

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

OA No.200/2013
MA 2831/2016,
MA 154/2013
MA 2073/2017
MA 2832/2016
with
OA 1322/2015
MA 2828/2016
MA 2827/2016
MA 1196/2015

Reserved on 26.07.2018
Pronounced on 30.07.2018

**Hon'ble Ms. Nita Chowdhury, Member (A)
Hon'ble Mr. S.N.Terdal, Member (J)**

OA 200/2013

1. Vijay Raj Gautam, Age-23 yrs.,
Roll No.DLI-JFA-301
S/o Sh. Satya Narayan,
Vill. & PO-Panwer,
District- Allahabad (UP)
Pin-212107

2. Shailender Kumar, Age-25 yrs.,
Roll No. DLI-JFA-02
S/o Sh. Mahipal Singh,
Vill. Jatauli, PO-Hasanpur,
The-Hodal, District-Palwal,
Haryana.

3. Ajay Pal, Age-22 yrs.,
Roll No. DLI-JFA-1337
S/o Sh. Ram Pal
RC-09, Indra Garden, Khora Colony
(GZB-UP) Pin-201010. Applicants

(By Advocae: Mr. Sachin Chauhan)

VERSUS

1. Union of India,
Through its Secretary,
Ministry of Home Affairs,
Govt. of India, New Delhi.

2. The Special Secretary,
Aviation Research Centre,
Directorate General of Security,
Cabinet Secretariat, East Block-V,
R.K.Puram, New Delhi-66
3. The Directorate General of Security,
Cabinet Secretariat, East Block-V,
R.K.Puram, New Delhi-66
4. The Joint Deputy Director (Pers-A),
Aviation Research Centre,
Directorate General of Security,
Cabinet Secretariat, East Block-V,
R.K.Puram, New Delhi-66
5. The Assistant Director (Pers-A),
Aviation Research Centre,
Directorate General of Security,
Cabinet Secretariat, East Block-V,
R.K.Puram, New Delhi-66

... Respondents

(By Advocate Mr. D.S.Mahendru)

OA 1322/2015

Nagender, Age-22 yrs.,
Roll No. DLI-JFA-622
S/o Sh. Jagdish, Village-Satupura,
P.O.Tigaon,
Distt. & Tehsil-Faridabad,
Pin-121101.

... Applicant

(By Advocate: Mr. Sachin Chauhan)

VERSUS

1. Union of India,
Through its Secretary,
Ministry of Home Affairs,
Govt. of India, New Delhi.
2. The Special Secretary,
Aviation Research Centre,
Directorate General of Security,
Cabinet Secretariat, East Block-V,
R.K.Puram, New Delhi-66
3. The Directorate General of Security,
Cabinet Secretariat, East Block-V,
R.K.Puram, New Delhi-66

4. The Joint Deputy Director (Pers-A),
Aviation Research Centre,
Directorate General of Security,
Cabinet Secretariat, East Block-V,
R.K.Puram, New Delhi-66
5. The Assistant Director (Pers-A),
Aviation Research Centre,
Directorate General of Security,
Cabinet Secretariat, East Block-V,
R.K.Puram, New Delhi-66

... Respondents

(By Advocate Mr. D.S.Mahendru)

ORDER

Mr.S.N.Terdal, Member (J):

The present two Original Applications raise same question of law, thus are taken up for disposal together in terms of the present order.

2. Heard Shri Sachin Chauhan, counsel for applicants and Shri D.S.Mahendru, counsel for respondents, perused the pleadings and all the documents produced by both the parties.
2. In the OAs, the applicants have prayed for the following reliefs:

"(i) To quash and set aside the memorandum dated 10.9.12 and any proceeding in pursuance of memorandum dated 10.9.12 be declared as null and void and respondent be directed that approved select list of candidates selected for the post of JFA in pursuance to notification dated 5.4.11 be revived and applicant be given to the appointment to the post of JFA with all consequential benefits; Or/and

(ii) Any other relief which this Hon'ble Court deems fit and proper may also be awarded to the applicant."

