



\$~48

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

%

Date of decision: 27.09.2023

W.P.(C) 12839/2023

+ ASI/GD ARUN KUMAR

..... Petitioner

versus

UNION OF INDIA AND ANR

..... Respondent

Advocates who appeared in this case:

For the Petitioner: Mr. Zahid Mahmood, Advocate (through VC)

For the Respondents: Mr. Naresh Kaushik, Advocate for UPSC

Mr. T.P. Singh, Sr. Central Govt. Counsel with Mr. Kushagar Kr. (GP) & Insp. Meena Menon & SI Amit Kumar for CISF

CORAM:-

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

HON'BLE MR. JUSTICE MANOJ JAIN

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner seeks direction to the respondents to consider the candidature of petitioner and issue him admit card to appear in Limited Departmental Competitive Examination, 2022 to be held on 01.10.2023.

2. Learned counsel for petitioner submits that petitioner was appointed as Assistant Sub Inspector (Executive) on 06.07.2013 and successfully completed the basic training from 08.07.2013 to 26.04.2014 and thereafter earned promotion to the rank of Sub



Inspector (Executive) on 27.08.2017. He submits that petitioner has already completed nearly ten years of service and he is eligible to appear in the Limited Departmental Competitive Examination for the rank of Assistant Commandant.

3. Respondent-UPSC had issued an advertisement for holding a Limited Departmental Competitive Examination, 2023. The examination is scheduled to be held on 01.10.2023 for filling up the vacancies of Assistant Commandant (Executive) in Central Industrial Security Force (CISF). Notification annexed with the advertisement dated 24.05.2023 stipulates that the candidate should have completed four years of regular service as on 01.01.2023 in the rank of Sub Inspector (GD)/Inspector (GD) including the period of basic training and should have clean record of service till issue of offer of appointment.

4. Recruitment Rules for the Central Industrial Security Force notified on 17.02.2009 in its Schedule for the post of Assistant Commandant (Executive) stipulates 40% reservation by direct recruitment and in the column of Limited Departmental Competitive Examination stipulates that Sub Inspector (Executive) & Inspector (Executive) of CISF are eligible to appear in the Limited Departmental Competitive Examination. However, they should have completed four years of regular service including training and should have clean record of service and should be in medical category Shape-I.



5. Notification annexed with the advertisement dated 24.05.2023 as well as the Recruitment Rules clearly stipulate that a Sub Inspector would be considered only if he has completed four years of regular service. The date of reckoning four years of regular service would be the 1st of January of the year for which the examination is scheduled. Since the examination is for the year 2023, the relevant date for reckoning four years of regular service is 1st January, 2023. Petitioner was promoted to the rank of Sub Inspector on 27.08.2020 and clearly has not completed four years of service in the said rank. He had completed only 2 years and 4 months of service as on 01.01.2023.

6. Contention of learned counsel for petitioner that he had undergone training and the period of training should be added as provided in the notification does not have any merit for the reason that petitioner had undergone training for the rank of Assistant Sub Inspector and not for the rank of Sub Inspector and the training was for a period of about nine months. Even if that period were to be added, it still does not complete four years of regular service.

7. Further submission of learned counsel for petitioner that the DPC for the rank of Sub Inspector was delayed and should have held in the year 2019 and as such the petitioner's promotion to the rank of Sub Inspector should be considered from 2019 also does not have any merit. Firstly, petitioner has not raised any such plea either in his petition or prayed for any such relief and secondly, even if such a relief is granted to the petitioner and one more year is added to his



service, it would still not make it four years for petitioner to be eligible for consideration.

8. In view of the above, we find no merit in the petition. The petition is consequently dismissed.

SANJEEV SACHDEVA, J

MANOJ JAIN, J

SEPTEMBER 27, 2023/DR

