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

+ **W.P.(C) 1707/2016**

MANISH RATHOR & ORS Petitioners

Through: Mr. A K Mishra with Mr. Amit
Kumar Pandey, Advocate

versus

UNION OF INDIA & ORS Respondents

Through: Mr. Rajesh Kumar, Advocate
Mr. S S Sejwal, Law officer, CRPF.

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE C. HARI SHANKAR

ORDER

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19.05.2017

The petitioners six in number are working as a Constable (General Duty) in the Central Reserve Police Force, (CRPF, for short). They have been imparted training to work as X-Ray/Lab/ECG Technicians in M.I. rooms. They seek change of nomenclature or designation and do not want to be designated as Constable (General Duty). They place reliance upon the nomenclature or designation as given to X-Ray Technicians, Lab Technicians and ECG Technicians in Indo Tibetan Border Police, which is also a Central Armed Police Force. In the said force, they are not referred to as Constable (General Duty), but Contable (X-Ray/Lab/ECG/MED).

2. We do not think that the petitioners have any legal right and

claim to command issue of directions to amend or change the nomenclature or designation of posts.

3. The respondents in the counter affidavit have rightly asserted that in the matter of designation of posts, the courts would refrain and not direct amendment or modification. This is a matter of policy and within the administrative domain. The petitioners are governed by the Central Reserve Police Act, 1949 and the Rules of 1955. These rules are statutory and have been framed under the proviso to Article 309 of the Constitution. Indo-Tibetan Border Police Act, 1992 is applicable to the officers in the said force.

4. The Supreme Court in ***P. U. Joshi & Ors. Vs. Accountant General Ahmedabad & Ors***, (2003) 2 SCC 632, had observed :-

“questions relating to the constitution, pattern, nomenclature of posts, cadres, categories, their creation/abolition, prescription of qualifications and other conditions of service including avenues of promotions and criteria to be fulfilled for such promotions pertain to the field of policy and within the exclusive discretion and jurisdiction of the State, subject, of course, to the limitations or restrictions envisaged in the Constitution of India and it is not for the Statutory Tribunals, at any rate, to direct the Government to have a particular method of recruitment or eligibility criteria or avenues of promotion or impose itself by substituting its views for that of the State. Similarly, it is well open and within the competency of the State to change the rules relating to a service and alter or amend and vary by addition/subtraction the qualifications, eligibility criteria and other conditions of service including avenues or promotion, from time to time, as the administrative exigencies may need or necessitate. Likewise, the State by appropriate rules is entitled to amalgamate

departments or bifurcate departments into more and constitute different categories of posts or cadres by undertaking further classification, bifurcation or amalgamation as well as reconstitute and restructure the pattern and cadres/categories of service, as may be required from time to time by abolishing existing cadres/posts and creating new cadres/posts. There is no right in any employee of the State to claim that rules governing conditions of his service should be forever the same as the one when he entered service for all purposes and except for ensuring or safeguarding rights or benefits already earned, acquired or accrued at a particular point of time, 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. “

5. The respondents have highlighted and referred to the Recruitment Rules applicable in the case of Laboratory Technicians appointed as Assistant Sub-Inspector (Laboratory Technician) and Head Constable (Laboratory Assistant). Separate Recruitment Rules are applicable to Constable (General Duty). Essential qualifications are different.

6. The respondents have explained that 450 Constables (General Duty) were given six months' training for X-Ray/Lab/ECG etc. to provide help to the unit M.I. Rooms etc. This was in the larger interest of the force. Six months' training would not create a right. X-Ray and Lab. Technicians undertake two years' diploma course. Neither would occasional work on X-Ray/Lab/ECG machines in case of shortage of staff confer a right to claim re-designation or change of post.

7. In view of the aforesaid, we do not find any merit in the present writ petition. The same is dismissed, however with no order as to costs.

SANJIV KHANNA, J

C. HARI SHANKAR, J

**MAY 19, 2017
P/VKR/NA**