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C.A.No. 206 OF 1999
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ITEM NO.101 (PH) COURT NO.6 SECTION-XIIIA

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

CIVIL APPEAL NO.206/1999

A.V. Krishna Rao & Anr. .. Appellant (s)

Vs.

Director,C.B.I.New Delhi & Ors. .. Respondent(s)

(With appln. for permission to place addl. documents on record and with office report)

With C.A.No. 4143/1999, W.P.(C) No. 22/1999

DATE : 22/01.2002 : This/These matter (s) was/were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S. RAJENDRA BABU
HON'BLE MRS.JUSTICE RUMA PAL

For Appellant (s)/ : Dr. Shyamlha Pappu, Sr. Adv.
Petitioner (s) Mr. R. Krishnaanorthi, Adv.
Mr.Ashok K. Mahajan, Adv.
Mr. Ambhoj Kumar Sinha, Adv.

For Appellant (s) Mr. D.K. Garg, Adv.

For Respondent (s) : Mr. Ashok K. Srivastava, Adv.
Mr. P. Parmeshwaran, Adv.

UPON hearing counsel the Court made the following
O R D E R

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Dr. Shymalha Pappu, learned senior Advocate,
Mr.Ashok K Srivastava, learned counsel, Mr. D.K. Garg,
learned counsel made submissions from 11.20 a.m. to
12.35 p.m.

C.A. No. 206/1999 : The appeal is allowed.@@
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C.A. No. 4143/1999: The appeal is dismissed.@@
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W.P. No. 22/1999 : The petition is dismissed.

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Charanjit (Om Prakash)
Court Master

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 206/1999@@
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A.V. Krishna Rao & Anr. .. Appellants

Vs.

Director, C.B.I., New Delhi & Ors. .. Respondents

With C.A. No. 4143/1999, W.P.(C) No. 22/1999

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C.A. No. 206/1999@@
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A claim was made by the appellants to absorb them as Constables in the services of the Central Bureau of Investigation (for short the C.B.I.)

The said claim was allowed by the Central Administrative Tribunal, Hyderabad Bench at Hyderabad by its order dated 27.6.1997. On a Writ Petition being filed against the said order, the High Court reversed the same on the basis that the appellants before us do not have the necessary minimum qualification for absorption or direct recruitment in the services of C.B.I. Indeed, the requirement so far as the recruitment to the post of constable in the C.B.I., is as per two Government orders G.S.R. No. 1044 dated 4.7.1967 and G.S.R. No. 513 dated 27.4.1960. While in one case the prescription of minimum qualification made is High School or SSLC or

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secondary school standard and in the other Middle School standard. However, in the column "whether educational and other qualifications prescribed for direct recruits will apply in the case of promottees/deputationists/transferees", it is noted that the same would not arise. Thus, bearing these aspects in mind recommendations had been made by the concerned Joint Director for absorption of appellants in C.B.I. subject to their integrity. This aspect was lost sight of by the High Court which was taken note of on the other hand, by the Tribunal.

Therefore, we set aside the order made by the High Court and direct that the appellants be absorbed in service as recommended by the Joint Director. The appeal is allowed accordingly.

W.P. No. 22/1999@@
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We do not think it is a fit case for our interference under Article 32 of the Constitution inasmuch as authority concerned has examined the same on the facts arising in the case and then decided the matter and no question of enforcement of fundamental rights arises. The petition is, therefore, dismissed.

C.A. No. 4143/19990 @@
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In the circumstances of the case, we do not think that there is any good reason to interfere with the order made by the High Court, affirming the order made by the Tribunal. The appeal is dismissed accordingly.

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[S. RAJENDRA BABU]@@
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[RUMA PAL]@@
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New Delhi,@@
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January 22, 2002 @@
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