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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. NO. 494/1996

New Delhi this the 29th day of November, 1999.

HON'BLE SHRI JUSTICE ASHOK AGARWAL, CHAIRMAN

HON'BLE SHRI R. K. AHOOJA, MEMBER (A)

Head Constable Vijay Pal Singh
No. 8879/DAP

S/o Shri Ram Das

V& P.O.: Kakor Khurd, P.S. Ghapp Ravli

Distt. Meerut, U.P.

..... Applicant

(By Advocate Shri B.S. Oberoi)

-Versus-

1. Govt. of N.C.T. of Delhi
through Commissioner of Police
Police Head Quarters
I.P. Estate
New Delhi.

2. Deputy Commissioner of Police
Head Quarters (I)
Police Head Quarters, I.P. Estate
New Delhi.

..... Respondents

(Shri Anil Singhal, proxy counsel for
Shri Raj Singh, counsel for the respondents)

O R D E R (ORAL)

Shri Justice Ashok Agarwal :

It is the case of the applicant that he was enrolled in Delhi Police as Constable on 26.2.1977. He appeared for promotion test and after qualifying for the same was brought on list 'A' vide order dated 13.11.1987 and was placed at Sl.No. 744. Applicant along with his colleagues who had been placed on list 'A' was selected for training in Lower School Course commencing with effect from 1.2.1989. He was directed to report for medical test at Civil Hospital on 9.12.1988 during which he was found medically fit. However, a departmental enquiry was initiated against him and he was put under suspension with effect from 6.7.1987. In the departmental proceedings, applicant

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was held guilty of the charge levelled against him and penalty of dismissal from service was imposed upon him. Applicant impugned the said order of dismissal by filing O.A. No.2491/1989 in this Tribunal. By an order passed on 7.4.1993, the aforesaid O.A. was allowed and the finding of mis-conduct was quashed and set aside. He was directed to be reinstated in service.

2. The short grievance which has been set up by the applicant in the present application is that with the order of dismissal having been quashed and set aside, applicant was entitled to be promoted when his immediate junior was promoted. All that has been stated by the respondents in the counter is that the aforesaid relief of an early promotion was not granted to the applicant as all that was granted in the aforesaid O.A. was an order of reinstatement. No direction was issued to grant consequential reliefs to the applicant. Hence applicant was not granted promotion from the date when his immediate junior was promoted.

3. In our view the stand taken by the respondents is far too technical for being accepted. The order of dismissal has been quashed and set aside and the charge of misconduct has also been quashed and set aside. Applicant in the circumstances would be entitled to be placed in a position where he would have been if there would have been no departmental proceedings against him. In the circumstances, we hold that the applicant will be entitled to promotion with effect from the date his immediate junior was

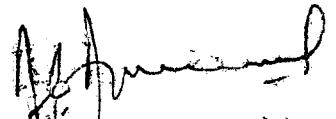
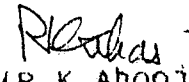
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provided he is otherwise entitled as per rules.
promoted. / Applicant will be entitled to all
consequential reliefs except monetary benefits
arising prior to the filing of the present O.A. i.e.
6.3.1996.

4. Application is allowed in the aforesaid
terms, but without any order as to costs.


(Ashok Agarwal)
Chairman

(R.K. Ahooja)
Member (A)

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