
(2018) 08 CAT CK 0084
In the Central Administrative Tribunal
Case No : Original Application No. 640 Of 2014

Deepak

APPELLANT

Vs

Govt. Of NCT Of Delhi And Ors

RESPONDENT

Date of Decision : 16-08-2018

Acts Referred:

Citation : (2018) 08 CAT CK 0084

Hon'ble Judges : Nita Chowdhury, Member (A); S.N. Terdal, J

Bench : Division Bench

Advocate : Anil Singal , Neetu Mishra, Rashmi Chopra

Final Decision : Dismissed

Judgement

S.N. Terdal, J

1. Heard Mr. Anil Singal, counsel for applicant and Ms. Neetu Mishra for Mrs. Rashmi Chopra, counsel for respondents, perused the pleadings and all the documents produced by both the parties.

2. In the OA, the applicant has prayed for the following reliefs:

"1. To direct the respondents to fill up all 230 UR vacant posts of HC (Min.) in Delhi Police in the Recruitment-2010 from those candidates like the applicant who are next in the merit list and particularly secured 92 marks i.e. the cut off marks.

2. To direct the respondents to issue letter of appointment to the applicant and appoint to the post of HC (Min.) and grant all the consequential benefits arising from the direction in para 1.

3. To award costs in favour of the applicant and pass any order or orders which this Hon'ble Tribunal may deem just & equitable in the facts & circumstances of the case."

3. The relevant facts of the case are that the applicant applied in response to

Recruitment Advertisement notification of 2010 for the posts of Head Constable (Min) in Delhi Police. The said advertisement was for total of 499 posts and out of them 230 vacancies were for unreserved category (UR). The applicant had applied under UR category and he did not find his name in the final list of 230 UR selected candidates, which was published in March, 2013. The applicant came to know that the last cut off marks for the UR category was 92 marks and total 25 candidates secured 92 marks and they were arranged as per their age placing the elder in age at the top and top 14 were included in the list of selected candidates. Subsequently by filing RTI application, the applicant came to know that 19 vacancies remained vacant out of 230 vacancies meant for UR category. That 05 candidates who secured 92 marks and senior in age to the applicant have already been selected in the final list and that the applicant is 6th candidate who secured 92 marks and that as on 28.3.2014 i.e. the date on which the respondents replied to the RTI application of the applicant, the applicant was a very next candidate in the list of unselected candidates who secured 92 marks. He further submitted that in 2013 the respondents had issued another advertisement. He further submitted as after the issuing of the advertisement of 2013, the RTI reply has been given to him on 28.03.2014 and as per the said reply 19 vacancies as stated above had still remained vacant out of 230 vacancies meant for UR category. In the circumstances, he prays for a direction to the respondents to consider him for the unfilled vacancy of 2010 advertisement for the said post of Head Constable (Min.).

4. The counsel for the respondents have not denied the averments and submissions made by the counsel for the applicant. In the circumstances, in view of the facts narrated above, we direct the respondents to consider the applicant for the unfilled vacancy of 2010 advertisement if the vacancies are still available. For this purpose we give liberty to the applicant to make a comprehensive representation within 15 days and further direct the respondents to dispose of said representation within two months thereafter and in case vacancies of 2010 advertisement are still available then to appoint him.

5. Accordingly, OA is allowed. No order as to costs.