K. Kapoor, IPS have also recommended for such parity. The learned counsel submitted that the applicants would be satisfied if a time bound direction is issued to the respondents to consider and decide the representations of the applicants.

4. Having regard to the submissions made by the learned counsel for the applicants and without going into the merits of

the case, the OA is disposed of at the admission stage itself, with a direction to the respondents to dispose of the Annexure A-VI and A-VII representations of the applicants, within a period of three months from the date of receipt of a certified copy of this order by passing a reasoned and speaking order. Needless to say that a copy of the order so passed shall be sent by the respondents to the applicants. The applicants are also granted liberty to seek appropriate legal remedy, if so advised, if they are not satisfied by the order passed by the respondents on their representations.

5. No order as to costs.

(K.N. Shrivastava)
Member (A)

(Raj Vir Sharma)
Member (J)

‘San.’