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**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI**

O.A. No. 2299/97 &
O.A. No. 2300/97

New Delhi this the day of 23rd May 2000

HON'BLE MR. JUSTICE ASHOK AGARWAL, CHAIRMAN
HON'BLE MR. V.K. MAJOTRA, MEMBER (A)

OA-2299/97

1. J.K. Jain (D/3499)
S/o late Shri M.R. Jain
R/o 1/10401 Mohan Park,
Navin Shahdara,
Delhi-110032.
2. Harish Chander (D/3507)
R/o Q.No. 218
P.C.Ashok Vihar,
North-West Distt.
New Delhi.
3. Hukum Chand (932/D)
S/o Shri Gopal Das,
R/o A-18, Prashant Vihar,
Delhi-110085.

...Applicants

Versus

1. Govt. of NCT Delhi
through its,
Chief Secretary,
5, Sham Nath Marg,
Delhi.
2. Commissioner of Police,
Delhi, Police Headquarters,
I.P. Estate, New Delhi.

...Respondents

OA-2300/97

1. A.U. Siddiqui (D-1/160)
S/o Late Shri S.U. Siddiqui
R/o Qtr. No. 808, Sector-III,
R.K. Puram, New Delhi.
2. P.D. Sharma (D/103)
S/o Late Shri Mohanlal
R/o Qtr. No. 703, Type-Z,
Timarpur, Delhi.
3. Virender Singh (D/299)
S/o Late Shri R.C.S. Malik
R/o 1/90, Subhash Nagar,
New Delhi-110 027.
4. Sardarilal (D/387)
S/o Late Shri Santram
R/o L-32, Laxmanpuri
Multani Dhanda, Paharganj,
New Delhi-110 055
5. Ashok Mahana (D/389)
S/o Late Shri Jairam Das
R/o Qtr. No. 3, Type-III,
Tilak Lane, Behind P.S. Tilak Marg,
New Delhi.

6. Sarwan Kumar (D/63)
S/o Late Shri Nihal Chand
R/o 456, Jheel Khuranja
Delhi-110 051

7. Praveen Kumar (D/3299)
S/o Shri Mangal Das
R/o Qtr. No. 6, P.P. Amar Colony,
Lajpat Nagar,
New Delhi.

...Applicants

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1. Govt. of NCT Delhi
through its,
Chief Secretary,
5, Sham Nath Marg,
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2. Commissioner of Police,
Delhi, Police Headquarters,
I.P. Estate, New Delhi.

..Respondents

(By Advocate: Shri Shyam Babu, for the applicants
Shri Ashwani Bhardwaj with Shri Ajesh
Luthra, for the respondents)

ORDER (Oral)

By Mr. Justice Ashok Agarwal, Chairman

As in both the matters the same questions of facts and law have arisen, they are disposed of by a common order.

2. The case of the applicants we find is similar to the case of the applicants in the case of Shri R.C. Sharma and Ors. Vs. Chief Secretary, Delhi & Ors. being OA No. 1378/95 decided on 6.2.97. The applicants in the instant OA were appointed in Delhi Police as ASI (Stenographers). The dates of their initial appointment to the aforesaid post of ASI (Stenographer) and to subsequent posts ^{as} given at Annexure-C collectively. By the present OA, applicants claim promotion to the post of Sub-Inspesctor (Ministerial) with effect from the dates they started drawing Rs. 416/- p.m. as pay in the scale of Rs. 330-560/-. Controversy which was raised in the case of Shri R.C. Sharma

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arose out of an earlier judgment of this Tribunal in the case of Baljit Singh Bamel Vs. Union of India & ors. being O.A. No. 2889/90 and other connected matters decided on 4.11.93. Aforesaid Group of OAs were instituted by Stenographers in BSF, whose services were taken over in Delhi Police on deputation. By the aforesaid order passed by the Tribunal on 4.11.93, it was inter alia held as under:-

"For the reasons stated above, Review Applications Nos. 104/93, 195/93 and 189/93 are allowed and the O.A. Nos. 2889/90, 856/90 and 591/93 are disposed of with the following directions:-

- 1) The impugned circular dated 7.9.90 is quashed.
- 2) The petitioners and other Sub-Inspector (Steno) similarly situate who have come from the BSF on deputation and permanently absorbed in service as Sub-Inspector (Steno) in the Delhi Police shall be deemed to have been permanently absorbed in the Delhi Police as Sub-Inspector (Ministerial) with effect from the respective dates of their permanent absorption.
- 3) The seniority of the petitioners and other similarly situate shall be determined and a seniority list of Sub-Inspector (Ministerial) prepared by counting the service of the petitioners and other similarly situate, in the parent department, as equivalent to that of the Sub-Inspectors (Ministerial) in the Delhi Police with effect from the respective dates on which they started drawing the pay of Rs. 416/- in their parent department of B.S.F. as regular Sub-Inspector (Steno).
- 4) The review of promotions and consequential benefits flowing from the same shall be accepted in the light of the seniority determined as per the above directions.
- 5) The petitioners shall be entitled to all consequential benefits".

