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CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

OA No. 1683/95

New Delhi: this the 9<sup>th</sup> day of December, 1999.

HON'BLE MR. S. R. ADIGE, VICE CHAIRMAN (A).

HON'BLE MR. KULDIP SINGH, MEMBER (J)

Om Singh (337/L) son of Shri Bhillo Rao,  
R/o 152, IIT Gate Police Colony,  
New Delhi

..... Applicant

(By Advocate: Shri Shyam Babu)

Versus

1. Commissioner of Police,  
Delhi,

Police Headquarters, I.P. Estate,  
New Delhi-2.

2. Deputy Commissioner of Police,  
(Provisioning & Lines), Rajpur Road,  
Delhi.

3. Shri Rajesh Chander (4140/D), working in  
the office of Dy. Commissioner (Prov. & Lines),  
(Service to be effected through R-2)

..... Respondents.

(By Advocate: Shri Rajender Pandita)

ORDER

BY HON'BLE MR. S. R. ADIGE, VICE CHAIRMAN (A).

Applicant impugns respondents' order dated 4.4.95 (Annexure-A) and dated 16.6.95 (Annexure-B).

He seeks quashing of promotion of Respondent No. 3 as ASI/MT(Operational) and seeks his own promotion as such w.e.f. January, 1994 or any other appropriate date and promotion as S.I/MT(ops) w.e.f. 16.6.95 without prejudice to his appeal pending in the Hon'ble Supreme Court. He also seeks consequential benefits.

2. We have heard applicant's counsel Shri Shyam Babu and respondents' counsel Shri Rajender Pandita. We have perused the materials on record.

3. We note that this OA had been filed at point of a time when applicant's Civil Appeal No. 6124/95 against

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the Tribunal's order dated 19.8.94 in OA No. 2032/89 had not been disposed of by the Hon'ble Supreme Court. That Civil Appeal has since been disposed of by order dated 24.1.96 ~~which affects~~ considerably the reliefs sought for. We also note that applicant has filed written submissions along with which he has enclosed copies of various documents which have not been annexed ~~with~~ <sup>or</sup> impugned in the OA. These written submissions themselves go considerably beyond the pleadings in the OA, to which respondents should be given a reasonable opportunity to reply.

4. In the light of the above, and in the interest of justice therefore, it is fit and proper that applicant be permitted to file a fresh OA after withdrawing the present one. In that fresh OA he shall be permitted to take all of such grounds as he considers necessary, and also bring on record such documents as he considers necessary to establish his case, and respondents shall be given an opportunity to reply to the same. The period taken between the filing of the ~~earlier~~ OA, and the fresh OA to be filed by applicant shall be deducted from the period of limitation, as applicant shall be held to have been pressing his remedies in accordance with law.

5. The OA is disposed of in terms of para 4 above giving applicant 6 weeks from <sup>the date of receipt of a copy of this order</sup> to file such fresh OA, if so advised. No costs.

Kulay  
( KULDIP SINGH )  
MEMBER(J)

Adige  
( S. R. ADIGE )  
VICE CHAIRMAN(A).

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