

Central Administrative Tribunal Principal Bench, New Delhi

O.A.No.794/2019

Monday, this the 11th day of March 2019

Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Mohd. Jamshed, Member (A)

Hardeep Singh Bajwa
Group A
Age 73 years
Designation ACP
s/o late Sh. Ujagar Singh
R/o WZ B-48, Krishna Park
New Delhi – 110 018

..Applicant

(Mr. Prabhash, Advocate)

Versus

1. Union of India through its Secretary
Ministry of Home Affairs
North Block,
New Delhi – 110 001
2. Ministry of Personnel
P G & Pensions
Department of Personnel & Training
North Block,
New Delhi – 110 001
3. State of NCT of Delhi through
Commissioner of Delhi Police
Delhi Police HQ ITO,
New Delhi – 02

..Respondents

(Ms. Geetanjali Sharma, Advocate for respondent Nos. 1 & 2)

O R D E R (ORAL)

Justice L. Narasimha Reddy:

The applicant retired from Delhi Police as Assistant
Commissioner of Police (ACP) in the year 2005. Recently, on

20.08.2018, the Ministry of Home Affairs, Government of India issued the Notification appointing 210 Entry Grade officers of NCT of Delhi, Andaman & Nicobar Islands, Lakshadweep, Daman & Diu and Dadra Nagar Haveli Police Service (DANIPS) to the Selection Grade of the Service in the scale of pay of ₹3000-4500 (as per 4th CPC), ₹10325-15200 (as per 5th CPC) and ₹15600-39100 with Grade Pay of ₹6600/- (as per 6th CPC), in compliance with the directions issued by the Hon'ble Delhi High Court, in its order dated 28.07.2014 in W.P. (C) No.598/2004 - **Union of India v. B K Singh & others**.

2. The applicant contends that the list appended to the Notification contains the names of several officers, who are far juniors to him, and his case was not considered at all. He contends that once his batch mates are included in the list and his juniors are appointed to the Selection Grade of DANIPS, he, too, was entitled to the same benefits.

3. We heard Mr. Prabhash, learned counsel for applicant and Ms. Geetanjali Sharma, learned counsel for respondent Nos. 1 & 2 at the stage of admission.

4. The grievance of the applicant is that his name was not included in the list appended to the Notification dated 20.08.2018. The Notification reads as under:-

“Notification

In compliance of the common Order dated 28.7.2014 passed by the Hon'ble High Court of Delhi in WP (C) No.598 of 2004 titled as UOI Vs B.K. Singh & ors. & WP (C) No.5973/2003 titled as Trilochan Singh Vs UOI and in supersession of this Ministry's order of even no. dated 16.10.2016 and on the recommendation of Review DPC held on 14th and 16th August, 2018 at UPSC for the vacancy year 1994-2010, the President is pleased to appoint the following Entry Grade Officers of NCT of Delhi, Andaman & Nicobar Islands, Lakshadweep, Daman & Diu and Dadra Nagar Haveli Police Service (DANIPS) to the Selection Grade of the Service in the Scale of pay of Rs.3000-4500 (as per 4th CPC) [Rs.10,325-15,200/- (as per 5th CPC) and Rs.15,600-39,100 with Grade Pay of Rs.6600/- (as per 6th CPC)] with all consequential benefits with effect from the dates indicated against their names.”

5. From this, it becomes clear that it is an extra-ordinary exercise undertaken by the Ministry of Home Affairs and Union Public Service Commission, with reference to the vacancy years 1994 to 2010, in compliance with the directions issued by the High Court in W.P. (C) No.598/2004. If the Notification and the appended list are issued in compliance of the directions of the High Court, the question of any interference with the same does not arise. If on the other hand the same does not accord with it, not only the parties to the writ petition but also the applicant herein can approach the High Court and ventilate the grievances. Either way, the O.A. cannot be entertained by this Tribunal.

6. We do not find any merit in this O.A. It is accordingly dismissed.

There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

March 11, 2019
/sunil/