

**Central Administrative Tribunal
Principal Bench**

OA No.3497/2013

New Delhi, this the 15th day of April, 2019

Hon'ble Sh. Justice L. Narasimha Reddy, Chairman
Hon'ble Sh. Pradeep Kumar, Member (A)

1. Subodh Kumar(OBC)
Recruit SI(Ex.) in Delhi Police
Roll No.2201099739
Constable (Ex.) in Delhi Police
PIS No.2801948, Aged about 35 years
S/o Sh. Chahat Ram
R/o Vill: Gir Pur Dhanora
PS: Dehat Bulandshah
PO: Sahakari Nagar, Bulandshahar, UP.
2. Hoshiyal Singh(UR)
Recruit SI(Ex.) in Delhi Police
Roll No.2201100737
Constable (Ex.) in Delhi Police
PIS No.28030677, Aged about 31 years
S/o Sh. Barik Singh
R/o VPO: Badarpur Sayed
Distt: Faridabad, Haryana. ...Applicants

(By Advocate: Shri Anil Singal)

Vs.

Union of India through

1. Secretary, DOPT
North Block, New Delhi.
2. Secretary, MHA
North Block, New Delhi.
3. L.G. Delhi, Raj Niwas, Delhi.
4. Commissioner of Police
PHQ, IP Estate, New Delhi.

5. Staff Selection Commissioner
Through its Chairman
C.G.O. Complex, Lodhi Road
New Delhi-110003. ...Respondent

(By Advocates: Shri S.M. Arif and Shri Amit Anand)

ORDER (ORAL)

Justice L. Narasimha Reddy:-

In the Delhi Police, appointments to the post of SI are partly through direct recruitment (50%) and remaining through promotion. The competition to the extent of 1/5th of the vacancies, earmarked for direct recruitment, is restricted to the departmental candidates. The applicants are the departmental candidates.

2. A notification, in this behalf, was issued in 2013. The eligibility, however, was restricted to about 900 departmental candidates and the applicants did not figure therein. Therefore, they filed OA No.1650/2013. On the basis of the interim order passed therein, both of them appeared in the written examination conducted for the purpose. The OA was disposed of with certain directions which were not of much help, to the applicants. Therefore, they filed Writ Petition No.2034/2015 before the Hon'ble Delhi High Court and

that was dismissed on 20.04.2017. The applicants filed SLP(C) No.23256/2017 before the Hon'ble Supreme Court and the same is pending.

3. This OA is filed with a prayer to direct the respondents to fix the lower cut off marks for the departmental candidates against the 33 vacancies reserved for them, in accordance with the Recruitment Rules and to direct the respondents to treat the applicants as qualified to be called for interview and medical examination. Other consequential directions are also sought.

4. The respondents filed a counter affidavit opposing the OA. It is stated that the very appearance of the applicants in the written examination was on the basis of the interim relief granted in the OA No.1650/2013 and that the present OA is not maintainable in law at all.

5. We heard Shri Anil Singal, learned counsel for the applicants, Shri S.M. Arif and Shri Amit Anand, learned counsel for the respondents.

6. In the context of participation in the written test, meant for departmental candidates, the applicants filed

OA No.1650/2013. On the basis of the interim relief passed therein, they appeared in the written test. However, the result of the OA did not help them. With a view to seek further remedy, they filed this OA.

7. Strictly speaking, both the OAs ought to have been clubbed and disposed of together. For one reason or the other they were not heard together. The fact, however, remains that the applicants did not get the relief in OA No.1650/2013 and even the Writ Petition(C) No.2034/2015 filed against the same was dismissed. Now the matter is pending before the Hon'ble Supreme Court. We do not find any basis to grant any independent relief in this OA.

8. The applicants have to await the adjudication of the SLP filed before the Hon'ble Supreme Court. We, therefore, dispose of this OA, leaving it open to the applicants to pursue the remedies depending upon the outcome of SLP No.23256/2017.

9. There shall be no order as to costs.

(Pradeep Kumar)
Member(A)

(Justice L. Narasimha Reddy)
Chairman

/vb/