

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

Date of Order: January 18, 2018

+ W.P.(C) 10119/2017

JITENDER SINGH AND ORS. Petitioners

Through: Ms. Janani, Advocate

versus

UNION OF INDIA AND ORS. Respondents

Through: Mr. Om Prakash, Advocate for
respondents No.2 to 4

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

C.M.1647/2018 (delay)

There is delay of 7 days in filing the accompanying counter affidavit.

Upon hearing, I find that averments made in the instant application provide sufficient cause to condone the delay occasioned. The application is allowed and the delay stands condoned and the counter affidavit is taken on record.

The application is disposed of.

W.P.(C) 10119/2017 & CM 41337/2017 (stay)

Petitioners are ancillary workers, who in this writ petition seek a mandamus to respondent-FCI to fill up the vacancies of Watchmen in the Delhi Region of respondent-FCI from the ancillary workers/staff.

Quashing of Advertisement of 14th October, 2017 (*Annexure P-5*) is also sought in this petition.

Vide aforesaid Advertisement (*Annexure P-5*), online applications have been invited for the posts of Watchmen and that the Written Test is to be followed by an Endurance Test. The stand taken by respondent-FCI in the counter affidavit is that the posts of Watchmen have to be filled up by an open recruitment and that it would be filled up from the ancillary workers/staff by adopting an in-house procedure as the nature of work of Watchman is quite different from the work of ancillary workers/staff. It is so submitted by learned counsel for respondent-FCI. In the rejoinder filed by petitioner, it is stated that earlier also, several ancillary workers/staff have been appointed/converted to Watchmen or Class-III category. To illustrate it, RTI information (*Annexure R-1*) is appended to the rejoinder filed.

Upon hearing and on perusal of impugned Advertisement (*Annexure P-5*) and the material on record, I find that the open recruitment process initiated in terms of Advertisement (*Annexure P-5*) cannot be halted as, by now, recruitment process has reached an advanced stage. The Written Test for the posts of Watchmen is said to be slated on 18th February, 2018. However, petitioners, who have rendered service for more than two decades, cannot be left high and dry. Respondent-FCI is required to explain as to what promotional avenues are available to employees like petitioners, as an anomalous situation is likely to occur within few years as the Watchmen employed in terms of impugned Advertisement are likely to draw more salary than petitioners. This aspect needs to be addressed by respondent-FCI. To enable respondent-FCI to

do so, let petitioners make a concise Representation to respondent No.3 within a week from today. If such Representation is received, then it be dealt with by authorities concerned in the respondent-FCI within a period of two weeks and the fate of Representation be made known to petitioners within three days thereafter, so that petitioners may avail of the remedies as available in law, if need be.

With aforesaid directions, this petition and the application are disposed of.

Copy of this order be given *dasti* under the signatures of the Court Master to counsel for the parties.

(SUNIL GAUR)
JUDGE

JANUARY 18, 2018

s