

\$~36

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

+ **W.P.(C) 3381/2019**

HC/GD AJIT SINGH AND ORS.

..... Petitioners

Through: Mr.Anuj Aggarwal, Advocate.

versus

UNION OF INDIA AND ORS.

..... Respondents

**Through: Ms.Saroj Vidyawat, Advocate with
Mr.Vivek K.Singh, DC Law with
Mr.Deepak Kumar, SI/CRPF.**

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE I.S.MEHTA

ORDER

%

03.04.2019

CM APPL. 15580/2019 (exemption)

1. Allowed, subject to all just exceptions.

W.P.(C) 3381/2019 & CM APPL. 15579/2019 (stay)

2. The Petitioners before this Court are seeking a issuance of a direction to the Respondents that the orders/signals dated 17th December 2018, 15th January 2019 and 8th February 2019 approving the names of the Respondent Nos.5 to 11 for deployment at the Consulate General of India ('CGI') at Johannesburg, South Africa should be quashed.

3. The facts in brief are that the Petitioners who are at present

Constables/(GD) with the CRPF, pursuant to the signal dated 9th August 2018 by the Inspector General, RAF, participated in the selection process for being deployed at the Embassy of India at Tripoli, Libya to replace the existing contingent of 15 personnel who were deployed there.

4. This process consisted of five stages, including interview. Just before the completion of the said process, the personnel who had applied were verbally informed by the Board of Officers that there was an enhancement of the size of the contingent due to further deployment being necessitated for deployment at CGI, Johannesburg also, and they were asked to fill in their preferences for the same.

5. Admittedly, the Petitioners gave a first preference for the Embassy of India at Tripoli, Libya. They cleared the five stages of the selection and a common merit list was drawn up which included the Respondent Nos. 5 to 11 who had opted for being deployed at CGI, Johannesburg, South Africa. By a common order dated 17th December 2018, 21 candidates were shortlisted for the above deployments. 14 of the 21 candidates selected were to be deployed at the Embassy of India at Tripoli, Libya. The Respondents issued an order dated 15th January 2019 wherein it was decided to deploy a team of 7 CRPF personnel i.e. Respondent Nos. 5 to 11 herein at the CGI, Johannesburg.

6. However, thereafter, after the completion of all stages involved in the selection process, the impugned signal dated 22nd March 2019 came to be issued, communicating the decision of Respondent No.1 to discontinue the

process of deployment at the Embassy of India at Tripoli (Libya). In furtherance of the above decision, the Respondents issued the impugned transfer order dated 8th February 2019 for transfer of Respondent Nos. 5 to 11 as Security Assistants at the CGI, Johannesburg.

7. The Petitioners claim that they were higher in the merit list than the abovementioned 7 personnel who had been selected for deployment to the CGI office at Johannesburg, South Africa. It is submitted that in view of the decision of Respondent No.1 to discontinue the process of deployment of the contingent at the Embassy of India at Tripoli, Libya, the Petitioners should be considered for deployment at the CGI Johannesburg and given preference over Respondent Nos. 5 to 11.

8. The Court is unable to agree with the above submissions. It appears that from the common merit list that was prepared by Respondents, personnel were allocated to the respective deployments at the Embassy of India at Tripoli, Libya and CGI, Johannesburg according to the first preferences conveyed by them.

9. It so transpired that the process of deployment at the Embassy of India at Tripoli, Libya came to be discontinued. This could not have resulted in the Respondent Nos.5 to 11, who had given their preferences for being deployed at CGI, Johannesburg in the first place, being deprived of their deployment. There is no vested right in the present Petitioners to claim that they should be sent to the CGI, Johannesburg in preference to Respondent Nos.5 to 11.

10. Consequently, the Court is unable to accede to the prayers of the Petitioners. The petition is accordingly dismissed. The pending application is also dismissed.

S. MURALIDHAR, J.

I.S. MEHTA, J.

APRIL 03, 2019

mw