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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

RA 144/99 in
OA 912/1998
MA 2683/99

New Delhi this the 9th day of December, 1999

Hon'ble Shri S.R. Adige, Vice Chairman (A)
Hon'ble Smt. Lakshmi Swaminathan, Member (J)

1. Union of India, Ministry of Home Affairs, through Director Intelligence Bureau (M.H.A.), New Delhi.
2. Director General of Police, Punjab, Chandigarh.

.. Applicants

(By Advocate Sh. Vinod Kumar proxy counsel for Sh. Rajinder Nishal, counsel for applicant No. 1)

(By Advocate Sh. S.K. Gupta proxy counsel for Sh. B.S. Gupta, counsel for applicant No. 2)

Versus

1. Om Dutt, @ Om Dass,
S/O Sh. Sri Chand Yadav
R/O F-166, Nanak Pura, New Delhi.
2. Fateh Singh S/O Sh. Sheo Lal
R/O 106/15, Sector-I,
Pushap Vihar, New Delhi.

.. Respondents

(By Advocate Shri Imtiaz Ahmed)

O R D E R (ORAL)

(Hon'ble Shri S.R. Adige, Vice Chairman (A))

We have heard all the counsel on RA 144/99.

2. This Review Application 144/99 has been filed by applicant No. 2 (Original respondent No. 2) seeking review of the impugned order dated 28.1.99 in OA 912/98.

3. In the RA it has been prayed that the operative portion of para 9 of the aforesaid order dated 28.1.99 be reviewed, because the applicants in the OA can be promoted to the rank of Head Constable from the fresh dates as and when they pass the required B-1 Test and Lower School Course which is the essential

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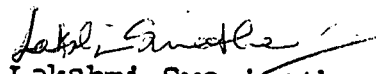
qualification for the promotion, and not from the dates from when their juniors were so promoted.

4. A perusal of para 9 of the aforesaid order dated 28.1.99 makes it clear that the promotion of those original applicants in the OA were to be considered by the competent authority in accordance with the procedure laid down for this purpose, and if applicants acquire or conform to necessary eligibility conditions under the circumstances if those original applicants in the OA have not acquired or conformed to the necessary eligibility conditions it is clear that they cannot be promoted.

5. In the light of the aforesaid, the impugned orders dated 28.1.99 needs no further clarification.

6. In this connection, a prayer has been made by the counsel for the respondents in the RA (original applicants in the OA) that his clients should be given the benefits of the Hon'ble Supreme Court in the case of State of Punjab & Ors. Vs. Inder Singh & Ors. (JT 1997(8)SC 466). It is open to them to agitate this matter before the competent authority, if so advised, as it cannot be the subject matter of an RA, which stands disputed & accordingly.

7. MA 2683/99 has been filed by the original applicants in the OA (respondents in the RA) challenging the disciplinary proceedings initiated by the State of Punjab against them, but this is also a matter which cannot be raised in an RA and furthermore it is out of jurisdiction of the Tribunal. It is open to them to agitate this matter before the appropriate forum, if so advised. MA 2683/99 is disposed of accordingly.


(Smt. Lakshmi Swaminathan)
Member(J)


(S.R. Adige)
Vice Chairman(A)