

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

(11)

O.A. NO.1681/1995

New Delhi this the 23rd day of May, 1996.

HON'BLE SHRI JUSTICE A. P. RAVANI, CHAIRMAN
HON'BLE SHRI K. MUTHUKUMAR, MEMBER (A)

Suresh Chand S/O Attar Singh,
R/O K-13/1B, Street No.16,
West Ghonda,
Delhi-53. ... Applicant

(By Shri Shyam Babu, Advocate)

-Versus-

1. Commissioner of Police, Delhi
Police Headquarters,
I.P. Estate,
New Delhi - 110002.

2. Deputy Commissioner of Police
HQ (I), Police Headquarters,
I.P. Estate,
New Delhi - 110002. ... Respondents

(None appeared for Respondents)

O R D E R (ORAL)

Shri Justice A. P. Ravani —

The applicant challenges the legality and
Validity of the order dated September 9, 1994
passed by the Deputy Commissioner of Police,
Hqrs.(I), Delhi, by which the applicant has been
brought on promotion list "D" (Tech) for the
post of ASI/MT Fitter Grade-I (Electrician)
with effect from January 30, 1987 and further
consequential orders of promotion and declaration
of probation period ^{has been} made by the said order.

2. Earlier, the applicant filed O.A. No.1173/89
which was decided on May 18, 1994. Therein,
the applicant prayed that he should have been

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regularised in the grade of ASI/MT Fitter Gr.-I from a date earlier than May 16, 1988. Since representation made by him in this respect was rejected, he filed O.A. No.1173/89 before the Tribunal. The aforesaid O.A. was resisted by the respondents by filing counter affidavit. The Tribunal directed the respondents to consider the case of the applicant for regularisation in the grade of ASI from a date earlier to May 16, 1988.

3. Consequent upon the aforesaid direction given in the aforesaid judgment of the Tribunal, the impugned order dated September 9, 1994 is passed. The contention that the applicant should have been granted promotion with effect from the date his juniors, namely, Shri Lal Man and Shri Mulakh Raj were promoted on higher posts in respective branches cannot be accepted. This contention was a part of the plea raised by the applicant in the earlier O.A. If not expressly, by ^{necessary} implication, this issue has been decided by the Tribunal in the aforesaid O.A. Specific contentions were raised by both the sides on this point. Thereafter, the Tribunal came to the conclusion that the applicant was entitled to be regularised as ASI/MT Fitter Grade-I (Electrician) from a date earlier than May 16, 1988. As there was no material on record on the basis of which the date could be fixed, the Tribunal gave direction as stated hereinabove

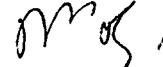
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to the respondents. A reasonable reading of the entire judgment of the Tribunal clearly shows that the contention with regard to grant of promotion to the applicant with effect from the date Shri Lal Man and Shri Mulakh Raj were promoted to higher post has, by necessary implication been rejected by the Tribunal. This is the only reasonable reading of the judgment of the Tribunal. This is also the contention of the respondents in their counter affidavit (see paras 4.5 and 4.6 of the counter).

4. In the above view of the matter, we see no merit in this application. Hence, it is rejected.


(K. Muthukumar)
Member (A)


(A. P. Ravani)
Chairman

/as/