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

Date of Decision: 25.02.2025

+ W.P.(C) 7706/2021

MANORANJAN PATRA & ORS.Petitioners

Through: Mr. Manoj V George, Ms. Shilpa Liza George, Mr. Raja Ramalingam Sethupathy R, Advs.

versus

UNION OF INDIA & ANR.Respondents

Through: Mr. T.P. Singh, SCGC with Mr. Shiv Kumar Singh, SI/CRPF.

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. The present petition has been filed by the petitioners, praying for the following reliefs:

- a. *Issue a writ, order, direction in the nature of mandamus, commanding respondents to treat the re-mustering of the Petitioners from the date of completion for ROG-III Course from 04.12.2002 for Petitioner No.1 & 2 and 09.08.2003 for Petitioners 3 & 4 in the post of Head Constable (RO);*
- b. *Order the Respondents to re-fix the*



seniority of the petitioners based on the date of re-mustering and grant all consequential benefits of arrears of pay and allowances,MACP adopting the date of re-mustering as stated above.”

2. It is the case of the petitioners that the petitioners had joined the Central Reserve Police Force (‘CRPF’) as Constable (General Duty) between 13.09.1995 to 06.07.2000. They claim that in terms of the Standing Order No. 11/1999, ‘Recruitment/Remustering Policy for NG(Trade/Tech Personnel)’, with regards to the eligibility for remustering as Head Constable (Radio Operator) (‘HC(RO)’), it was provided as under:

- “a) Willing Constables (GD) with six years service after attestation and on qualifying ROG-III aptitude test.*
- b) Minimum Educational qualification is 10+2 with English, Mathematics & Physics.*
- c) Maximum age should not be more than 35 years.*
- d) A clean record of service.*
- e) The remustering of candidates qualified in ROG Course-III will be ordered centrally by the Deputy Director (Comns).”*

3. It was further provided that the personnel who have opted for such remustering, shall forfeit their claim in the general duty previously held by them prior to their conversion to such Cadre/RO, however, their previous services in the other cadre will be considered for pensionary benefits. Clause 2 of the aforesaid Standing Order, is reproduced as under:

“2. Personnel who have opted for specialized cadre after passing D&M Course/ Basic Armr Course/ Basic ROG Course III /Basic Auto



Fitter Course, etc. forfeit their claim in the general duty previously held by them prior to their conversion to such cadre (MT/Armr/RO/Ftr etc). However, their previous services in other cadre will be considered for pensionary benefits.”

4. The petitioners further contend that by the Signal dated 16.03.2000, the aforesaid Standing Order was amended and it was provided that the condition of six years' service as Constable (GD) shall stand relaxed to two years, for appearing in the ROG-III Aptitude Test. It is the case of the petitioners that enjoying the benefit of such relaxation, the petitioners appeared for the ROG-III Aptitude Test and cleared the same between the years 2000-2003.

5. The petitioners claim that despite having cleared the examination, they were not remustered as HC(RO) and instead, in May, 2003, direct recruits were appointed to the post of HC(RO). The petitioners claim that in this manner, they not only lost their seniority but also the benefit of the period between 2000 to 2003 till 2006, when they were eventually appointed as HC (RO).

6. The learned counsel for the petitioners submits that, in fact, the respondents amended the recruitment rules by notifying the 'Central Reserve Police Force Group 'B' and 'C' (Radio Operator, Crypto, Technical, Radio Fitter, Draughtsman) (Non-Gazetted) Male or Female ranks (Signals) Recruitment Rules, 2006' (hereinafter referred to as, 'Recruitment Rules, 2006') on 14.09.2006, by which the minimum qualifying service for remustering to the post of HC(RO) was reduced to two years. He submits that, therefore, the



appointments/remustering of the petitioners to the post of HC(RO) has been arbitrarily delayed by the respondents.

7. The learned counsel for the petitioners also places reliance on the judgments of this Court in *K. Bangaru Naidu & Ors. v. Ministry of Home Affairs & Anr.*: 2015:DHC:9990-DB and *SI/GD Pramod Yadav & Ors. v. Union of India & Ors.*: 2018:DHC:7501-DB, to submit that once a candidate has successfully completed the training, his seniority has to be considered from the said date instead of the date of his actual appointment.

