(12)

Central Administrative Tribunal, Principal Bench

Original Application No.2893 of 2002
M.A.Nos.2493/2002, 1956/2003
with
Original Application No.2895 of 2002
M.A.No.2494/2002
and
Original Application No.2916 of 2002
M.A.No.2498/2002

New Delhi, this the 23rd day of September, 2003

Hon'ble Mr.Justice V.S.Aggarwal, Chairman
Hon'ble Mr.R.K. Upadhyaya, Member(A)

O.A.2893/2002

1. Bharat Bhusan s/o Shri Chet Ram
2. Som Nath s/o Shri Bala Ram
3. Rajinder Singh s/o Shri Basant Singh
4. Pradeep Kumar s/o Shri Man Bhadur
5. Tarkeshwar s/o Shri Shri Ram
6. Vijay Singh s/o Shri Prem Singh
7. Rajbir Singh s/o Shri Parbhat Singh
8. Rajbir Singh s/o Shri Parbhat Singh
9. Rakesh Kumar s/o Shri Bal Singh
10. Mukesh Kumar s/o Shri Chandgi Ram
11. Naval Kishore s/o Shri Mani Ram
12. Rajjan Lal s/o Shri Ganga Parshad
13. Dharam Pal s/o Shri Cheddi Lal
14. Jai Dayala s/o Shri Dalip Singh
15. Bharat Singh s/o Shri Nam Bhadur
16. Anup Singh s/o Shri Hira Lal
17. Gopal Sharma s/o Shri Jedha Nand
18. Mahabir Singh s/o Shri Ram Lal
19. Rajbir Singh s/o Shri Bhadur Singh
20. Khem Chand s/o Shri Sukhdev
21. Udai Bhan Singh s/o Shri Ram Narain
22. Rajinder Singh s/o Shri Pyare Lal
23. Bhanwar Singh s/o Shri Bale Ram
24. Banarsi Dass s/o Shri Mangtu Ram
25. Satya Narain s/o Shri Ram Chander
26. Sanjau Kumar s/o Shri Malwar Singh
27. Rajinder Singh s/o Shri Lila Ram
28. Mahinder Bhadur s/o Shri Nand Bhadur
29. Ratan Panwar

All are working as Bandsmen
in Delhi Police

.... Applicants

(By Advocate: Shri P.P.Khurana, Senior Counsel with
Ms.Seema Pandey)

O.A.2895/2002

1. Govind Ram
2. Moti Singh
3. Darsahan Singh
4. Suresh Chand
5. Jagmohan Singh
6. Ganga Ram
7. Man Singh
8. Khem Ram
9. Vijay Singh
10. Jagjeet Singh

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11. Vishal Kumar
12. Jiwan Sherpa
13. Manmohan Singh
14. Amarjeet Singh
15. Bhure Singh
16. NimPurpa Sherpa
17. Vijay Kumar
18. Sanjay Saini
19. Dinesh Kumar
20. Ram Niwas
21. Jogender Verma
22. Lokesh Sharma
23. Harender Singh
24. Reghubar Ram
25. Satish Kumar
26. Dhyan Singh
27. Bhagwati Prashad
28. Jagdish Prasad
29. Kharak Singh
30. Anil Kumar
31. Prem Kumar
32. Nanin Bahadur
33. Harbans Lal
34. Suresh Kumar
35. Vijay Singh
36. Krishan Singh
37. Kewal Krishan
38. Lalit Mohan
39. Devid Gebrial
40. Kamal Kumar
41. Kundan Singh
42. Prem Kumar
43. Lal Bahadur Lama
44. Pawan Kumar
45. Shree Niwas
46. Virsen Singh
47. Pratap Singh
48. Dal Chand
49. Yogesh Kumar
50. Petar Surin
51. Hari Shankar
52. Siya Ram
53. Joga Ram
54. Sugrive Singh
55. Bhim Singh
56. Mahesh Chand
57. Gulshan Kumar
58. Rajesh Kumar
59. Ved Prakash
60. Chanchal Singh
61. Sharoj Singh
62. Harpal
63. Rajesh Kumar
64. Surender Singh
65. Surender Kumar
66. Deepak Kumar
67. Hari Thapa
68. Dinesh Kumar
69. Dalip Kumar
70. Pradeep Kumar
71. Tej Singh
72. Raj Kumar
73. Jagdish

