

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA 245/2001

New Delhi this the 4th day of April, 2002

Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman (J)
Hon'ble Shri M.P. Singh, Member (A)

1. Shri Akhat Ali Farooqui,
Deputy Commissioner of Police,
IV Battalion, New Police Lines,
Delhi.
2. Shri Naresh Kumar,
Deputy Commissioner of Police,
3rd Battalion, Vikas Puri,
New Delhi-18
3. Shri Mahabir Singh
Deputy Commissioner of Police,
Traffic (Northern Range)
Old Police Lines, Rajpur Road,
New Delhi.
4. Shri Dinesh Bhatt
Deputy Commissioner of Police
Economic Offence Wing,
Crime Branch, Qutab Institutional
Area, New Delhi.
5. Shri S.B.S. Tyagi,
Deputy Commissioner of Police,
Traffic- VIP
Teen Murti Traffic Police Lines,
Willington Creacent, New Delhi.
6. Keshav Dwivedi,
Dy. Commissioner of Police
Licensing, Police Headquarters,
New Delhi.
7. Shri V. Ranganathan,
Addl. Dy. Commissioner of Police,
North District Police Station,
Civil Lines, Delhi.
8. Shri V.V. Chaudhary,
Deputy Commissioner of Police,
Anti-Corruption Branch,
Delhi Administration, Civil Lines,
Delhi.
9. Shri Ashok Chand,
Deputy Commissioner of Police,
Special Cell, Vith Floor,
Police Head Quarters, New Delhi
10. Shri G.C. Dwivedi,
Addl. Deputy Commissioner of Police,

Crime and Railways,
New Delhi Railway Station,
Delhi.

11. Shri H.P.S.Virk,
Addl. Deputy Commissioner of Police,
New Delhi District, Parliament
Street, New Delhi.
12. Shri D.L.Kashyap,
Deputy Commissioner of Police,
Narcotics and Crime Prevention
New Delhi.

..Applicants

(By Advocate Shri Kavin Gulati)

VERSUS

1. Union of India, through
the Secretary, Govt. of India,
Ministry of Home Affairs,
North Block, New Delhi.
2. The Secretary,
Departmental of Personnel and
Training, Ministry of Personnel,
Pension and Public Grievances,
Govt. of India, North Block,
New Delhi.
3. Commissioner of Police
Police Head Quarters,
I.T.O. New Delhi.
4. The Secretary,
Union Public Service Commission,
Dholpur House, Shahjahan Road,
New Delhi.

..Respondents

(By Advocate Shri K.C.D. Gangwani)

O R D E R (ORAL)

(Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman (J))

We have heard Shri Kavin Gulati, learned counsel for the applicants and Shri K.C.D. Gangwani, learned senior counsel for the respondents and perused the pleadings on record.

2. This application was originally filed by 12 applicants. Later, two applicants, namely, applicants 3

and 4 have been ordered to be deleted as they were no longer interested in pursuing the OA. Today, when the case was taken up for final hearing, Shri Kavin Gulati, learned counsel submits that at present only 4 applicants, namely, applicants 2,4,9 and 10 are continuing to have interest in pursuing the OA. Noting these submissions, the other applicants, namely, applicants No.1, 3,5,6,7 and 8 are ordered to be deleted from the array of parties. The present position is, therefore, that there are only four applicants in the OA. Learned counsel for the applicants submits that these four applicants had submitted certain representations which are placed at pages 63,66 and 72 of the paper book. However, during the course of hearing, Shri Kavin Gulati, learned counsel submits that some of these representations do not actually reflect the more detailed prayers which the applicants would like to press, taken by one of the other applicants, namely, Shri S.B.S. Tyagi, on the question of decision which may be taken by the respondents delinking Delhi, Andaman and Nicobar Islands, Lakshadweep, Daman and Diu and Dadra and Nagar Haveli Police Service from promotion to Indian Police Service and providing higher posts even ^{with} that service itself, including Delhi Police Service. In the circumstances, he prays for withdrawing the OA with liberty to make appropriate representations on behalf of the aforesaid four applicants to the respondents for their due consideration and disposal. Shri K.C.D. Gangwani, learned senior counsel has no objection to the same.

BC

3. In view of the peculiar facts and circumstances of the case, learned counsel for the applicants undertakes to file a representation on behalf of these applicants within one week from today. He has also prayed that respondents may be directed to maintain status quo of the applicants till the disposal of the representations of these four applicants.

4. Shri K.C.D. Gangwani, learned senior counsel, on the other hand, has submitted that while he has no objection to the aforesaid four applicants to make a representation for consideration of the respondents, it would create avoidable confusion in case status quo of the applicants has to be maintained till the disposal of their representation. He has, therefore, submitted that the OA itself should be disposed of and no status quo order be passed.

5. We have carefully considered the above submissions of the learned counsel for the parties along with the pleadings.

6. Our attention has been drawn to the Tribunal's interim order dated 28.5.2001. Relevant portion of that order read as follows:-

" Having regard to the claims made above on behalf of the applicant, the respondents are restrained from insisting upon an undertaking from the applicant as per Annexure A-19 till 4.6.2001 when

18/2


19

prayers for interim relief will be heard when the other side is also present. In the meanwhile, if the Select List for promotion to IPS is made, candidature of the applicant may also be considered subject to orders to be made on 4.6.2001."


The aforesaid interim order has been continued from time to time till date.

7. In view of the submissions made at the Bar by Shri Kavin Gulati, learned counsel for the applicants that four applicants wish to withdraw the OA which is not objected to by the learned counsel for the respondents, this OA is disposed of as withdrawn. Further taking into consideration his submissions, the applicant may submit a representation to the respondents within one week from today for their consideration. It will be open to the respondents to dispose of the representations by a detail, reasoned and speaking order as expeditiously as possible. We consider that in the peculiar facts and circumstances of the case and in the interest of justice, with regard to the submissions made by the learned counsel for the applicants in respect of the aforesaid four applicants and considering the interim order of the Tribunal, till the date the representations are disposed of by the respondents they may not insist upon an undertaking to be given by these four applicants for being inducted to IPS.

No order as to costs.


(M.P. Singh)
Member (A)

sk


(Smt. Lakshmi Swaminathan)
Vice Chairman (J)