

**State of Punjab v Central Administrative Tribunal Bench at Chandigarh and others**

Present:- Mr.D.S.Patwalia, Senior Advocate assisted by Mr.Bikramjit Singh Patwalia, Advocate for the applicant/respondent no.5

Mr.Atul Nanda, Advocate General, Punjab with Ms.Rameeza Hakeem, Addl.AG Punjab

Mr.Naresh Kaushik, Advocate with Ms.Alka Chatrath, Advocate for UPSC

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Heard through Video Conferencing.

The oral prayer made at the hearing of the aforesaid application moved by Mr. Mohd. Mustafa/ respondent no.5, is for listing the aforesaid writ petition and other connected petitions for final disposal by preponing the date of hearing in the aforesaid writ petition and other connected petitions from 13.8.2020 to an earlier date.

Notice of the application to the counsel for non-applicants in the present case as also in the connected petitions for 22.7.2020.

In view of the nature of pleadings, arguments heard on the previous date and adjudication of the questions for consideration, we direct the UPSC to provide the following information, which is considered necessary:-

- 1.What is the number fixed for zone of consideration for the empanelment of eligible officers for the post of DGP (HoPF) as per the Draft Guideline 2009?

2. If there is no number fixed for the zone of consideration in Draft Guidelines 2009 then whether the DoPT Guidelines and instructions are relied and followed to regulate the zone of consideration for the consideration of the eligible officers for the empanelment for the post of DGP (HoPF).

3. In the case under (ii) above, if the DoPT guidelines and instructions are not followed and relied then it may clearly be stated as to what is the process / mode followed by UPSC for restricting/ regulating the zone of consideration among all the officers eligible as per the Draft Guidelines 2009?

4. If there is no restriction for the zone of consideration then whether all officers eligible as per the Draft Guidelines 2009 are required to be considered irrespective of their number *vis a vis* the number of post of DGP (HoPF) to be filed?

5. Does the UPSC insists/ asks for the forwarding of the list / dossiers of all the officers eligible as per the Draft Guidelines 2009 or leaves it to the discretion of the State to forward and send the list/ dossiers of officers eligible as per the Draft

Guidelines 2009 as the zone of consideration for the empanelment of officers for the post of DGP (HoPF) of different States?

6. What is the pan India practice regarding the number of officers in the zone of consideration for empanelment of DG (HoPF) for different States.

7. UPSC is directed to prepare and produce the Chart regarding the consideration made by UPSC / Empanelment Committee for the post of DGP (HoPF) of different States in the last five years depicting:-

(i) How many officers were eligible as per Draft Guideline 2009 for each of such consideration?

(ii) How many such officers were called for / considered for empanelment in each such consideration?

(iii) Whether the Zone of consideration was restricted/ regulated as per the relevant DoPT guidelines/ instructions and/ or what criteria whatsoever was followed?

(iv) What was the inter-se seniority of the empanelled Officers among the officers eligible as per the Draft Guideline 2009?

8. Lastly, if all officers eligible as per the Draft Guidelines 2009 are to be considered without any regulation/ restriction of the zone of consideration among such eligible officers then would such practice not violate the mischief sought to be curtailed/ removed by **Prakash Singh's** case?

The aforesaid information alongwith the supporting documents, wherever applicable, be placed on record by way of affidavit by the Respondent UPSC.

The Respondent UPSC is also directed to compile the chart showing the Comparative merit of all officers considered for the post of DGP (HoPF) in question in the present case on adopted criteria and keep the same ready in a sealed cover for the consideration of this Court, if deemed necessary, in view of the stand of the UPSC that sheet showing the comparative merit was produced before the Tribunal.

Mr.Naresh Kaushik, learned counsel for UPSC undertakes to ensure that the needful is done.

**(Jaswant Singh)**  
Judge

**02.07.2020**  
joshi

**(Sant Parkash)**  
Judge