

\$~2

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

+ W.P.(C) 4216/2017

SURENDER AND ORS Petitioner

Through: Mr. M.D.Jangra, Advocate

versus

UNION OF INDIA AND ORS Respondent

Through: Mr. Sarat Chandra, Advocate for UOI
Mr. Satyakam, ASC for GNCTD

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

22.05.2017

%

Issue notice. Mr. Sarat Chandra and Mr. Satyakam, Advocate, accepts notice on behalf of the respondents. We have heard the submissions of learned counsels and proceed to dispose of the petition.

The petitioners who are serving Constables in the Delhi Police have assailed the order dated 23.02.2017 passed by the Central Administrative Tribunal in O.A. No. 585/2017. The petitioners had filed the aforesaid original application with the grievance that the respondents have not undertaken the process for recruitment in respect of the 10% LDCE quota, for recruitment of Sub Inspector (Executive), while carrying out the process of direct recruitment in the year 2016 vide notification dated 09.01.2016. The grievance of the petitioners was that even though 44 vacancies for departmental category candidates in the LDCE quota for direct recruitment were existing, the same were not advertised and filled up. The Tribunal

dismissed the original application by observing that the advertisement did not pertain to the 44 vacancies meant for departmental candidates which were lying vacant, and also observed that the process for filling up the departmental vacancies would be taken up shortly.

Mr. Bhardwaj submits that the failure on the part of the respondent to fill up the departmental vacancies in the direct recruitment quota would prejudice the petitioners, since they would become overage and would, therefore, miss out on the chance to seek direct recruitment as Sub Inspector (Executive) if the said process is not held in time. He submits that under the Standing Order for selection of candidates for appoint of Sub Inspector (Executive Male) in Delhi Police i.e. Standing Order No. 321/2013, 50% of the vacancies in the rank of Sub Inspector (Executive) Male are required to be filled by direct recruitment and 50% by promotion. Out of the 50% direct recruitment quota for Sub Inspector (Executive) Male, 10% of the posts are required to be filled by departmental candidates amongst Constables, Head Constables and Assistant Sub Inspectors with minimum three years' service. The said Standing Order also provides an upper age limit, which is 30 years for general category candidates, 33 years for OBC and 35 years for SC/ST candidates. The grievance of the petitioners is that while filling up the other posts of Sub Inspector (Executive) by direct recruitment, the 10% posts which were to be filled up by departmental candidates have not been filled up.

Learned counsel for the respondent submits that the aforesaid notification was issued on 09.01.2016 for filling up the vacancies in the cadre of Sub Inspector (Executive) through direct recruitment. At that point of time, Rule 7 of the Delhi Police (Appointment and Recruitment) Rules,

1980, relating to prescription of upper age limit for appointment as Sub Inspector (Executive), the age limit was under challenge before this Court in WP(C) No. 2034/2015. The said writ petition was decided only on 20.04.2017. For this reason, the departmental vacancies were not notified.

Since the said rules have been upheld by this Court on 20.04.2017, there is no impediment in the respondents now filing up departmental vacancies. The grievance of the petitioners appears to be justified inasmuch, as, they claim that if the recruitment process is not held early, some of them may become overage due to age bar of 30 years for general category candidates, 33 years for OBC and 35 years for SC/ST candidates. Learned counsel for the respondent submits that the respondents are in the process of devising a computer programme so that the departmental examination can be held online.

Be that as it may, we are of the view that keeping in view of the interest of the petitioners and others like the petitioners, the 10% vacancies reserved for the departmental candidates in the post of Sub Inspector (Executive) should be filled up as early as possible, and preferably in the next four months.

The petition stands disposed of with the aforesaid directions.

Dasti.

VIPIN SANGHI, J

ANU MALHOTRA, J

MAY 22, 2017

sl