



2024:DHC:7603-DB



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

Date of Decision: 30.09.2024

+ W.P.(C) 5681/2015
RAKESH SINGH

.....Petitioner

Through: Mr. Ankur Chhibber and Mr.
Anshuman Mehrotra, Advs.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Ms. Monika Arora, CGSC with Mr.
Subhrodeep Saha, Ms. Radhika
Kurdukar, Advs.

5

+ W.P.(C) 10313/2015
AJAY KUMAR

.....Petitioner

Through: Mr. Ankur Chhibber and Mr.
Anshuman Mehrotra, Advs.

versus

UNION OF INDIA & ORS

.....Respondents

Through: Ms. Shiva Lakshmi, CGSC, Mr. T.
Hari Hara Sudhan, Adv. with Mr.
Ajay Pal, Legal Officer, CRPF, Mr.
Shivkumar Singh, SI and Mr. Sanjeev
Kumar Singh, ASI.

6

+ W.P.(C) 2662/2016
HARI SINGH VOHRA

.....Petitioner

Through: Mr. Ankur Chhibber and Mr.
Anshuman Mehrotra, Advs.

versus



2024:DHC:7603-DB



UNION OF INDIA AND ORS

.....Respondents

Through: Ms. Anubha Bhardwaj, CGSC with
Mr. Dev P. Bhardwaj and Mr. Vishal
Sharma, Advs.

CORAM:**HON'BLE MR. JUSTICE NAVIN CHAWLA****HON'BLE MS. JUSTICE SHALINDER KAUR****J U D G M E N T****NAVIN CHAWLA, J (ORAL)**

1. This batch of petitions has been filed by the petitioners seeking their encadrement to the Central Civil Accounts Service Cadre (CCAS) in the Indian Civil Accounts Organisation in terms of Orders dated 23.07.2012 and 06.02.2013.

2. As these petitions seek similar reliefs and are based on similar facts, they are being disposed of by this common Judgment. For the sake of convenience, we shall be referring to the facts from W.P.(C) 5681/2015.

Case of the Petitioner:

3. It is the case of the petitioner that the petitioner was attached to the Pay and Accounts Office (PAO), Central Reserve Police Force (CRPF) on 20.02.2007. It is asserted that while the petitioner was performing his services there, a meeting was held under the chairmanship of then Hon'ble Home Minister, Government of India, on 24.09.2009, wherein, it was decided that the working staff of the PAOs of various paramilitary forces shall be encadred into one organisation called the Indian Civil Accounts Organisation which was to function under the aegis of the Ministry of Home Affairs.



2024:DHC:7603-DB



4. In the said meeting, it was also directed that the paramilitary forces shall train their personnel in the COMPACT software which would be used by the encadred staff of the newly constituted Indian Civil Accounts Organisation.

5. Subsequently, by a communication dated 25.11.2009 issued by the Chief Controller of Accounts, it was instructed to the Inspector General (Personnel) of paramilitary forces that till the orders for the encadrement/absorption are finalised, *status quo* shall be maintained in the PAO, and no orders for transfer in/out or joining/relieving shall be issued.

6. In view of the said order, when a request for relieving the petitioner in W.P.(C) 5681/2015 was received at the PAO, the same was refused in terms of the communication dated 25.11.2009. However, later, the petitioner was relieved on 23.06.2010 and repatriated to the CRPF.

7. The petitioner claims that, later, officers who were still attached with the PAO and were similarly situated as the petitioner, were encadred *vide* Orders dated 23.07.2012, 06.02.2013 and 24.04.2014. Upon being left out in this process, the petitioner made representations to the respondents, however, no response was given to the petitioner's representations by the respondents, forcing the petitioner to file the present petition.

