

**Central Administrative Tribunal
Principal Bench**

OA No.1811/2013

Reserved on : 10.01.2019
Pronounced on : 25.01.2019

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. A. K. Bishnoi, Member (A)**

Sumit
S/o Late Narender
R/o V.P.O. Manajat,
Distt. Sonipat, Haryana. Applicant.

(By Advocate : Shri Ajesh Luthra)

Vs

1. Commissioner of Police
PHQ, MSO Building,
IP Estate, New Delhi.
2. Deputy Commissioner of Police
(Recruitment)
New Police Lines,
Delhi.
3. Deputy Commissioner of Police
(Establishment)
PHQ, MSO Building,
IP Estate, New Delhi. Respondents.

(By Advocate : Ms. Asiya for Ms. Rashmi Chopra)

: O R D E R :

Justice L. Narasimha Reddy, Chairman:

Delhi Police issued an advertisement in the year 2011 to appoint 2622 Constables (Exe) Male. The break-up of vacancies were Unreserved, OBC, SC and ST. The applicant participated in the recruitment process with Hall Ticket No.729503. He qualified in the physical endurance &

measurement test, and was permitted to appear in the written examination held in May, 2012. The results of the selection were declared on 22.05.2012. A list of 2539 selected candidates was published. An additional list was also published, to the extent of 20% of the notified vacancies. The name of the applicant figured in the additional list.

2. The applicant contends that though quite large number of candidates in the main list did not join, he was not issued order of appointment. According to him, only 2178 candidates were selected and appointed as against the 2622 notified vacancies. Reliance is placed upon the Official Memorandums dated 10.06.1959 and 18.01.1990 issued by the DoP&T.

3. This OA is filed with a prayer to direct the respondents to appoint the applicant as Constable (Exe) Male of 2011 batch, and to extend him consequential benefits.

4. The respondents filed the counter affidavit opposing the OA. According to them, the vacancies available by the time the recruitment took place were 2539, and as required under the Standing Order No.212/2011, additional/reserved list of 247 candidates who have declared qualified for medical examination and police verification was uploaded on

22.05.2012. It is stated that the applicant could not be appointed on account of the fact that adequate number of vacancies did not arise, and there are several meritorious candidates above him in the concerned category. It is also stated that subsequent recruitments have taken place and no relief can be granted at this stage.

5. We heard Shri Ajesh Luthra, learned counsel for the applicant and Ms. Asiya for Ms. Rashmi Chopra, learned counsel for the respondents.

6. It is a matter of record that the advertisement indicated 2622 vacancies. By its very nature, this figure is subject to revision, either upward or downward. The selection comprises of physical endurance test, followed by a written test. By the time, selections were complete, only 2539 vacancies were available. The category-wise list of selected candidates for those posts was prepared. The cut off marks for each of the categories was also indicated. The applicant figured in the additional list. The respondents cited various standing orders issued by them to the effect that the final selection would depend upon the vacancies arising category-wise, and in case finally selected candidates in the main list do not join, for the reasons of, being medically unfit, adverse PVR and otherwise not willing to join; the candidates in the additional list would be considered. It is also stated that no

right would accrue on the candidate only on the ground of being called for medical examination or for filling up of attestation forms.

7. The manner in which the vacancies were to be filled is indicated in para 5 of the counter affidavit. It reads as under:-

“It is submitted that in total 2622 vacancies were advertised and 2539 candidates were declared qualified in the main list as 83 vacancies of Ex-servicemen category, no eligible Ex-servicemen candidate was found. Out of the 2539 selected candidates, 2340 candidates have been found fit and sent for training and remaining cases are pending due to the various reasons like temporary unfitness, involvement in criminal cases etc. and their cases are under process. Further, 06 candidates from the additional list was also declared qualified for the post against the replacement of candidates who were selected but their candidature were cancelled on having been found involved in criminal cases but the applicant failed to make the grade in the said list. Hence, the action taken by the Respondent is legal and justified.”

8. We have also observed that in the reserved list, the applicant occurs at a relevant distant place, and the vacancies referable to the main list are not that many, to reach upto him. The applicant is not able to demonstrate that any candidate who is less meritorious than him was selected and appointed. To be precise, name of the applicant occurs at 115th place in the additional list in the unreserved category. It is not even pleaded that vacancies of approximately that number have arisen. At any rate, the

selections were of the year 2011, and two more recruitments have also taken place in between.

9. We do not find any legal or factual basis to grant relief to the applicant, that too, at this stage. The OA is accordingly dismissed. There shall be no order as to costs.

(A. K. Bishnoi)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/pj/