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3. By the aforesaid order, directions were issued to determine the seniority of Sub-Inspectors (Ministerial) and draw up a seniority list counting the service of the petitioners and others similarly situated in the parent department, as equivalent to that of the Sub-Inspectors (Ministerial) in Delhi Police with effect from the respective dates on which they started drawing the pay of Rs. 416/- in their parent department as regular Sub-Inspector (Steno).

4. After the aforesaid decision was given by the Tribunal, Stenographers who had been recruited in Delhi Police instituted aforesaid OA-1378/95. Applicants in the instant OAs are also appointed in the Delhi Police in the first instance, as Stenographers and are hence similarly situate as the applicants in the aforesaid OA-1378/95.

5. By an order passed on 6.2.97. in OA-1378/95, it has inter alia been held as under:-

"In the circumstances, it is appropriate to give similar directions in this O.A., as well, and this O.A. is disposed of with the following directions:-

(a) The impugned order dated 12.5.95 is hereby quashed.

(b) The seniority of the applicants and others similarly situated stenographers shall be determined and the seniority list of Sub Inspectors (Ministerial) shall be prepared after considering the applicants and those similarly situated, shall be deemed to have become Sub-Inspector (Ministerial) in Delhi Police w.e.f. the respective dates on which they started drawing the pay of Rs. 416/-. The reviewed promotion and consequential benefits flowing from the above directions shall also be

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granted to the applicants in the light of the seniority determined as per above directions and the applicants are also entitled to all consequential benefits".
(emphasis provided)

6. From aforesaid order, it is clear that Stenographers initially recruited in Delhi Police are at par with those who have been taken in Delhi Police on deputation. Directions have been issued to grant them the post of SI(Ministerial) in Delhi Police with effect from the date they started drawing the pay of Rs. 416/-.

7. The aforesaid decision of the Tribunal referred in the case of Shri R.C. Sharma (Supra) was carried to the Supreme Court by Ram Kishan & ors in Civil Appeal No. 8373/97. In view of the pendency of the aforesaid Civil Appeal and other connected appeals, the present O.A had been placed on sine-die list for awaiting the decision of the Supreme Court. This was at the request made by Advocate on behalf of respondents. By an order passed by the Supreme Court on 11.1.2000 aforesaid Civil Appeal No. 8373/97 has been dismissed. As a consequence the order passed by the Tribunal on 6.2.97, in OA-1378/95 in the case of Shri R.C. Sharma & Ors has been maintained.

8. Shri RC.Sharma's case is, therefore, binding on the respondents and the directions contained therein are applicable not only to the applicants therein but also to those who are similarly placed. In the circumstances, respondents in terms of the directions contained in the said order were bound to extend the very same benefits to the applicants herein which were directed to be

extended in favour of the applicants in the aforesaid OA No. 1378/95. Since the same have not been extended, we direct the respondents to extend the same in the case of the applicants herein as also others who are similarly situated.

9. Learned counsel appearing on behalf of the respondents has sought to interpret the order of the Supreme Court contending that the Supreme Court has proceeded to dismiss the appeal of Shri Ram Kishan & Ors. on the ground that those appeals were covered by the judgments in SI Roop Lal & Ors. Vs. Lt. Governor through Chief Secretary, Delhi & Ors. (1999 (7) Scale 466). ^{In the case of Ram Kishan & Ors} By a ^{reasoned} order the Supreme Court has dismissed the appeal. This is not a case where a SLP has been rejected. This is a case where SLP had been granted and appeal has been admitted and thereafter dismissed by a reasoned order. ^{As a} ~~In a nut-shell~~, consequence of the order of ^{the Supreme Court, order of} this Tribunal in the case of R.C. Sharma (Supra) has been affirmed. It is, therefore, not open to ~~try to~~ distinguish the case of the applicants herein on a parity of reasoning which the learned counsel appearing on behalf of the respondents has vehemently sought to urge before us. The order of this Tribunal in the case of R.C. Sharma as affirmed by the Supreme Court is binding upon us. In the circumstances, we hold that the applicants are entitled to the same benefit which has been provided by the order passed in the case of Shri R.C. Sharma (Supra).

10. Both the OAs are accordingly allowed in the following terms:-

a) The impugned order dated 5.9.97 (Annexure-A) is held to be arbitrary and illegal and quashed.

b) The respondents are directed to grant all benefits of judgment dated 6.2.97 (Annexure-G) to the applicants.

c) declare that the seniority of the applicants shall be determined and seniority list of SI(Ministerial) shall be prepared after considering the applicants and the applicants shall be deemed to have become SI(Ministerial), in Delhi Police with effect from the date they started drawing Rs. 416/- as shown in Annexure-C, their seniority shall be determined accordingly and seniority list of SI(Ministerial) prepared.

d) The applicants shall be granted all consequential benefits/reliefs in the light of the seniority allocated to them as per directions mentioned in prayer 'C' above".

11. Aforesaid directions shall be complied with as expeditiously as possible and in any event within a period of four months from the date of a service of this order. No order as to costs.

(V.K. MAJOTRA)
MEMBER (A)

(ASHOK AGARWAL)
CHAIRMAN

cc.

Attested
As per
CO. 9