

\$~1 [2021]

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

+ **WRIT PETITION(CIVIL) 8571/2021**

%

Date of decision: 17.9.2021

JAMSHED ANSARI & ANR.

..... Petitioners

Through: Mr. Sandeep Sharma

versus

GOVT. OF NCT OF DELHI & ANR.

..... Respondents

Through: Ms. Avnish Ahlawat, Standing
Counsel, GNCTD.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

HON'BLE MR. JUSTICE TALWANT SINGH

[Physical Court Hearing]

RAJIV SHAKDHER, J. (ORAL):

1. This writ petition is directed against the order dated 26.07.2021, passed by the Central Administrative Tribunal [in short, "Tribunal"] in O.A. No.1342/2021.

1.1. The Tribunal, via the impugned order, dismissed the original application preferred by the petitioners.

2. The petitioners had approached the Tribunal with a grievance, that they had been issued orders transferring them to the Police Training College, located at Jharoda Kalan, New Delhi for a teaching assignment, although, they held the post of Assistant Public Prosecutor [in short 'APP'] requiring them to be involved with legal and/or court related work.

2.1. It is the petitioners' contention that, even though, in the offer of appointment, there was a clause contained therein i.e., clause 2(g), which provides that the appointee [i.e., the petitioners in this case] would be

required to teach law and allied subjects at the aforementioned Police Training College, the said clause could not be made operable, as the core job functions, for which the petitioners were appointed, veered around the work profile of an Assistant Public Prosecutor [in short, “APP”].

3. Mr. Sandeep Sharma, who appears on behalf of the petitioners, says that, the reason why the petitioners have approached this Court, against the impugned order, is two-fold.

3.1. First, that the petitioners carried an apprehension that, the period spent by them, in the aforementioned Police Training College, would not be counted towards their service, and therefore, may impact their future prospects.

3.2. Second, the observations made in paragraph 7 of the impugned order were totally unwarranted, in the facts and circumstances of the case.

4. Ms. Avnish Ahlawat, who appears on advance notice on behalf of the respondents, says that, the submission made by Mr. Sharma, that the time spent by the petitioners at the aforementioned Police Training College, would not be counted towards their service, is untenable, as the petitioners would continue to hold the post of APP till such time, they are either promoted or their services as APP came to an end, in the manner prescribed by law.

4.1. As regards the observations made in the impugned order are concerned, Ms. Ahlawat says that, the Court may pass whatever directions, it deems fit.

5. Having heard the submissions made by Ms. Ahlawat, Mr. Sharma says that, he has instructions, not to press the writ petition further, insofar as the first aspect is concerned, which is etched out hereinabove.

5.1. Therefore, this leaves us only, with the second aspect of the matter i.e., the observations made by the Tribunal in paragraph 7 of the impugned order.

5.2. The observations, *qua* which the petitioners are aggrieved, read as follows:

“7. Secondly, it is not as if the Assistant Public Prosecutors remain in the same position for rest of their career. Over the period, they earn promotions to the post of Assistant Director, Deputy Director or even Director of Prosecution and incumbents of those offices are unconnected with the conducting of cases. They are purely administrative posts. If the applicants are of the view that they cannot be entrusted with any duties other than those of the courts, they can file an undertaking to that effect that they shall not claim promotion to the post of Assistant Director or Deputy Director nor shall they be entrusted with any administrative functions for rest of the career and that they shall be only conducting the cases in the courts. In case such undertaking is filed by them, the Director shall consider the feasibility of passing appropriate orders.”

5.3. In our view, Mr. Sharma is right, inasmuch as the observations made in paragraph 7 of the impugned order, were not material, for the purposes of deciding the petitioners’ OA.

5.4. Therefore, it is clarified, that the aforementioned observations will not come in the way of the petitioners’ career progression.

6. The writ petition is disposed of in the aforesaid terms.

RAJIV SHAKDHER, J

TALWANT SINGH, J

SEPTEMBER 17, 2021/pmc

[Click here to check corrigendum, if any](#)