

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

% **Date of decision: 3rd August, 2021**

+ **W.P.(C) 7614/2021 & CM 23828/2021 (for interim relief)**

CT/GD REENA MALIK & ORS. Petitioners

Through: Mr. Yashpal Rangi, Advocate.

Versus

UNION OF INDIA AND ORS. Respondents

Through: Ms. Aakansha Kaul and Mr. Manek Singh, Advocates with Mr. Anil Thakur, Commandant Legal Officer.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

HON'BLE MR. JUSTICE AMIT BANSAL

JUDGMENT

[VIA VIDEO CONFERENCING]

RAJIV SAHAI ENDLAW, J.

1. The four petitioners, who were appointed as Constables (GD) in the respondents Central Reserve Police Force (CRPF) between the years 2005 and 2013, in sports quota, have filed this petition impugning, (i) the order dated 20th April, 2017 whereby Phase-II of induction training of those recruited in the sports quota has been introduced; and, (ii) the signal dated 20th July, 2021 whereby the petitioners have been directed to report for Phase-II of induction training, commencing on 16th August, 2021.

2. We have heard the counsel for the petitioners and the counsel for the respondents CRPF appearing on advance notice.

3. The counsel for the petitioners has argued, that (i) the petitioners, at the time of joining in sports quota, were made to do 16 weeks instead of 44 weeks of basic training which other fresh recruits are required to undertake; (ii) the petitioners No. 1 and 2 were eliminated/weeded out from the team of the sports in which they represented CRPF and against quota whereof they were recruited, in the years 2010 and 2011 respectively; (iii) though earlier there was no provision, of personnel inducted in the sports quota being required to complete their balance induction training on any Phase-II of training, after their being weeded out/removed from sports team for whatsoever reason, but the same was introduced for the first time on 20th April, 2017; (iv) though the said change is/ought to be prospective in nature, but is being applied even to those inducted in the sports quota prior to 20th April, 2017, by asking them to undergo the Phase-II of training; (v) the petitioners are now over 40 years of age and cannot be made to undergo the balance 28 weeks of rigorous training meant for new inductees of the age of 20-22 years; and, (vi) some of the petitioners have been weeded out from the sports team, which they represented, for the reason of having suffered injuries and which injuries will also come in the way of the petitioners undergoing the training.

4. The petitioners themselves, in the petition have pleaded, that the aforesaid balance training is necessary to enable the petitioners to participate in the Limited Departmental Competitive Examination (LDCE) for promotion.

5. We have thus enquired from the counsel for the petitioners, whether the petitioners are willing to forego the right of participation in the LDCE or

to any other promotion/benefit, for the reason of having not undergone the training for which they are sought to be sent.

6. The counsel for the petitioners states that the petitioners are willing to forego such rights.

7. Though in the petition, it is also pleaded that some of the personnel inducted in the sports quota are on the verge of retirement and ought not, at the fag end of their service tenure be made to undergo the basic training required to be undertaken at the time of induction, but on enquiry, the counsel for the petitioners states that none of the four petitioners before this Court fall in the said category.

8. As far as the arguments of the counsel for the petitioners, of the Policy being prospective for the reason of having come into force after the induction of the petitioners is concerned, no merit is found therein. It has been held in ***Col. A.S. Sangwan Vs. Union of India*** AIR 1981 SC 1545 that the personnel of a force like the respondents CRPF are subject to Rules and Regulations/Policies framed from time to time. It was held, that a policy once formulated is not good forever and it is perfectly within the competence of the Union of India to change it, re-change it, adjust it and re-adjust it according to the compulsions of circumstances and the imperatives of national considerations. It was yet further held that the Court cannot give directives as to how the Defence Ministry should function, except to ensure that the obligation, not to act arbitrarily and to treat employees equally, is abided on the Union of India. In the said judgment, the Court agreed with the submissions of the Union of India that there was no bar to it changing the policy formulated earlier, since there were good and weighty reasons for

doing so. Further, in *P.U. Joshi Vs. Accountant General, Ahmedabad* (2003) 2 SCC 632, it was held that the employees of the State have no right to claim that Rules governing conditions of their service should forever be the same as the one when they entered service, for all purposes. It was further held that only rights or benefits already earned, acquired or accrued at a particular point of time are required to be protected and safeguarded and else, 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. Reference may also be made to the decision of this Court in *Mukesh Singh Rajpoot Vs. Union of India* MANU/DE/2240/2020 (DB), wherein we have stated that in the absence of the plea that the employment of the petitioner therein was to be governed by the Air Force Order in force at the time of recruitment or that the Indian Air Force was not entitled to, from time to time change the policy, the Indian Air Force, depending upon the exigencies and requirements from time to time, in a matter as that of letting the Airmen go even prior to their initial regular engagement, is entitled to change the policy. In the case at hand as well, it has not been pleaded that the respondents CRPF were not entitled to, from time to time, change the policy.

9. Thus, the petitioners on the said basis cannot be said to have any right to impugn the order dated 20th April, 2017 or the signal dated 20th July, 2021, directing the petitioners to report for training commencing on 16th August, 2021.

10. We have also enquired from the counsel for the petitioners, the objection of the petitioners to undergo the subject training. We are confident

that the training would be in consonance with the age bracket of the petitioners and the respondents CRPF cannot be assumed to be so unmindful as to put the petitioners to the fear of injury or making them undergo some physical training which their age does not permit.

11. The counsel for the respondents CRPF appearing on advance notice has also contended that the requirement to undergo the training is not for participation in LDCE only but also for performance of their duties, which they now, after being relieved from the sports team, which they had joined, are now required to do. It is further argued that the said training, *inter alia* includes handling of arms and security and is necessary not only for the petitioners to perform their duties but also for the own safety of the petitioners. It is stated that without the said training, the petitioners and other similarly situated as them, may be found lacking in protecting themselves also in the contingencies, which arise at the place of posting of the petitioners.

12. Merit is found in the aforesaid contentions of the counsel for the respondents CRPF. Though the counsel for the respondents CRPF has stated that she has today morning received the entire Policy relating to sports personnel and which explains all the aforesaid but being satisfied with the reasons aforesaid, the need to adjourn the matter for consideration of the said Policy is not felt.

13. We find the petitioners to have filed this petition without even any specific averments of any exercise which they, in the training would be required to do and which they, owing to their age, are unable to do. The petition is guided, rather than by right in law, by fear of the unknown.

14. The counsel for the petitioners has also contended that no useful purpose will be served by making the petitioners undergo the training.

15. It is not for the personnel of a force like respondents CRPF to judge whether a particular training, which he/she is required to do, would be of any use, and the decision in this regard has to be taken by respondents CRPF as their employer. The petitioners, after ceasing to be in the team of the sport in the quota whereof they were recruited, cannot be permitted to enjoy the benefit and emoluments of their employment with respondents CRPF and if are required to undergo any training to perform the duties of their post, cannot refuse to undergo such training. The petitioners, without such training, would be of no use to CRPF.

16. No merit is found in the petition.

Dismissed.

RAJIV SAHAI ENDLAW, J

AMIT BANSAL, J

AUGUST 3, 2021

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