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Central Administrative Tribunal, Principal Bench

O.A.No.631/2002  
with  
O.A.No.634/2002

New Delhi, this the 18th day of September, 2002

Hon'ble Mr. Justice V.S. Aggarwal, Chairman  
Hon'ble Mr. M.P. Singh, Member(A)

O.A.No.631/2002

Har Swaroop Singh  
Dt. General Home Guard & Civil Defence  
Raja Garden, New Delhi-27

....Applicant

O.A.No.634/2002

Ashok Kumar,  
LDC, Deptt. of Archaeology,  
Kashmere Gate,  
Govt. of NCT, Delhi

....Applicant

(By Advocate: Shri S.C. Jain)

Versus

1. Lt. Governor of Delhi through  
Chief Secretary,  
Delhi Govt. of NCT  
Delhi Govt. Secretariat,  
New Delhi.

2. Secretary (Services)  
Govt. of NCT,  
Delhi Govt. Secretariat,  
New Delhi.

3. Director,  
G.B. Pant Hospital  
New Delhi

....Respondents

(By Advocate: Shri Vijay Pandita)

Order(Oral)

By Justice V.S. Aggarwal, Chairman

Earlier the applicants had preferred different applications. The same were disposed of by this Tribunal on 1.12.98. The operative part of the same reads -

"7. In the result these OAs succeed and are allowed to the extent that respondents are directed to consider the cases of the applicants for appointment/absorption in Grade-IV (DASS) w.e.f. the dates their immediate juniors were so appointed/absorbed with consequential benefits. In so far as their prayer for assignment of seniority w.e.f. the date of appointment as Telephone

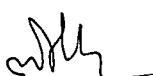



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Operator is concerned respondents shall examine the prayer, in accordance with rules, instructions and judicial pronouncements on the subject, including Asa Ram's case (supra), to the extent that the same is applicable to the facts and circumstances of this present case, as well as recent Hon'ble Supreme Court's judgements and thereafter pass detailed speaking and reasoned orders in respect of the claims of each of the applicants within a period of four months from the date of receipt of a copy of this order."

2. The above quoted portion of the order passed by this Tribunal clearly indicates that the respondents had been directed to consider the case of the applicants in accordance with rules, instructions and judicial pronouncements including the decision rendered by this Tribunal in the case of Asa Ram in O.A.No.3095/91 decided on 27.11.92. Besides other pleas raised, it has been urged that the case of Asa Ram which was identical to the case of the present applicants has totally not been considered and this tantamounts to hostile discrimination between persons who are equally placed.

3. At this stage, we deem it unnecessary to delve into the merits of other contentions but in the face of the fact that the case of Asa Ram (supra) has not been considered, the present application is allowed and it is directed that respondents shall pass a fresh order keeping in view the decision rendered by this Tribunal in the case of Asa Ram, <sup>besides the provisions of law</sup> referred to above. With these directions, the O.As. are disposed of.

  
( M.P. Singh )  
Member(A)

  
( V.S. Aggarwal )  
Chairman

/dkm/