

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI**

O.A. No.3749/2013

**Reserved On:23.04.2018
Pronounced on:01.05.2018**

Hon'ble Mr. V. Ajay Kumar, Member (J)
Hon'ble Ms. Nita Chowdhury, Member (A)

1. DTC Worker's Union
Through its President,
Shri Ram Singh and
Through its Attorney
Shri Gian Chand
At:3/A, Asaf Ali Road,
New Delh-110002.
2. Shri Gian Chand
S/o Late Ram Roop Sharma
R/o E-19/87,
Sector-3, Rohini,
Delhi-110085. ...Applicants

(By Advocate: Shri Sarvesh Singh for Shri F.A. Jha)

Versus

1. Chairman-cum-Managing Director,
DTC Head Quarter,
I.P. Estate,
New Delhi.
2. CGM Traffic/Admn.,
Delhi Transport Corporation,
Office at:Sindhia House, Connaught Place,
New Delhi.
3. Commissioner, State Transport Authority,
Rajpur Road, Delhi-110054.
4. Managing Director,
Delhi Integrated Multi-Model System,
ISBT Building, Kashmere Gate, Delhi.
5. Govt. of NCT of Delhi
Through its Chief Secretary (Transport)
Secretariat Building, ITO.,

New Delhi.

...Respondents

(By Advocate: Shri Ajesh Luthra)

ORDER

By Mr. V. Ajay Kumar, Member (J)

The first applicant is the DTC Worker's Union represented by its President, Shri Ram Singh and the second applicant is the GPA holder of the said Shri Ram Singh and they have filed the OA, seeking the following reliefs:-

“(i) This Hon'ble Tribunal may kindly be pleased to direct the respondent to frame the policy to fix standard kilometers, i.e. 100 kilometers in 8 hours of standard working hours for the drivers and further direct compensation to the drivers for their extra working hour and extra kilometers run or in alternative direct to frame a policy for replacement of a driver after completion of his working hour on the spot, in the interest of justice.

(i) This Hon'ble Tribunal may kindly be pleased to pass any other order/direction as this Hon'ble Tribunal deems fit in the facts and circumstances of the case”

2. Heard Shri Sarvesh Singh for Shri F.K. Jha, learned counsel for the applicants, Shri Ajesh Luthra, learned counsel for the respondents and perused the pleadings on record.

3. A bare perusal of the relief claimed in the OA clearly shows that the applicants have not claimed any specific individual relief to any individual affected employee of the respondent-DTC. The prayer and the pleadings in the OA are in the nature of Public Interest Litigation seeking a

direction to the respondents to frame a policy in a particular manner.

4. With regard to framing of policy, the Hon'ble Apex Court in the case of **P.U. Joshi and Others Vs. Accountant General, Ahamedabad and Others, 2003 (2)**

SCC 632 held as under:-

“10. We have carefully considered the sub-missions made on behalf of both parties. Questions relating to the constitution, pattern, nomenclature of posts, cadres, categories, their creation/abolition, prescription of qualifications and other conditions of service including avenues of promotions and criteria to be fulfilled for such promotions pertain to the field of Policy and within the exclusive discretion and jurisdiction of the State, subject, of course, to the limitations or restrictions envisaged in the Constitution of India and it is not for the Statutory Tribunals, at any rate, to direct the Government to have a particular method of recruitment or eligibility criteria or avenues of promotion or impose itself by substituting its views for that of the State. Similarly, it is well open and within the competency of the State to change the rules relating to a service and alter or amend and vary by addition/substruction the qualifications, eligibility criteria and other conditions of service including avenues of promotion, from time to time, as the administrative exigencies may need or necessitate. Likewise, the State by appropriate rules is entitled to amalgamate departments or bifurcate departments into more and constitute different categories of posts or cadres by undertaking further classification, bifurcation or amalgamation as well as reconstitute and restructure the pattern and cadres/categories of service, as may be required from time to time by abolishing existing cadres/posts and creating new cadres/posts. There is no right in any employee of the State to claim that rules governing conditions of his service should be forever the same as the one when he entered service for all purposes and except for ensuring or safeguarding rights or benefits already earned, acquired or accrued at a particular point of time, a Government servant has no right to challenge the authority of the State to amend, alter and bring into force new rules relating to even an existing service”.

5. In the circumstances and in view of the above settled legal position, the OA lacks merit and accordingly the same is dismissed. No costs.

(NITA CHOWDHURY)
MEMBER (A)

(V. AJAY KUMAR)
MEMBER (J)

RKS