

\$~Suppl.-27

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

+ W.P. (C) 1060/2021, CM APPLs.2965-66/2021

MANOJ KUMAR AND OTHERSPetitioners

Through: Mr.Nilansh Gaur, Advocate.

Versus

UNION OF INDIA AND OTHERSRespondents

Through: Mr.Vivek Goyal, CGSC for UOI.

% Date of Decision: 28th January, 2021

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

HON'BLE MS. JUSTICE ASHA MENON

J U D G M E N T

MANMOHAN, J (Oral):

1. The petition has been heard by way of video conferencing.
2. Present writ petition has been filed challenging the orders dated 16th December, 2019 and 24-25th October, 2019 whereby the petitioners have been found to be ineligible and denied relaxation in mandatory service for permanent absorption as accountant in Central Civil Accounts Service [CCAS] cadre. Petitioners also pray for a direction to MHA to accord relaxation in mandatory service of eighteen years as per Clause 21 of OM dated 24th November, 2016 and thereafter to Director General, SSB to issue NOC and to the CGA to considers petitioners' claim for grant of permanent absorption as accountant in CCAS.
3. Learned counsel for the petitioners states that the petitioners were

constables/GD in SSB and were sent on deputation on 09th May, 2014 and 09th June, 2014 to Principal Accounts Office of MHA and now they are Head Constables working as accountants. He points out that in order to be permanently absorbed in the said post, the petitioners need 18 years of mandatory service, however the same can be relaxed by the Central Government.

4. He states that the Ministry of Finance, Controller General of Accounts, as a one-time measure, has promulgated a proposal of permanent absorption of deputed personnel on 14th August, 2019. He further states that the petitioners had sought relaxation in mandatory service and the same was rejected vide the impugned order without any reasons.

5. He also states that the petitioners' case for absorption has been espoused by the Director General, SSB and another officer of the SSB has been granted relaxation vide letter dated 30th January, 2019.

6. Issue notice. Mr.Vivek Goyal, CGSC accepts notice on behalf of the respondents.

7. A perusal of the paper book reveals that the petitioners have filed a second representation dated 12th February, 2020, annexed at page 63 of the paper book, which has not been disposed of till date.

8. Keeping in view the said fact, the present writ petition and pending applications are disposed of with a direction to respondent no.1 to decide the petitioners' second representation dated 12th February, 2020 within six weeks. In the event, the petitioners are aggrieved by the said order, they shall be at liberty to file appropriate proceedings in accordance with law.

9. This Court clarifies that it has not expressed any opinion on the merits of the controversy. All the rights and contentions of the parties are left open.

10. The order be uploaded on the website forthwith. Copy of the order be also forwarded to the learned counsel through e-mail.

MANMOHAN, J

ASHA MENON, J

**JANUARY 28, 2021
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