

Date

Office Report

Orders

OA - 2774/97
MA - 2798/97

Present: Shyam Baby, counsel
for the applicant.

OA has been dismissed
by a D.B. of Hon'ble
chairman & Hon'ble

Sh. R.K. Ahooja, M(A), on
1-12-97.

Sh. R.K. Ahooja
M(A)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. NO. 2774/1997
M.A. NO. 2798/1997

New Delhi this the 1st day of December, 1997.

HON'BLE SHRI JUSTICE K. M. AGARWAL, CHAIRMAN

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

1. Ram Kishan (154/N)
Head Constable,
S/O Shadi Ram,
R/O Vill. & P.O. Muridi,
Distt. Rewari (Haryana).
2. Ram Niwas (642/PCR)
Head Constable,
S/O Sohan Lal,
R/O Vill. & P.O. Gaduwas,
P.S. Ajeraka, Distt. Alwar,
Rajasthan.

... Applicants

(By Shri Shyam Babu, Advocate)

- Versus -

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

... Respondents

O R D E R (ORAL)

Shri Justice K. M. Agarwal,

Heard the learned counsel for the applicants on admission.

2. This O. A. has been filed against the two show cause notices (Annexures A & B) issued against the applicants. According to the learned counsel, the Supreme Court has held that seniority of an employee

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is to be determined from the date of his substantive appointment in the parent department. At least in three decisions of the Tribunal, a similar view was taken. O.M. dated 29.5.1997 which has been made the basis for issuing the impugned show cause notices was also argued to have been set aside by the Tribunal and accordingly, it was urged that the show cause notices were ex facie illegal.

3. We are of the view that all these facts may be brought to the notice of the respondents in reply to the show cause notices. The learned counsel states that the applicants have already filed their replies. Without awaiting decision of the respondents, the applicants have rushed to this Tribunal with this O.A. We are, therefore, of the view that the applicants must await the decision of the respondents. If that goes against them, then only they may approach the Tribunal.

4. Subject to the observations aforesaid, this O.A. is hereby summarily dismissed.

Km

(K. M. Agarwal)
Chairman

Rkshas

(R. K. Ahooja)
Member (A)

/as/