

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

OA/310/00568/2018

Dated Friday the 27th day of April Two Thousand Eighteen

PRESENT

HON'BLE MR. R. RAMANUJAM, Member (A)

M. K. Prakashan
Residing No. 5, Police Quarters
Pandakkal, Mahe-673310.Applicant

By Advocate M/s. Giridhar & Sai

VS

1. Union of India
Rep. by the Government of Puducherry
Through the Chief Secretary to Government
Chief Secretariat, Puducherry.
2. Director General of Police
O/o. Director General of Police
Police (HQ), Puducherry.
3. The Superintendent of Police (HQ)
Puducherry.
4. The Superintendent of Police (MT)
Police Department
Puducherry.Respondents

By Advocate Mr. R. Syed Mustafa

ORAL ORDER**(Pronounced by Hon'ble Mr. R. Ramanujam, Member(A))**

Heard. The applicant had filed this OA seeking the following reliefs:

“i. To direct the respondents to appoint the applicant to the post Driver Grade III by way of transfer from the post of Police Constable in accordance with the old Recruitment Rules for the post of Driver Grade III notified vide GO Ms. No. 24 dated 21.8.1998 as against the vacancies which arose during the currency of the said old Rules, together with further promotion to the next higher post of Driver Grade-II and Driver Grade-I, with pay, allowances and all other consequential benefits.

ii. To award costs, and pass such further and other orders as may be deemed and proper and thus render justice.”

2. Learned counsel for the applicant submits that the applicant was initially appointed as Home Guard and subsequently absorbed as Police Constable. Presently, he is already serving as Driver in the Respondent Department. The applicant made Annexure A11 representation dated 21.12.2013 for appointment as regular Driver in terms of the then prevailing Recruitment Rules issued by notification dated 21.08.1998 published in the Gazette on 15.09.1998. Attention is drawn to Serial No. 11 of Schedule I of the said rules prescribing the method of recruitment for the post of Driver (Police Department)

Grade III. Accordingly the applicant was entitled to be appointed as a Driver by transfer as he was already a Police Constable working in the Respondent Department. Even otherwise, as he entered the service as Home Guard and completed the requisite qualifying service, he was entitled to be absorbed as Driver whereas the respondents are resorting to direct recruitment. It is alleged that even though the applicant's representation was pending, the respondents issued a fresh notification dated 11.06.2014 amending the rules to provide for absorption from Home Guards having 3 years of continuous service and possessing educational and other qualifications as prescribed on seniority cum fitness basis.

3. It is submitted that the applicant had worked as Home Guard for over 3 years before, but absorbed as Police Constable and as such even under the amended rule, the applicant did not suffer any disqualification or ineligibility to be absorbed on the post of Driver. Even assuming for the sake of argument that the applicant could not be considered under the amended rules, RTI information obtained by the applicant revealed that 30 vacant posts of Driver Grade III (Annexure A15) were available as on 01.01.2013 and the same number as on 01.01.2014. As such, the applicant is entitled to be considered in terms of the prevailing pre-amended Recruitment Rules.

4. The applicant made Annexure A11 representation dated

21.12.2013 before Annexure A13 and Annexure A14 representations dated 04.12.2014 and 27.06.2016 respectively which had not been considered. The respondents may, therefore, be directed to consider his claim in accordance with law within a time limit pending which one post of Driver may be kept vacant, it is urged.

5. Mr. R. Syed Mustafa takes notice on behalf of the respondents.

6. Keeping in view the limited relief sought and the fact that the applicant was allegedly eligible in terms of the pre-amended Recruitment Rules when adequate number of vacancies were available to consider his claim in the relevant year(s), without going into the merits of the case, I deem it appropriate to dispose of this OA with the following direction:

“Respondents shall consider Annexure A11, 13 and 14 of the applicant in accordance with law and pass a reasoned and speaking order within a period of two months from the receipt of a copy of this order. One post of Driver Grade III shall be kept vacant till such disposal of the applicants representation by the competent authority.”

7. OA is disposed of with the above direction at the admission stage.

**(R. Ramanujam)
Member(A)
27.04.2018**

AS