

GOVERNMENT OF INDIA
MINISTRY OF DEFENCE
DEPARTMENT OF DEFENCE
LOK SABHA
UNSTARRED QUESTION NO. 2611
TO BE ANSWERED ON 04th August, 2023

AFHQ CIVIL SERVICES

2611. SHRI JAI PRAKASH:

Will the Minister of DEFENCE be pleased to state:

- (a) whether it is a fact that a judgment was delivered by the Delhi High Court on 28th July, 2023 with regard to Armed Forces Headquarters (AFHQ) Civil Services;
- (b) if so, the details thereof;
- (c) whether it is also a fact that the said decision has not been implemented in letter and spirit;
- (d) if so, the details thereof along with the reasons therefor; and
- (e) the timeline by which the decision is likely to be implemented?

A N S W E R

MINISTER OF STATE
IN THE MINISTRY OF DEFENCE

(SHRI AJAY BHATT)

- (a): The Judgment was delivered by the Hon'ble Delhi High Court on 28th July, 2022.
- (b): The Hon'ble High Court of Delhi on 28.07.2022 had pronounced a judgment in WP (C) No. 11673/2016 (UoI & Anr Vs Sandeep Singh & Ors) and connected matters. The cases pertained to reckoning of approved service and diversion of vacancies from one mode of appointment to another mode in the grade of Section Officer in Armed Forces Headquarters Civil Service. Vide ibid judgment, the Hon'ble High Court of Delhi had upheld the following orders passed by Hon'ble CAT (PB): -
 - (i) Order dated 18.02.2014 in OA No. 1288/2009 (Sandeep Singh & Ors Vs UoI & Anr). The Hon'ble CAT (PB) vide ibid order had directed the Department to redraw the panels for the Limited Departmental Competitive Examination held in the years 2002, 2003 and 2004, taking into the account the vacancies existing in each of those years along with the anticipated vacancies for the next year and accordingly, reckon approved service and grant Non-Functional Scale to the applicants.

- (ii) Order dated 13.01.2017 in OA No. 2145/2011 (Mohinder Singh & Ors Vs UoI & Ors). Vide ibid order, the Department was directed to prepare a fresh select list of seniority strictly in accordance with Armed Forces Headquarters Civil Service Rules, 2001, without diverting Limited Departmental Competitive Examination quota for the years 2001-02 to 2005-06 to seniority promotion quota while redrawing fresh select lists of seniority mode.
- (c): No, Sir. The Department after consultation with DoP&T, UPSC and Ministry of Law & Justice has decided to implement the Hon'ble High Court of Delhi order dated 28.07.2022.
- (d): Does not arise, in view of the position given at para (c) above.
- (e): In pursuance of Hon'ble CAT (PB) judgment dated 13.01.2017 in OA No. 2145/2011, revised Select Lists and appointment orders in Section Officer grade for the years 2001-02 to 2008-09 have already been published on 19.07.2023. The revised draft Seniority List of Section Officers for the years 2001-02 to 2008-09 has also been published on 24.07.2023.

Similarly, in pursuance of Hon'ble CAT (PB) judgment dated 18.02.2014 in OA No. 1288/2009, the Department is taking expeditious action for grant of Non-Functional Scale to the officers appointed through Limited Departmental Competitive Examination.
