

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

OA No. 4416/2013
MA 3431/2016

Reserved on 31.08.2018
Pronounced on 06.09.2018

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

Avinash Pratap (Roll No. 609209)
Recruit SI (Ex.) in Delhi Police Phase-II,
H.C (Comm.) in Delhi Police,
PIS No. 28010249
Aged about 34 years,
S/o Sh. Mohan Singh,
R/o B-77, PC R.K.Puram.,
Sector-12, New Delhi.

... Applicant

(By Advocate: Mr. Anil Singal)

VERSUS

1. Govt. of NCT of Delhi
Through Commissioner of Police,
PHQ, IP Estate, New Delhi.
2. Joint Commissioner of Police (HQ),
PHQ, IP Estate, New Delhi.
3. Sonal Raj Jha 623735 16.05.86 155
4. Harendra Singh 610730 01.02.86 155
5. Jitendra Kumar 625389 10.12.84 155
6. Kuldeep Singh 622821 15.09.84 155
7. Anil Kumar 600186 07.07.84 155
8. Satish Kumar 615345 10.07.79 156
9. Vijay Kumar 601306 02.08.88 156
10. Vikas Kajla 611369 25.10.87 156
11. Sudeep Phogat 622098 25.10.87 156
12. Deepak Tomar 604362 22.09.87 156
13. Sumit Kumar 601105 15.07.87 156
14. Ashish Kumar 607041 01.11.87 156
15. Ajay 616564 26.06.86 156
16. Firoz Khan 612694 05.07.86 156

17.	Narendra Kumar	611216	05.03.86	156
18.	Monu	615744	20.04.86	156
19.	Jasbir Singh	601421	24.03.86	156
20.	Amit Kumar	622808	03.07.86	156
21.	Vikas Kuhar	607309	03.04.86	156
22.	Badri Prasad	620859	02.07.85	156
23.	Rama Shankar	622113	12.01.89	157
24.	Permendra	614674	09.01.87	157
25.	Amit Verma	608826	30.04.87	157
26.	Ranvijay Gautam	614677	15.02.87	157
27.	Krishan	613499	11.11.86	157
28.	Nitin	610313	09.0186	157
29.	Santosh Kumar	614760	06.02.86	157
30.	Ved Gaud	607801	01.07.86	157
31.	Rajdeep Singh	608703	27.07.85	157
32.	Ashish Rastogi	614284	07.10.84	157
33.	Jug Pravesh	624329	29.10.1987	158
34.	Anil Kumar	624398	10.10.1985	158
35.	Naveen Kumar	609707	04.04.1989	158
36.	Rohit Kumar	607457	11.11.1988	158
37.	Deepak	625549	15.12.1986	158
38.	Sanjay Kumar	619437	07.02.1988	158
39.	Samrat Khatiyan	606486	31.08.1987	158
40.	Jitender Singh	617371	28.08.1988	158
41.	Arun Kumar	603163	10.08.1986	158
42.	Parmod Kumar	610719	21.04.1984	158
43.	Amrender Kumar	606388	18.10.1986	158
44.	Pradeep Kumar	616580	09.05.1984	158
45.	Mandi Singh	617816	03.06.1988	158
46.	Anjani Kumar	602932	01.05.1978	159
47.	Sanjay Kumar	601861	14.04.1986	159
48.	Vijay Singh	600049	06.03.1987	159
49.	Abhishek	606710	31.10.1987	159
50.	Pradeep Drall	622894	10.12.1986	159
51.	Yogesh Tanwar	606802	11.09.1984	159
52.	Harvinder	613739	16.07.1988	159

53.	Mahesh Kumar	605387	08.9.1984 159
54.	Vineet Kumar	610860	22.10.1985 159
55.	Abhishek Dutt	622473	12.02.1986 159
56.	Saurabh Arora	617869	31.10.1984 159
57.	Sandeep	606958	10.02.1988 159
58.	Neeraj Tomar	600158	01.12.1986 159
59.	Vikas	626358	23.07.1984 159
60.	Sonu Kumar	608642	05.12.1985 159
61.	Ajay Tomar	614223	15.12.1987 159
62.	Danishbir Singh	605531	19.10.1988 159
63.	Sonveer Singh	622235	01.03.1988 159
64.	Naresh Kumar	607244	05.10.1985 159
65.	Dinesh Kumar	613388	09.12.1985 159
66.	Varun Dev	612657	01.07.1987 160
67.	Sagar Pratap	619641	24.09.1986 160
68.	Sandeep	622827	06.11.1984 160
69.	Uttam Kumar	614723	05.01.1985 160
70.	Parvesh	606407	04.04.1985 160
71.	Anil Kumar	612511	04.07.1985 160
72.	Sushil Kumar	611264	08.01.1987 160
73.	Mukesh Kumar	603844	15.07.1988 160
74.	Parveen Kumar	622962	30.12.1987 161
75.	Ravi Verma	616815	12.07.1988 161
76.	Narender Kumar	623316	10.10.1984 161
77.	Varun Kumar	616804	05.02.1988 161
78.	Anshul Kumar	601473	06.09.1984 161
79.	Vijay Kumar	614037	03.01.1986 161
80.	Dinesh	600901	21.02.1985 161
81.	Rama Kant	611758	05.07.1985 161
82.	Harish Bhandari	607042	10.11.1987 161
83.	Vikas	601691	18.05.1987 161
84.	Ashish	623279	04.04.1985 161
85.	Shailendra	608391	05.08.1985 161

