

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI

CP NO. 95/99 IN  
OA NO. 2365/97

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NEW DELHI THIS THE 26TH DAY OF OCTOBER, 1999

HON'BLE MR. JUSTICE V. RAJAGOPALA REDDY, VICE CHAIRMAN (J)  
HON'BLE MRS. SHANTA SHASTRY, MEMBER (A)

In the matter of:

Constable Devi Singh No. 3030/T,  
S/o Shri Zile Singh, aged 37 years,  
Presently posted in Traffic  
R/o Barrack No. 18, 4th Bn., D.A.P.,  
New Police Lines, Delhi.  
(By Advocate: Sh. Shankar Raju)

.... Applicant

Vs.

Sh. Kewal Singh  
Dy. Commissioner of Police,  
H.Q(I), Police Head Quarters,  
I.P.Estate, M.S.O. Building,  
New Delhi.  
(By Advocate: Sh. Surat Singh)

.... Respondents

O R D E R (ORAL)

BY REDDY. J.

Heard counsel for the applicant and the  
respondents.

2. While disposing of the OA-2365/97 by order dated 15.5.98, the Tribunal directed the respondents to hold list 'A' test for regular promotion of the applicant to the post of Head Constable, within a period of two months from the date of receipt of a copy of the order and if for some reason, the test could not be held, to consider him for promotion to the rank of Head Constable on ad hoc basis. It is now complained that the respondents had violated the order. In the counter affidavit it was stated that to comply with the direction of the Hon'ble Tribunal, the case of the applicant was examined. They could not, however, find any rule to hold a separate list 'A' test for the applicant. They also found that there was no procedure to appoint <sup>ment</sup> on ad hoc basis to a post of Constable. The respondents, therefore, approached the Hon'ble High Court

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by filing CWP No. 3679/98 on 4.8.98 and thereafter in accordance with the directions given by the High Court a circular was issued to hold list 'A' test for promotion to the applicant ~~was issued~~ on 3.9.98 and the test has in fact been held by the respondents on 1.8.99. It is, therefore, stated that the delay in complying with the directions of the Tribunal were not deliberate.

3. In view of the above facts and circumstances it cannot be said that the delay in compliance by the respondents is wilful or deliberate. There is no merit in the CP. CP is, therefore, dismissed.

*Santa Shastri*  
( MRS. SANTA SHASTRY )  
Member (A)

*V. Rajagopala Reddy*  
( V. RAJAGOPALA REDDY )  
Vice Chairman (J)

'sd'