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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.04.2022

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.23056 of 2015

and

M.P.No.1 of 2015 & WMP.No.3162 of 2016

B.Sankar

... Petitioner

Vs.

1. India Reserve Battalion
rep. by the Commandant,
Puducherry.

2. The Oil & Natural Gas Corporation Ltd.,
rep. by its Chief Manager (HR),
Cauvery Asset-HR/ER- Establishment Section,
Neravy Complex,
Karaikkal-609 604.

3. The Oil & Natural Gas Corporation Ltd.,
rep. by its Deputy General Manager (I.E.),
Corporate Recruitment,
Green Hills, Tel Bhavan,
Dehradun-248 003.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents herein to select and appoint the petitioner to the post of Security Officer notified under the notification under advertisement No.3 of 2015 (R&P) by taking into consideration the experience obtained by the petitioner in the India Reserve Battalion for the purposes of satisfying the two years experience with the Armed Forces or Central Police Organization as notified.

For Petitioner : Ms.A.Pramila
for Mr.P.Nethaji

For Respondent-1 : Mr.R.Syed Mustafa, SGP

For Respondent : Mr.K.Arun Pradeesh for
Nos.2 & 3 M/s.AAV Partners



O R D E R

Heard the learned counsel on both sides.

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2. The petitioner herein, while serving as a Security Supervisor under the Oil & Natural Gas Corporation Limited (ONGC), Karaikal had applied for the post of Security Officer, under notification [Advertisement No.3/2015 (R&P)] issued in the year 2015. The essential qualifications prescribed for the post of Security Officer was Post Graduate Degree with two years service either in the Armed Forces or Central Police Organizations. The petitioner's on-line application dated 29.03.2015 was accepted by the second respondent and accordingly, he had participated in the written examination and consequently he was called for an interview on 23.06.2015 and thereafter, there was no response from the second respondent, which prompted the petitioner to send representations and in view of non consideration of his representations, the present Writ Petition has been filed.

3. Ms. A.Pramila, learned counsel for the petitioner submitted that the petitioner's candidature was not considered on the ground that he did not possess the required two years service experience in Armed Forces or Central Police Organizations, which reasoning is incorrect. While drawing the attention of this Court to the Training Certificate issued to the petitioner by the India Reserve Battalion (IRBn), she contended that the petitioner herein had served as a Police Constable in the IRBn on 01.04.2005 and thereafter promoted as Head Constable on 27.10.2010 on regular basis. In view of this experience, the learned counsel submitted that since IRBn is an Armed Force, which is the requirement under the Notification, the petitioner possessed the required two years service experience and therefore, the reasoning adopted by the second respondent, is incorrect.

4. Per contra, Mr.K.Arun Pradeesh, learned counsel for the respondents 2 & 3 placed reliance on the averments made in the counter affidavit and submitted that the service of the petitioner in the IRBn is not recognized by the Central Government and hence, the same cannot be counted as service experience in the Armed Forces or Central Police Organizations. He also produced the copy of list of Central Armed Police Forces as reflected in the web-site of the Ministry of Home Affairs and submitted that since the IRBn name was not found there, it is not a Central Armed Police Force and the



Central Armed Police Forces in the website. Even otherwise, the list of Central Armed Police Forces provided in the website of the Ministry of Home Affairs would not be conclusive declaration that IRBn is not a Central Armed Police Force. Even assuming that IRBn does not come under Central Armed Police Force, the notification calling for filling up the post of Security Officer did not specifically prescribe that the candidate should possess two years of experience in Central Armed Police Forces, but seeks for two years service from Central Police Organizations or Armed Forces. Even if IRBn is not a Central Armed Police Force, it would fall under "Central Police Organization". When the IRBn is an Armed Force by itself and in the absence of notification specifying that the service should be from Central Armed Police Forces, I do not find any justification in the stand taken by the respondents.

9. The learned counsel for the petitioner also submitted that the service of the IRBn is governed by the Central Civil Services (Classification, Control & Appeal) Rules, 1965 [hereinafter referred to as "CCS/CCA Rules"]. This Court in the case of S.Rajaj V. The Inspector General of Police, Puducherry & 2 Others ordered in W.P.No.16967 of 2020 dated 03.12.2020, had ratified this proposition stating that the service regulations governing IRBn would be under the CCS/CCA Rules. This aspect further strengthens the case of the petitioner that the IRBn is a Central Civil Service also. Thus, when the petitioner possesses the required two years of experience under the IRBn, which is an Armed Force and also governed by the CCS Conduct Rules, the rejection of the petitioner's candidature on the ground that he did not possess the two years experience, cannot be justified.

10. When the Writ Petition was admitted on 29.07.2015, this Court directed the second and third respondents to keep one post vacant and in compliance of the order of this Court, the second and third respondents have also reserved one post. In view of the findings of this Court that the reasons for rejecting the petitioner's candidature cannot be sustained, it would be appropriate to direct the second respondent to issue appointment orders to the petitioner.

11. In the result, there shall be a direction to the second and third respondents herein to issue appropriate appointment orders, pursuant to the notification under Advertisement No.3/2015 (R&P) to the petitioner, by treating him to have possessed the required two years service experience, which is the essential qualification for the post of Security Officer in the vacancy reserved for the petitioner. Such orders shall be



passed, atleast within a period of four weeks from the date of receipt of a copy of this order. The Writ Petition stands allowed. Consequently, the connected Miscellaneous Petitions are closed. There shall be no orders as to costs.

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Sd/-
Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

DP

To

1. The Commandant,
India Reserve Battalion
Puducherry.
2. The Chief Manager (HR),
Oil & Natural Gas Corporation Ltd.,
Cauvery Asset-HR/ER- Establishment Section,
Neravy Complex,
Karaikkal-609 604.
3. The Deputy General Manager (I.E.),
Oil & Natural Gas Corporation Ltd.,
Corporate Recruitment,
Green Hills, Tel Bhavan,
Dehradun-248 003.

+1cc to Mr.Netaji, Advocate, S.R.No.24991

+1cc to M/s.AAV Partners, Advocate, S.R.No.25064

+1cc to the Government Pleader, S.R.No.25369

W.P.No.23056 of 2015
and
M.P.No.1 of 2015 &
WMP.No.3162 of 2016

MG (CO)
SU (29/04/2022)