(All the above respondents from 3 to 85 are candidates from UR Category who are junior to the applicant but

Selected and appointed to the post of SI (Ex.) in Delhi Police in Recruitment-2009 (Ph-II), they are to be served Through Respondent No.2)

.... Respondents

(By Advocate: Mrs. Sumedha Sharma)

O R D E R

Hon'ble Mr. S.N.Terdal, Member (J):

Heard Shri Anil Singal, counsel for applicants and Mrs. Sumedha Sharma, counsel for respondents, perused the pleadings and all the documents produced by both the parties.

2. In OA the applicant has prayed for the following reliefs:-

- “1. To direct the respondents to consider the applicant against 'UR Category' 155 vacancies for the post of SI (Ex.) in the Recruitment-2009 (Phase-II) in which he has qualified and appoint him to the post of SI (Ex.) with all the consequential benefits since he secured 161 marks more than the last "UR Category" candidate who was selected.
2. To quash and set aside the selection and appointment of the respondent No. 3 to 85 to the post of SI (Ex.) in Delhi Police in Recruitment-2009 (Phase-II).
3. To award costs in favour of the applicant and pass any order or orders which this Hon'ble Tribunal may deem just & equitable in the facts & circumstances of the case.”

3. The relevant facts of the case are that the recruitment process of 380 vacancies of 2009 (Phase-II) for Sub Inspector (Executive) -Male in Delhi Police was advertised in the Employment News on 5.11.2009. As per Rules, 10% vacancies (category wise) were reserved for departmental candidates. The applicant applied in response to the said advertisement for the post of Sub Inspector (Ex.)-Male. The result of the said recruitment process was declared and the final cut off marks (minimum qualifying marks) for departmental/UR category was 163

marks while the applicant had secured 161 marks only. Since the final cut-off marks (minimum qualifying marks) for departmental/UR category was 163 marks and the applicant had secured 161 marks, as such the applicant failed to make the grade in the final result. The entire recruitment process was completed in 2010 and unfilled vacancies had already been carried forward to the next recruitment year 2012. Even the final result of the recruitment process started in 2012 had been declared by the Staff Selection Commission (SSC) on 6.03.2013. The present OA filed after lapse of 3 years in 2013 seeking the above stated relief.

4. In view of these facts, the counsel for respondents submitted that as the process is long over, the relief cannot be granted. The counsel for the respondents further brought to our notice the case of **Hari Om Vs. Commissioner of Police and another** (OA No.4266/2014), which is an identical case, which was dismissed by this Tribunal on 17.08.2015. The appeal filed by him was dismissed by the Hon'ble High Court in Writ Petition (Civil) No.10489/2015 vide order dated 18.05.2016.

5. The counsel for the applicant contended that in one OA of identically placed candidates relief was granted in 2012 by the order of this Tribunal in 2012. But, however, on closer scrutiny of para 21 of the judgment passed by the Hon'ble High Court of Delhi in Writ Petition No. 5220/2012 (**Rajender Singh Vs. Govt. of NCT of Delhi & Anr.**) and other connected Writ Petitions it is clear that relief was given as the said OA was filed in 2010 and the applicant therein was

enjoying the stay granted by the Tribunal staying the recruitment process, as such in that case though relief was granted in 2012, he had succeeded in his OA. But, however, in the present case the applicant has approached the Tribunal in 2013 when the entire recruitment process started in 2009 was over and even recruitment process of 2012 wherein the carry forward vacancies were considered was also completed in 2013. The counsel for the applicant further relied on the following judgment of Hon'ble Supreme Court:

- "(1) **K.C.Sharma and Others Vs. Union of India and Others**
(1997)6 SCC 721)
- (2) **State of Karnataka and Others Vs. C.Lalitha**
(2006) 2 SCC 747)
- (3) **Union of India and Another Vs.Arulmozhi Iniarasu and Others** (2011) 7 SCC 397)

But, however, in view of the peculiar facts of this case, the law laid down by the Hon'ble Supreme Court in the above cases do not come for the rescue of the applicant. Accordingly, we hold that OA is devoid of merit.

6. Accordingly, OA is dismissed. No order as to costs.

(S.N.Terdal)
Member (J)

(Nita Chowdhury)
Member (A)

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