



2026:DHC:6364-DB



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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

# **CNR No. DLHC010403052020**

+ **W.P.(C) 9328/2020 & CM APPL. 30042/2020**

**COMMISSIONER OF POLICE & ORS. ....Petitioners**

Through: Mr. Manish Kumar, SPC with  
Mr. Avinav Shukla, Adv.

versus

**NAEEM ALI & ANR. ....Respondents**

Through: Mr. Javed Ali, Mr. Rukban  
Tyagi and Ms. Farheen Jahan Adv. for R-1

# **CNR No. DLHC010349362020**

+ **W.P.(C) 10792/2020 & CM APPL. 33844/2020**

**COMMISSIONER OF POLICE & ORS. ....Petitioners**

Through: Mr. Manish Kumar, SPC with  
Mr. Avinav Shukla, Adv.

versus

**DEVENDER SINGH CHAHAR & ANR. ....Respondents**

Through: Mr. Shanker Raju, Senior  
Advocate with Mr. Nilansh Gaur and Ms.  
Prerna Deep, Advs.

**CORAM:**

**HON'BLE MR. JUSTICE C. HARI SHANKAR**

**HON'BLE MR. JUSTICE VINOD KUMAR**

**JUDGMENT (ORAL)**

% **05.08.2026**

**C. HARI SHANKAR, J.**

1. Pursuant to a notification for inviting applications for

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recruitment to the post of Sub-Inspector in the Delhi Police, issued on 9 June 2012, the respondents applied. The examination was held on 19 August 2012. The selection consisted of a written test followed by an interview.

2. On 1 March 2013, result was declared based, however, only on the marks obtained by the candidates in the interview. The respondents' names figured in the said list.

3. Certain unhappy candidates moved the Central Administrative Tribunal by way of OA 1062/2013<sup>1</sup>. By judgment dated 10 October 2013, the said OA was disposed of, directing that the result be republished by adding the marks obtained in the written test and the interview. A fresh select list was, therefore, issued by the SSC, in compliance with the order of the Tribunal, on 25 August 2014. In that list, contends Mr. Manish Kumar, the name of Naeem Ali, Respondent 1 in WP (C) 9328/2020, was at S. No. 40 in the waiting list and the name of Devender Singh Chahar, Respondent 1 in WP (C) 10792/2020, was at S. No. 42. However, learned Counsel for the respondents contests this assertion.

4. For ease of reference, Naeem Ali and Devender Singh Chahar would be referred to, hereinafter, as "the respondents".

5. Prior to the fresh select list being issued on 25 August 2014, however, the respondents had already joined training, pursuant to the results announced on 1 March 2013, on 6 August 2014.



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6. In view of the order dated 10 October 2013 passed by the Tribunal, the petitioner, *vide* order dated 27 October 2014, withdrew the offers of appointment issued to the respondents.

7. The respondents, therefore, moved the Tribunal by way of OA 3917/2014 and OA 3918/2014, challenging the withdrawal of their offers of appointment.

8. In the said OAs, the Tribunal passed interim orders in 2014 itself, allowing the respondents to complete their training subject, however, to the final judgment in the OAs.

9. The OAs have come to be decided by the Tribunal by way of a common judgment dated 20 September 2019.

10. Having entered certain observations against the respondents, the Tribunal, nonetheless, proceeded to direct that their services be continued on the following reasoning:

“10. One fact, which however stares at us, as regards the applicants in O.A No. 3917/2014 and 3918/2014 is that, they were not only issued orders of appointment, but also have joined the training. In the O.As filed by them, a detailed interim order was passed directing that their training be continued. Though, the direction was only with regard to continuation of training, the respondents have chosen to continue them in the regular service also. That did not of course, result in the denial of appointment to the otherwise eligible candidates.

11. We are of the view that, it is not at all in the interests of administration to discontinue the applicants in the two O.As from service at this length of time. Unfortunately, same is not the case with the applicants in other two O.As. They were not issued orders



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of appointment. They figure mostly at the bottom of the wait list, if one were to have been maintained. Added to that, the relief cannot be restricted to the applicants therein. There are nearly 40 candidates above them. The selection of a candidate far below in the list by excluding the other meritorious candidate, would not at all be in accordance with law.

12. Therefore, we dispose of the O.A No. 3917/2014 and O.A No. 3918/2014 directing the respondents to continue the applicants therein in service on the basis of the orders of appointment issued to them. O.A. 4483/2014 and OA No. 163/2015 are dismissed.”

11. It is obvious that the manner in which the Tribunal has dealt with the *lis*, insofar as the respondents are concerned, is far from satisfactory. They have been directed to be continued in appointment solely because, under cover of the interim orders passed by the Tribunal, they had joined training and had remained in service for some time. The Tribunal has, on its own showing, been persuaded by “the interests of administration”.

12. According to us, the Tribunal has seriously erred in failing to address the controversy before it on merits and in directing continuation of the respondents in service solely on the ground that they were continuing pursuant to interim orders passed by the Tribunal.

13. The Tribunal appears to have lost sight of the fact that the permission to the respondents to continue under the interim orders was also subject to the outcome of the OAs.

14. In that view of the matter, with consent of learned Counsel, we quash and set aside the impugned judgment dated 20 September 2019



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passed by the Tribunal in OA 3917/2014 and OA 3918/2014.

15. The OAs would stand remitted to the Tribunal for consideration *de novo*. The *de novo* consideration would remain uninfluenced by the impugned judgment and all questions of fact and law would be open to be urged before the Tribunal in the *de novo* proceedings.

16. Mr. Raju, learned Senior Counsel for the respondents, points out that even if it was under the interim orders passed by the Tribunal, the respondents have now remained in service with the petitioner since 2014, i.e., for close to 12 years as on date.

17. Keeping this factor in mind, we direct that the respondents' service would not be discontinued for the present. Their continuance would however, remain subject to the outcome of the *de novo* proceedings before the Tribunal.

18. In order to expedite matters, we direct the parties to appear before the Tribunal on 21 August 2026.

19. Neither side would be entitled to take any adjournment on the said date.

20. As these OAs are of considerable vintage, we request the Tribunal to take a decision on the OAs as expeditiously as possible.

21. Needless to say, should either side be unhappy with the decision of the Tribunal, their remedies in law would remain reserved.

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22. The writ petition stands disposed of in the above terms.

**C. HARI SHANKAR, J.**

**VINOD KUMAR, J.**

**AUGUST 5, 2026/dsn**

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