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Central Administrative Tribunal
Principal Bench

O.A. 2456/96

New Delhi this the 18th day of April, 2000

Hon'ble Smt. Lakshmi Swaminathan, Member(J).
Hon'ble Shri V.K. Majotra, Member(A).

Dinesh Chander (D/2601),
presently posted as
Sub-Inspector (Executive),
Police Training School,
Jharoda Kalan,
New Delhi.

Applicant.

By Advocate Shri Shyam Babu.

Versus

Commissioner of Police,
Delhi Police HQ,
IP Estate,
New Delhi.

Respondent.

By Advocate Shri R.K. Singh proxy for Shri A.K. Chopra.

O R D E R (ORAL)

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

The applicant, who was earlier working as Sub-Inspector in the Border Security Force (BSF) w.e.f. 27.10.1980 was selected on deputation as Sub-Inspector (Executive) in Delhi Police w.e.f. 17.11.1985. Later, he has been absorbed with Delhi Police in the rank of Sub-Inspector (Executive) w.e.f. June, 1988 under the provisions of Rule 17 of the Delhi Police (General Conditions of Service) Rules, 1980. The respondents had passed an order dated 5.7.1996 giving seniority to the applicant w.e.f. 10.6.1988 in accordance with their instructions. This order has been impugned in this O.A. The applicant has prayed that a direction may be given to the respondents to count his services rendered in the BSF w.e.f. 27.10.1980 till June, 1988, when he was absorbed with Delhi Police, for purposes of seniority/eligibility for the next higher promotion. Shri

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Shyam Babu, learned counsel, relies on the judgement of the Hon'ble Supreme Court in SI Roop Lal & Anr. Vs. Lt. Governor through Chief Secretary, Delhi and Ors. (JT 1999(9) SC 597) and the order of the Tribunal in Jai Bhagwan Vs. Commissioner of Police & Anr. (OA 1562/94) decided on 11.1.2000. He has also relied on a recent circular issued by the respondents dated 1.3.2000 (copies placed on record).

3. We have seen the reply filed by the respondents and heard Shri R.K. Singh, learned proxy counsel. He has submitted that the seniority of the applicant can only be counted from the date of his absorption and not with effect from his date of appointment in BSF earlier.

4. From the records and the prayer made by the applicant in the case, we are satisfied that this case is fully covered by the judgement of the Hon'ble Supreme Court in SI Roop Lal's case (supra). This case has also been followed in another similar case ^{by} the Tribunal in Jai Bhagwan (supra). In the circular relied upon by the applicant, it is stated, inter alia, that a decision has been taken by the Delhi Police vide their order dated 23.2.2000 that the seniority of the deputationists, who were earlier taken on deputation from CPO's and later on permanently absorbed in Delhi Police will be considered from the date of their appointment in parent department instead of their permanent absorption in Delhi Police in pursuance of the Hon'ble Supreme Court's decision dated 14.12.1999 in SI Roop Lal's case (supra). In the circumstances of the case, earlier contentions of the respondents in the reply filed by them to this O.A. and the submissions made by the learned

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proxy counsel cannot be accepted as they are contrary to law, as laid down by the Hon'ble Supreme Court in SI Roop Lal's case (supra). In the circular issued by the respondents themselves dated 1.3.2000, the principles of law as pronounced by the Hon'ble Supreme Court have also been implemented by them.

5. In the facts and circumstances, O.A. succeeds and is allowed. The respondents are directed to count the applicant's services from the date of his appointment in BSF, that is, parent cadre and not from the date of his absorption in Delhi Police, in terms of the Supreme Court's order dated 14.12.1999 in the case of SI Roop Lal (supra). Necessary action in this regard shall be taken within one month from the date of receipt of a copy of this order with intimation to the applicant.

Parties to bear their own costs.



(V.K. Majotra)
Member(A)



(Smt. Lakshmi Swaminathan)
Member(J)

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