Submissions of the learned counsel for the petitioners:

8. The learned counsel for the petitioner submits that the petitioner was repatriated to the CRPF in spite of there being a ban on the same pursuant to the decision of the Ministry of Home Affairs to create a separate service called the Indian Civil Accounts Organisation in the meeting held on 24.09.2009 and the instructions issued on 25.11.2009. He submits that all



2024:DHC:7603-DB



persons who were serving in the PAO as on 24.09.2009 (the date on which the initial decision for encadrement was taken), were to be absorbed in the new service that was being created. He further submits that the petitioners were discriminated against inasmuch as, while the petitioners were repatriated and denied the benefit of absorption, others who are similarly placed were absorbed in the new service.

Submissions of the learned counsels for the respondents:

9. On the other hand, the learned counsels for the respondents submit that post the communication dated 25.11.2009, whereby there was a temporary ban on movement of the officers working at PAO, a further direction dated 01.06.2010 was issued, directing that the ban shall continue except for those working on attachment in PAO (CRPF). Based on the direction dated 01.06.2010, and as the petitioner had completed his attachment period of three years, he was repatriated on 23.06.2010 to the CRPF.

10. Learned counsels for the respondents further submit that it was only the present working staff strength of CRPF who were deputed as officers with the PAO as on 23.07.2012 and had given their willingness to be absorbed, who were encadred to the new service.

11. They submit that the claim of the petitioner that similarly situated persons were absorbed while the petitioner was left out is, therefore, incorrect.

12. They have explained the case of the other officers who have been named by the petitioner and have distinguished their case on the ground that they were working with the PAO as on the date of their absorption, while the



2024:DHC:7603-DB



petitioner had already been repatriated to his parent department.

Proceedings in the present petition:

13. This Court, *vide* its order dated 25.07.2024, *prima facie*, relying only on the communication dated 25.11.2009, had directed the respondents to find out if there were still any unfilled vacancies available in the CCAS cadre. The learned counsels for the respondents submit that there is no such provision for absorption in the cadre and there are no vacancies as on date.

Analysis and findings:

14. We have considered the submissions made by learned counsels for the parties.

15. As it is evident from the above, the basis of the present petition is the decision taken in the meeting held on 24.09.2009 to create a new service, called the Indian Civil Accounts Organisation, and for encadrement of the staff working in the PAO to this newly constituted organisation.

16. The short question that arises for consideration in the present petitions is whether the petitioners are entitled to the encadrement in the Indian Civil Accounts Organisation as they were serving in the PAO on the date on which the initial decision for encadrement of the working staff of the PAOs was taken.

17. The petitioner has heavily relied upon the decision dated 25.11.2009 issued by the Chief Controller of Accounts, whereby the instructions were issued to maintain *status quo* and not to pass any orders of transfer in/out or joining/relieving till the final encadrement takes place. However, the fact remains that by a subsequent decision dated 01.06.2010, as far as the



2024:DHC:7603-DB



officers working on attachment in PAO (CRPF) were concerned, the *status quo* was lifted and the officers were allowed to be repatriated on their substitutes being appointed to the PAO. The petitioner was one such officer who was repatriated pursuant to this decision, on 23.06.2010.

18. In view of the subsequent decision, the reliance of the petitioner on the decision dated 25.11.2009 and 15.02.2010 to claim that a right has been created in favour of the petitioners to have been absorbed in the new organisation, cannot be accepted. In fact, in view of the lifting of the ban on transfers/repatriation, admittedly, the petitioner was repatriated on 23.06.2010 to the CRPF. When the final decision on encadrement/absorption was taken, the petitioner was not working with the PAO. Therefore, the offer of encadrement was not given to the petitioner.

19. As per the policy, the offer of encadrement was applicable only to those who were working with the PAO on the particular date of final decision. The petitioners have not challenged the date considered for encadrement as being arbitrary or whimsical.

20. In the light of the aforesaid, we find that the petitioners have not been discriminated in any manner and find no merit in the present petitions. The same are, accordingly, dismissed.

(NAVIN CHAWLA)
JUDGE

(SHALINDER KAUR)
JUDGE

SEPTEMBER 30, 2024
ab/su/B/VS