

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. NO. 2378/1996

New Delhi this the 7th November, 1996.

HON'BLE SHRI JUSTICE CHETTUR SANKARAN NAIR, CHAIRMAN
HON'BLE SHRI S. P. BISWAS, MEMBER (A)

Ram Mehar Singh (6070/DAP)
S/O Man Singh,
R/O Village & P.O. Dikadla,
P.S. Samalakha, Distt. Panipat,
Haryana. ... Applicant

(By Shri Shyam Babu, Advocate)

-Versus-

1. Commissioner of Police, Delhi,
Police Headquarters,
I.P. Estate, New Delhi.
2. Deputy Commissioner of
Police (HQ-1),
Police Headquarters,
I.P. Estate, New Delhi. ... Respondents

The application having been heard on 7.11.1996
the Tribunal on the same day delivered the
following :

O R D E R

CHETTUR SANKARAN NAIR (J), CHAIRMAN —

Applicant challenges Annexure-A-13 show cause
notice proposing to wipe out the seniority granted
to him from 1976.

2. Applicant joined the Border Security Force
in the year 1976, was deputed to the Delhi Police
in 1986, and was absorbed in the Delhi Police in
the year 1990. His seniority was reckoned treating
the date of his first appointment in the Border
Security Force as the commencement of his service.

That is sought to be varied by the notice aforesaid. Learned counsel for applicant submitted that counting out service in that manner would be against the law declared by the Supreme Court in K. Madhavan & Anr. vs. Union of India & Ors., AIR 1987 SC 2291, wherein the Court observed :

" . . . Deputation may be regarded as transfer . . . Transfer cannot wipe out the length of service in the post from which he has been transferred."

We cannot readily assume that respondents would embark on a totally illegal path. What is now issued is only a show cause notice, and nothing to the detriment of applicant has been done. We cannot delve into the mind of respondents and readily assume that acts of illegality will be committed. Applicant will show cause against Annexure A-13 and he may also bring to the notice of respondents the law declared by the Supreme Court in Madhavan's case hereinbefore mentioned. We are also told that the order in O.A. No. 1444/1991 to which respondents are parties, has made it clear that the course indicated in Annexure-A13 cannot be adopted. It is for applicant to bring all these aspects to the notice of respondents by filing a supplementary representation. Respondents will pass an order considering the objections of

applicant and referring to the decision of the Supreme Court in Madhavan's case and the order in O.A. No. 1444/1991.

3. We see no justification in entertaining this application which challenges a show cause notice. We decline jurisdiction.

Dated, 7th November, 1996.

Lalwani

(S. P. Biswas)

Member (A)

Chettur Sankaran Nair

(Chettur Sankaran Nair, J.)
Chairman

/as/