

CAT/710

(19)

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI**

O.A. No. 2434/95
T.A. No.

199

DATE OF DECISION 23-9-97

Sh. Subhash Sharma Petitioner
Sh. G.D. Gupta Advocate for the Petitioner(s)
Versus
UOI & Ors Respondent
Shri Raj Singh Advocate for the Respondent(s)

CORAM

The Hon'ble Smt. Lakshmi Swaminathan, Member (J)

The Hon'ble Shri R.K. Ahooja, Member (A)

1. To be referred to the Reporter or not? *yes*
2. Whether it needs to be circulated to other Benches of the Tribunal? *X*
- Lakshmi Swaminathan*
(Smt. Lakshmi Swaminathan)
Member (J)

Central Administrative Tribunal
Principal Bench

O.A. 2434/95

New Delhi this the 23 th day of September, 1997

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Hon'ble Smt. Lakshmi Swaminathan, Member(J).
Hon'ble Shri R.K. Ahooja, Member(A).

Subhash Sharma
S/o Shri Ishwari Parshad Sharma,
C/o Shri Sehra Lal Sharma,
Qr. No. A/33, Camp Jail,
New Delhi.

... Applicant.

By Advocate Shri G.D. Gupta.

Versus

1. Union of India through the
Secretary to the Government of India,
Ministry of Home Affairs,
North Block,
New Delhi.
2. The Lt. Governor/Administrator,
Govt. of National Capital
Territory of Delhi, Raj Niwas,
Delhi.
3. The Commissioner of Police, Delhi,
Police Headquarters, I.P. Estate,
New Delhi.
4. The Deputy Commissioner of Police,
III Battalion, Delhi Armed Police,
Delhi.

... Respondents.

By Advocate Shri Raj Singh.

O R D E R

Hon'ble Smt. Lakshmi Swaminathan, Member(J).

The applicant is aggrieved that the respondents have not appointed him as Constable in Delhi Police in spite of his having passed the written test, physical measurements and interview as also having been declared successful in the medical examination. He is also aggrieved by the act of the respondents in not extending to him the benefit of the judgement and order of the Tribunal dated 22.8.1990 in O.A.

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640/86 read with the order dated 1.10.1991 in RA 136/91 in O.A.640/86 (Onkar Singh & Ors. Vs. Commissioner of Police & Ors.).

2. The recruitment, in question, relates to the year 1985 in which it is not disputed by the respondents that the applicant was also a candidate. The main ground taken by the respondents in this application is that it is hopelessly time barred under the provisions of Section 21 of the Administrative Tribunals Act, 1985. They have relied on the judgement of the Tribunal in Jagdish Prasad Vs. Delhi Administration & Ors. (O.A.788/93), decided on 9.12.1994. The respondents have also submitted that the applicant was not a party in O.A.646/90 (Onkar Singh & Ors. Vs. Commissioner of Police, Delhi and Ors.) (copy placed on record). The learned counsel for the applicant has stated that his case is on all fours with the judgement of the Tribunal in Arbind Singh Vs. Union of India & Ors. (O.A. 1625/95), decided on 19.9.1996. In this case, the Tribunal has dealt with the same examination for recruitment to the posts of police Constables held by the Delhi Police in 1985, in which the Tribunal had noted that the applicant was not a party to the earlier proceedings (O.A. 646/96) and held that he was eligible to be considered because the order issued by the Tribunal was not in favour of one or the other but was with reference to the process of selection and those who were involved in it. The Tribunal, therefore, directed the respondents to consider his case for appointment as Police Constable on the basis of the qualifications he possessed at the time the selection process commenced. We respectfully agree with the judgement of the Tribunal in Arbind Singh's case (supra).

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3. The main ground taken by the respondents is of delay which for the reasons mentioned above is rejected. We accordingly direct the respondents to consider the case of the applicant for appointment as Police Constable on the basis of the qualifications he possessed at the time of selection held in 1985 and if he was otherwise eligible he should be granted the same benefits as have been granted to other similarly situated persons in Onkar Singh's case (Supra).

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O.A. is allowed as above. No costs.

R. K. Ahooja
(R.K. Ahooja)
Member (A)

Lakshmi Swaminathan
(Smt. Lakshmi Swaminathan)
Member (J)

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