8. The learned counsel for the petitioners submits that the insistence of the respondents on the petitioners completing six years of service for being remustered to the post of HC(RO), in view of the aforementioned Recruitment Rules, 2006, would be violative of the Fundamental Rights of the petitioners under Article 14 of the Constitution of India.

9. On the other hand, the learned counsel for the respondents submits that prior to the Recruitment Rules, 2006 coming into force, a minimum service of six years was required to be completed by a Constable (GD) before being remustered as HC(RO). He submits that merely because the petitioners cleared their ROG-III Course between 2000 to 2003, the same would not entitle them to be remustered to the post of HC(RO) prior to their completing the six years of service. He further submits that no vacancies were available in the said intervening period for remustering.

10. We have considered the submissions made by the learned



counsels for the parties.

11. From a reading of the Standing Order No.11/1999, the relevant portion of which has been reproduced hereinabove, it would be evident that the eligibility for remustering of candidates to the post of HC (RO) is that the candidate should have completed six years of service, and should have qualified the ROG-III Course. Both the conditions have to be cumulatively met for a candidate to be remustered as HC(RO).

12. The Signal dated 16.03.2000, which has been relied upon by the learned counsel for the petitioner, reads as under:

*“FROM: DIGCENT (COMNS)
NO. C-IX-20/2000-C DTD 16/03*

*U/C (.) ROG -III APTITUDE TEST (.) THE
CONDITION OF 6 YEARS SERVICE AS
CT/GD FOR THOSE CONSTABLES WHO
ARE 10+2 WITH ENGLISH, MATH,
PHYSICS OR GENERAL SCIENCE FOR
APPEARING IN ROG-III APTITUDE TEST
HAS BEEN RELAXED BY COMPETENT
AUTHORITY TO 2 YEARS SERVICE AS
CONSTABLE AFTER ATTESTATION (.)
HOWEVER AFTER SUCCESSFULLY
COMPLETING ROG-III TRG THEY WILL BE
KEPT AS CT IN SIG UNITS TILL
COMPLETION OF SIX YEARS MANDATORY
SERVICE (.) AFTER COMPLETION OF SIX
YEARS SERVICE AS CT THEY WILL BE RE-
MUSTERED AS HC/RO AGAINST EXISTING
VACANCIES OF HC/RO (.) OTHER
ELIGIBILITY CONDITIONS ARE AS UNDER
(.) **ALFA** (.) 10+2 WITH ENGLISH, MATH,
PHYSICS OR GENERAL SCIENCE (.)
BRAVO (.) MAXIMUM AGE SHOULD NOT
BE MORE THAN 35 YEARS AS ON DATE OF
TEST (.) **CHARLIE** (.) A CLEAN RECORD*



OF SERVICE (.)"

13. A reading of the above shows that while the candidates have been allowed to undertake the ROG-III Course after completion of two years of service as Constable, it has specifically been provided that even after successfully completing the ROG-III Course, they will be kept as Constable in Signal units till the completion of six years of mandatory service. Therefore, as far as the six years of mandatory service is concerned, there was no relaxation granted for the same by the said Signal.

14. The Recruitment Rules, 2006 were also not stated to have any retrospective application, and they shall come into effect only from the date when they were notified, that is, 14.09.2006. The petitioners, therefore, cannot take the benefit of the Recruitment Rules, 2006, for seeking preponement of their date of remustering. Merely because the Recruitment Rules have been modified from a particular date and not made applicable with retrospective effect, would not make such Recruitment Rules arbitrary or discriminatory so as to be said to be violative of Article 14 of the Constitution of India.

15. The respondents have also asserted that there were no vacancies during the intervening period for the purposes of remustering.

16. The reliance of the learned counsel for the petitioners on ***K. Bangaru Naidu (supra)*** and ***SI/GD Pramod Yadav (supra)*** cannot be accepted, inasmuch as the mandatory condition for remustering in the present case was completion of six years of service, which the petitioners herein had admittedly not fulfilled as on the date of their



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qualifying the ROG-III Course.

17. In view of the above, we do not find any merit in the present petition. The same is, accordingly, dismissed.

NAVIN CHAWLA, J

SHALINDER KAUR, J

FEBRUARY 25, 2025/ab/kp/SJ

Click here to check corrigendum, if any