3. The relevant facts of the case are that vide Circular No. ARC/Pers-II/121/201 dated 05.04.2011, the respondents called for applications for direct recruitment to the post of Junior Field Assistant (Aircraft Assistant), Junior Field Assistant (Safaiwala), Junior Field Assistant (Mali) and Junior Field Assistant in the Directorate General of

Security. The applicants in both the cases applied for the post of Junior Field Assistant. They were qualified. In all 2256 candidates had applied. Seven Selection Boards were constituted. The Selection Boards allotted marks based on IQ and general knowledge, power of expression, professional qualification/experience and appearance and bearing. Minimum 50% of the marks were fixed as qualifying marks. Out of 2256 candidates who had appeared for the interview, the applicants were recommended for appointment out of 21 candidates against the post of Junior Field Assistant. The applicants in OA no. 200/2013 were at serial no. 4, 5, 11 and applicant in OA No. 1322/2015 was at serial no 20 in the merit list. The entire process was completed by 30.12.2011. Along with the above said selection for the post of Junior Field Assistant for 9 vacancies of Junior Field Assistant (Safaiwala) and 2 posts of Junior Field Assistant (Mali) were also processed. The candidates recommended for appointment against the post of Junior Field Assistant (Safaiwala) and Junior Field Assistant (Mali) were appointed. Whereas the candidates recommended for appointment to the post of Junior Field Assistant were not appointed. Subsequently, without disclosing any reason and without passing any specific order, the respondents came out with another advertisement on 10.09.2012, re-advertising the said posts along with some other posts totalling 28 posts.

4. Counsel for the applicants vehemently and strenuously contended that after the entire process of selection was made and after undergoing the interview, when their name was recommended for appointment, re-advertising the said post is not justified.

5. The counsel for the respondents equally vehemently submitted that the posts were re-advertised because the selection was made contrary to the provisions of the Recruitment Rules (RRs) in so far as the RRs specify the post of Junior Field Assistant with trade specific requirement. Elaborating the same, he submitted that whereas in the advertisement dated 5.04.2011 against 21 posts of Junior Field Assistant, no trade was specified, as in the case of Junior Field Assistants of Safaiwala, Mali and Aircraft Assistant. The counsel for the respondents has produced RRs as amended upto 04.01.2011. From the perusal of the said RRs and the averments made in para 4.6 of the counter reply, it is clear that the RRs operating as on 05.04.2011 do not specify separately any trades. Indeed, contrary to the contentions urged by the counsel for the respondents, the RRs as amended on 04.01.2011 speaks of merger of various posts/ trades and identification merged post as "Junior Field Assistant". The relevant portion of the said para 4.6 is extracted below:

"4.6 That the contents of para 4.6, it is submitted that the notification was issued by the Govt. on 4.1.2011 in supersession of the Aviation Research Centre (ARC) Recruitment Rules for various Group C and D posts notifying the Directorate General of Security (Misc. Cadre) Recruitment Rules, 2010 by merging various posts/trades and identifying the post as Junior Field Assistant."

In view of the above, the action of the respondents in not appointing the applicants after the Competent Selection Board had recommended for appointment is not proper. Further the action of the respondents in re-advertising the said posts by impugned Circular dated 10.09.2012 is not legal.

7. Accordingly the OAs are allowed. The respondents are directed to appoint the applicants against the vacant posts, if any, of Junior Field Assistant in Pay Band-1 (Rs.5200-20,200/-) + Grade Pay Rs.1800/- within three months from the date of receipt of this order as per the recommendation of the Selection Board dated 30.12.2011. However, they are not entitled to any back wages. They are entitled to be treated as fresh appointees with effect from the date of their joining as per this order and from the date of their joining. No order as to costs.

(S.N.Terdal)
Member (A)

(Nita Chowdhury)
Member (J)

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