

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

T.A./100/11/2015

New Delhi, this the 16th day of July, 2019

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

1. All India Prison Officers Association
(Registered) Through its President
Sri P.V.T. Phillip, Deputy Director,
Regional Institute of Correctional
Administration (Southern States),
Vellore-632 002, Tamilnadu

2. Sri V.P. Garg
Deputy Superintendent,
Central Prison, Tihar,
New Delhi

....Petitioners

(Through Shri Giriraj Subramaniam, Advocate)

Versus

1. The Union of India through the
Secretary to the Govt. of India
Ministry of Home Affairs
North Block, New Delhi-110011

2. The State of Tamilnadu,
Through its Chief Secretary,
Fort St. George,
Chennai

3. The State of Gujarat,
Through its Chief Secretary,
Gandhinagar, Gujarat

4. The State of West Bengal,
Through its Chief Secretary,
Writers Building,
Calcutta

5. The National Capital Territory of Delhi
Through its Chief Secretary,
Old Secretariat,
Delhi-110006
 6. The Inspector General of Prisons
Central Prison, Tihar,
New Delhi-110064 ... Respondents
- (Through Dr. Ch. Shamsuddin Khan, for respondent 1
Sh. Ravinder Kumar Sharma, for respondents 2 to 4
Shri Amit Anand, for respondents 5 and 6)

ORDER (Oral)

Justice L. Narasimha Reddy, Chairman

The proceedings in this TA started way back in the year 1998, with the filing of Writ Petition No.2778/1998 before the Hon'ble Delhi High Court. The All India Prison Officers Association filed the Writ Petition claiming three reliefs. The 1st is that the respondents be restrained from lending officers in any of its All India Service to perform the duties in any prison. The 2nd is that the Recruitment Rules (RRs) for the post of Deputy Superintendent-II, Deputy Superintendent-I and Superintendent be quashed and set aside in so far as they reserve 50% posts to be filled by transfer of personnel from other departments. The 3rd limb of the prayer is to direct the respondents to frame appropriate rules for implementing the recommendations of Mulla Committee, touching the aspect of emoluments, career advancement, shift duties, leave reserve, implementation of its minimum standards for treatment of prisoners and to provide three

minimum promotions. Other ancillary reliefs such as the one providing for appropriate time scales and selection grades are also prayed.

2. The Writ Petition was transferred consequent upon the civil services of the Delhi Government being brought under the purview of the Tribunal. Though this Writ Petition was filed by All India Prison Officers Association claiming relief in a large scale, it is now confined to the officers working in National Capital Territory (NCT).

3. We heard Shri Giriraj Subramaniam, for the applicant, Dr. Ch. Shamsuddin Khan, for respondent 1, Shri Ravinder Kumar Sharma, for respondents 2 to 4 and Shri Amit Anand, for respondents 5 and 6.

4. In all fairness, the learned counsel for the applicants has placed before us, a copy of the Delhi Prisons Act 2000 and an order dated 29.12.2015 issued by the Government of NCT. The Delhi Prisons Act 2000 has addressed the prayers (a) and (b) in the OA. So far as prayer (c) is concerned, the Delhi Government has addressed the issue and decided to extend the benefit of revised pay scales through its order dated 29.12.2015. The grievance of the applicants is that the order has not been implemented so far.

5. We find it difficult to bring the order dated 29.12.2015 within the purview of the present OA. If the applicants are so

advised, they may initially make independent representations and thereafter pursue remedies in accordance with law.

6. We, therefore, dispose of this OA leaving it open to the applicants to make representation for implementation of the order dated 29.12.2015 issued by the Delhi Government within four weeks from today and the Delhi Government, in turn, shall pass appropriate orders within three months thereafter. There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/dkm/