

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.2457/1998

New Delhi, this 2nd day of April, 2002

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

Kamal Singh
1227, Timarpur
Delhi-7

.. Applicant

(Shri R.V. Sinha with Shri R.N.Singh, Advocates)

versus

1. Commissioner of Police
Delhi Police
IP Estate, New Delhi
2. Dy. Commissioner of Police-I
Delhi Police, IP Estate, New Delhi
3. Dy. Commissioner of Police
South District, Hauz Khas, New Delhi .. Respondents

(Shri Amit Rathi, proxy for Shri Devesh Singh, Advocate)

ORDER(oral)

Smt. Lakshmi Swaminathan, Vice-Chairman(J)

Further to the order of the Tribunal dated 29.5.2001 in the present application read with the order dated 5.3.2002 in MA 2825/2001, we have heard Shri R.V. Sinha, learned counsel for the applicant and Shri Amit Rathi, learned proxy counsel for the respondents. We have also perused the pleadings and the relevant documents on record.

2. In Tribunal's order dated 29.5.2001 the relevant facts of the case have been referred to, particularly in paragraphs 2-8. In paragraph 10 of the order, reference has been made to certain pending cases before the Hon'ble Supreme Court, details of which have also been given. It has also been observed that no final decision in the cases referred in paragraph 10 had been shown to the Tribunal by either side. Paragraph 12 of this order reads as follows:

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"12. In the result this OA is disposed of without recording any finding on merits at this stage but giving leave to either side to seek revival of this OA after a decision in the aforesaid cases is handed down. At that point of time, the Hon'ble Supreme Court's ruling in Roop Lal Vs. LG Delhi, 2000(1) SCC 644 and other rulings relied upon by applicant's counsel will also be considered to the extent the same are relevant to the facts and circumstances of the present case. Till then the interim orders restraining respondents from reverting applicant shall continue to operate, and shall not be acted upon by respondents. No costs."

3. Thereafter, respondents have filed MA 2825/2001 in which they have, inter alia, submitted that the aforesaid cases referred to in paragraph 10 of Tribunal's order dated 29.5.2001 have ~~not~~^{been} pronounced and copies annexed. They have also tried to briefly mention certain facts in the other cases vis-a-vis ^{the} facts in the present case. It is also relevant to mention that in the impugned order dated 22.5.1998 reverting the applicant from the post of Head Constable to his substantive rank of Constable with immediate effect, a reference has been made to any further direction which may be issued by the Tribunal in OA ~~2856~~²⁸⁵⁶/97 filed by the applicant. Apparently, no further order has been issued by the respondents incorporating further directions, if any, given by the Tribunal in this OA.

4. It is seen from the averments made by the respondents in MA 2825/2001 praying for revival of the present application in terms of the Tribunal's order dated 29.5.2001, that it has been done in the light of the pronouncements of the Hon'ble Supreme Court in the cases which were pending earlier.


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5. It is, therefore, seen from the aforesaid facts and circumstances of the case that the respondents themselves have yet to take a final decision on the issues relevant to the case of the applicant in the light of the pronouncements of the Tribunal as well as Hon'ble Supreme Court. For this purpose Shri Amit Rathi, learned proxy counsel seeks and is allowed one month for passing order taking into account the observations made above. In the facts and circumstances of the case, respondents have to review the impugned order dated 22.5.1998 reverting the applicant from the post of Head Constable to Constable taking into account the provisions of law, including the aforesaid pronouncements and in particular ^{those of Hon'ble} the Hon'ble Supreme Court. They shall also have to consider the facts raised by the applicant in the present OA and the fact that they have themselves promoted the applicant in the year 1993.

6. In view of what has been stated above, OA is disposed of with the following directions:

- (i) The impugned order dated 22.5.1998 is quashed and set aside;
- (ii) Respondents are directed to consider applicant's case in the OA taking into account the provisions of law and relevant judgements referred to above and pass a reasoned, detailed and speaking order. This shall be done within one month from the date of receipt of a copy of this order;
- (iii) In case the respondents pass any adverse order against the applicant having regard to the earlier order dated ^{to 22.5.2001} 22.5.2001, the same shall not be given effect for a period of one month from the date of issuance of this order;
- (iv) No order as to costs.


(M.P. Singh)
Member(A)


(Smt. Lakshmi Swaminathan)
Vice-Chairman(J)

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