
(2021) 08 DEL CK 0093

In the Delhi High Court

Case No : Civil Writ Petition No. 8568 Of 2021, Civil Miscellaneous Application No. 26540, 26541 Of 2021

Ravinder Kumar And Ors

APPELLANT

Vs

Union Of India And Ors

RESPONDENT

Date of Decision : 17-08-2021

Acts Referred:

Citation : (2021) 08 DEL CK 0093

Hon'ble Judges : Manmohan, J;Navin Chawla, J

Bench : Division Bench

Advocate : Ankur Chhibber, Manish Mohan, Manisha Saroha

Final Decision : Dismissed

Judgement

Navin Chawla, J

The petition has been heard by way of video conferencing.

1. This petition has been filed by the petitioners challenging the Signal dated 20.07.2021 whereby the petitioners have been directed to report to RTC

Latur for 28 weeks basic induction training and for a direction to the respondent not to insist the petitioners to undertake the said training at this stage

of their service.

2. It is the case of the petitioners that the petitioners were enrolled as Constable (GD) and Head Constable (GD) in the Central Reserve Police Force

(hereinafter referred to as "CRPF") through the Sports quota in various years ranging from 2001 to February 2017. At the time when the

petitioners were enrolled in service, all CRPF personnel had to undergo 44 weeks basic induction training before their deployment to their respective

units/battalions, however, personnel selected through Sports quota had to

undergo only 16 weeks of basic training. The counsel for the petitioners submits that the activities in such 16 weeks training were primarily the same as those undergone by others in 44 weeks; they were only more compact and time restrained in manner. The intention behind this was to ensure that personnel selected for their excellence and proficiency in sports could focus their energies on their discipline of sports and win laurels for the CRPF. Similar was the training procedure followed in other paramilitary Forces like the Border Security Force and the Indo-Tibetan Border Police.

3. It is further contended by the learned counsel for the petitioners that as per the policies of the respondent/CRPF, after a certain amount of time, personnel who were selected through the Sports quota would be de-inducted from their respective teams due to a drop in performance level caused by injuries, sickness, age, indiscipline et cetera and would thereafter be posted to various units/battalions and assume their duties of regular GD personnel.

Before the assumption of such duties, no further training was expected of them. It was only with an Office Order dated 20.04.2017 that the

respondent/CRPF reviewed its policy of basic training of sportspersons and mandated that once the sportspersons are weeded out/removed from

teams due to reasons like age, poor performance, injury, and indiscipline, et cetera, they will be put through 28 weeks of induction training before they

are deployed/sent to the units. They submit that the abovesaid office order further stated that sportspersons who have undertaken only 16 weeks of

initial basic training would not be eligible for taking the Limited Departmental Competitive Examination (hereinafter referred to as "LDCE")

since the same required mandatory 44 weeks of basic training. The petitioners contend that this office order can only have a prospective effect and

would not be applicable to the petitioners as they had been enrolled in the CRPF prior to that date. Despite the same, by the Impugned Signal dated

20.07.2021 the petitioners have been directed to report to RTC Latur for 28 weeks basic induction training. The petitioners contend that after being

de-inducted from the sports teams the petitioners have been performing/ discharging their duties without any complaints and therefore, there is no

necessity for further training being forced upon the petitioners.

4. The counsel for the petitioners further submits that the petitioners, due to their age, medical fitness, et cetera, cannot be expected to complete the

same training course which is being undertaken by the new recruits. It is their contention that this can adversely affect their future service.

5. It is further submitted by the counsel for the petitioners that the basic purpose of providing for 28 weeks training was that it was essential to be

undergone for being eligible for the LDCE examination. In the present case, a large majority of petitioners are already over the permissible age limit

for taking the LDCE examination and thus, could not benefit from taking the further 28 weeks training.

6. It is further reiterated by the counsel for the petitioners that in any case the training being provided in the 28 weeks period has already been

undergone by the petitioners, in a truncated manner, while undergoing the 16 weeks training at the time of their enrolment. Counsel submits that

therefore, no useful purpose would be served in calling upon the petitioners to undergo this training again at this age and with their medical conditions.

7. We have considered the submissions made by the learned counsel for the petitioners, however, find no merit in the same.

8. At the outset we must note that a similar challenge made by some other Constables (GD) in the CRPF was rejected by this Court vide its judgment

dated 03.08.2021 passed in W.P. (C) 7614/2021 titled CT/GD Reena Malik & Ors. vs. Union of India and Ors., observing as under:

“8. As far as the arguments of the counsel for the petitioners, of the Policy being prospective for the reason of having come into force after the

induction of the petitioners is concerned, no merit is found therein. It has been held in Col. A.S. Sangwan Vs. Union of India AIR 1981 SC 1545

that the personnel of a force like the respondents CRPF are subject to Rules and Regulations/Polices framed from time to time. It was held, that a

policy once formulated is not good forever and it is perfectly within the competence of the Union of India to change it, re-change

it, adjust it and readjust it according to the compulsions of circumstances and the imperatives of national considerations. It was yet further

held that the Court cannot give directives as to how the Defence Ministry should function, except to ensure that the obligation, not to

act arbitrarily and to treat employees equally, is abided on the Union of India. In the said judgment, the Court agreed with the submissions of

the Union of India that there was no bar to it changing the policy formulated earlier, since there were good and weighty reasons for doing so.