74.Vijender Kumar
75.Lal Bhadur

All the applicants are working as Band Staff in Delhi Police and presently posted at 4th Bn. DAP and PTC, Jharoda Kalan, New Delhi ....Applicants

(By Advocate: Shri P.P.Khurana, Senior Counsel with Ms.Seema Pandey)

O.A.2916/2002

1. Arun Kumar s/o Shri Gopal Thapa
2. Khum Raj s/o Shri Padam Sen
3. Madan Chand s/o Shri Gopi Chand
4. Gurcharan Singh s/o Shri Harnam Singh
5. Gangan Kumar s/o Shri Pitamber Dutt
6. Ravinder Kumar s/o Shri Gopal Singh
7. Surender Singh
8. Inder Singh s/o Shri Balant Singh
9. Arur Singh s/o Shri Gian Singh
10. Tara Chand s/o Shri Chandgi Ram ....Applicants

(By Advocate: Shri P.P.Khurana, Senior Counsel with Ms.Seema Pandey)

Versus

1. N.C.T. of Delhi through
   The Chief Secretary,
   New Secretariat,
   Delhi

2. The Commissioner of Police
   Delhi Police, Police Head Quarters,
   I.P.Estate, New Delhi

3. The Secretary,
   Ministry of Home Affairs,
   Govt. of India, New Delhi ....Respondents

(By Advocate: Shri Ajesh Luthra, for respondents 1&2
Shri R.N. Singh, for respondent 3)

O R D E R(ORAL)

By Justice V.S. Aggarwal, Chairman

By this common order, we propose to dispose of O.A.Nos.2893/2002, 2895/2002 and 2916/2002. For the sake of facility, we shall be taking the facts from O.A.2893/2002.

2. Earlier the applicants who were Bandsmen/Buglers in Delhi Police had filed O.A.110/2001. It was disposed of

by this Tribunal on 11.12.2001 with the following directions:

> "Noting the above, we direct the respondents to dispose of the representation filed by the applicants on 20.12.2000 by passing a reasoned and speaking order within two months from the date of receipt of a copy of this order. Needless to say that the applicants, if they are still aggrieved, can approach this Tribunal in accordance with law. The OA is accordingly disposed of. No costs."

3. In pursuance of the said directions, the Commissioner of Police had passed an order dated 7.6.2002. Perusal of the same reveals that the Commissioner of Police specifically mentioned that the claim of the applicants had been sent/recommended to the Ministry of Home Affairs for granting better pay scales. Towards end of the said order, it has been recited that the representation lacks merits.

4. During the course of submissions, learned counsel for the applicants stated that Ministry of Home Affairs, to whom the matter has been referred, has not passed an order in this regard and a direction to that effect may be issued.

5. Learned counsel for respondent no.3 (representing Govt. of India) on the contrary has pointed that once the representation has been rejected and direction was to the respondents to pass an appropriate order, no separate order is required to be passed.

6. We find no ground to accept the submission of learned counsel for respondent no.3. The order passed by this Tribunal referred to above clearly indicates that

direction was given to the respondents to dispose of the representation of the applicants. Once the matter has been referred by the Commissioner of Police to the Government of India, necessarily it has to pass a separate speaking order and as is indicated from the facts referred to above, such an order has not been passed till date.

7. We need not dwell further into the matter and accordingly we dispose of the present application directing respondent no.3 to consider the proposal of respondent no.2 for grant of better pay scales to the applicants and pass a speaking order in this regard preferably within three months of the receipt of the certified copy of the present order.

8. No separate order, therefore, in M.A.1956/2003 is required to be passed.

(R.K. Upadhyaya)
Member(A).

(V.S. Aggarwal)
Chairman.

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