Further, in P.U. Joshi Vs. Accountant General, Ahmedabad (2003) 2 SCC 632, it was held that the employees of the State have no

right to claim that Rules governing conditions of their service should forever be the same as the one when they entered service, for all purposes. It

was further held that only rights or benefits already earned, acquired or accrued at a particular point of time are required to be protected and

safeguarded and else, a Government servant has no right to challenge the authority of the State to amend, alter and bring into force new Rules relating

to even an existing service. Reference may also be made to the decision of this Court in Mukesh Singh Rajpoot Vs. Union of India

MANU/DE/2240/2020 (DB), wherein we have stated that in the absence of the plea that the employment of the petitioner therein was to be

governed by the Air Force Order in force at the time of recruitment or that the Indian Air Force was not entitled to, from time to time

change the policy, the Indian Air Force, depending upon the exigencies and requirements from time to time, in a matter as that of letting the Airmen go

even prior to their initial regular engagement, is entitled to change the policy. In the case at hand as well, it has not been pleaded that the respondents

CRPF were not entitled to, from time to time, change the policy.

9. Thus, the petitioners on the said basis cannot be said to have any right to impugn the order dated 20th April, 2017 or the signal dated 20th July, 2021,

directing the petitioners to report for training commencing on 16th August, 2021.

10. We have also enquired from the counsel for the petitioners, the objection of the petitioners to undergo the subject training. We are confident that

the training would be in consonance with the age bracket of the petitioners and the respondents CRPF cannot be assumed to be so unmindful as to put

the petitioners to the fear of injury or making them undergo some physical training which their age does not permit.

11. The counsel for the respondents CRPF appearing on advance notice has also contended that the requirement to undergo the training is not for

participation in LDCE only but also for performance of their duties, which they now, after being relieved from the sports team, which they had joined,

are now required to do. It is further argued that the said training, inter alia includes handling of arms and security and is necessary not only for the

petitioners to perform their duties but also for the own safety of the petitioners.

It is stated that without the said training, the petitioners and other similarly situated as them, may be found lacking in protecting themselves also in the contingencies, which arise at the place of posting of the petitioners.

12. Merit is found in the aforesaid contentions of the counsel for the respondents CRPF. Though the counsel for the respondents CRPF has stated that she has today morning received entire Policy relating to sports personnel and which explains all the aforesaid but being satisfied with the reasons aforesaid, the need to adjourn the matter for consideration of the said Policy is not felt.

13. We find the petitioners to have filed this petition without even any specific averments of any exercise which they, in the training would be required to do and which they, owing to their age, are unable to do. The petition is guided, rather than by right in law, by fear of the unknown.

14. The counsel for the petitioners has also contended that no useful purpose will be served by making the petitioners undergo the training.

15. It is not for the personnel of a force like respondents CRPF to judge whether a particular training, which he/she is required to do, would be of any use, and the decision in this regard has to be taken by respondents CRPF as their employer. The petitioners, after ceasing to be in the team of the sport in the quota whereof they were recruited, cannot be permitted to enjoy the benefit and emoluments of their employment with respondents CRPF and if are required to undergo any training to perform the duties of their post, cannot refuse to undergo such training. The petitioners, without such training, would be of no use to CRPF.â??

(Emphasis supplied)

9. We are in full agreement with the view taken by the learned Coordinate Bench of this Court and see absolutely no reason to differ from the same.

10. It is reiterated that the respondents are fully empowered to insist on the petitioners to undergo further training of 28 weeks. We have not been

shown any embargo on such power of the respondent. The usefulness or otherwise of such training is not for this Court to judge. We are not experts

in this field to â??second guessâ?? the authorities in this regard. We may only note that the petitioners belong to a premier Armed Force and have to

be fully fit at all times. For this purpose, insistence on them undertaking further

training cannot be termed as arbitrary. Equally, the activities to be performed by the trainees in such training and its curriculum is to be settled by the Training Directorate in accordance with the mandate in the Office

Order dated 20.04.2017 itself. Again, we have not been shown any arbitrariness in the same.

11. In view of the above, we find no merit in the present petition. The same is dismissed. There shall be no order as to costs.

12. The order be uploaded on the website forthwith. Copy of the order be also forwarded to the learned counsel through e-mail.