

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

....

O.A.No.2297 of 1994

Dated New Delhi, this 9th day of February, 1995

Hon'ble Shri J. P. Sharma, Member(J)

Hon'ble Shri B. K. Singh, Member(A)

Km. Chanchal Kaushik
R/o C-295, Albert Square
Gole Market
NEW DELHI

... Applicant

By Advocate: Shri B. B. Raval

Versus

1. Union of India, through
the Secretary
Ministry of Home Affairs
Government of India
North Block
NEW DELHI-1

2. The Deputy Commissioner of Police
Prev. & Lines, Delhi Police
5, Rajpur Road
DELHI

... Respondents

By Applicant: Shri R. Pandita

O R D E R
(O R A L)

Shri J. P. Sharma, M(J)

The grievance of the applicant in this application filed on 1.11.94 is in respect of her non appointment to the post of Constable (Women) in Delhi Police inspite of her selection vide communication dated 26.9.94.

2. The relief claimed by the applicant is for a direction to the respondents to treat the applicant as appointed to the post of Mahilla Constable 1993 batch from 22nd August, 1994 i.e. the same date from which other 152 Mahilla Constables were appointed and sent for training.

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2. A notice was issued to the respondents. The respondents in this application has taken a number of pleas and denied the averments made by the applicant in the O.A. However, in paragraph 4.2 of the counter the respondents have clearly stated that since the applicant had improved in physical test conducted later on and was found suitable in that test, she will be summoned for the next batch for necessary training scheduled to be held in May, 1995 subject to police verification. (b)

3. It appears that after qualifying the said selection the applicant was put to physical test and at different point of time her height was measured, but she could not qualify for the eligible standard prescribed under the rules. However, since the respondents have now found that the applicant is eligible on account of height also and eligible for consideration of appointment and no further proof in the matter is required. The learned counsel for the applicant, however, stressed that the applicant should be sent with the next available batch and that the seniority of the applicant be restored with the batch of 1993.

4. We have also heard the learned counsel for the respondents, Shri R. Pandita. He states that the applicant shall be sent along with the next available batch and further that the seniority of the applicant shall be regulated not with the batch in which she qualifies, but

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with the batch in which she gets her training. (7)

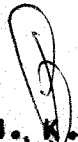
5. We have taken into consideration the rival contentions regarding the matter of seniority and we find that since the applicant has once been declared unfit but second time declared fit then she should have been given all benefits as if she was first appointed. The delay in appointment of the applicant has caused sufficient loss to her, but she should ^{not} be ~~be~~ allowed ^{not} to lose in terms of seniority along with her batch. In view of the fact, as per statement of the learned counsel for the respondents and as per the statement given in paragraph 4.2. of the counter, this O.A. is disposed of along with the following directions:

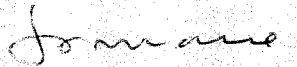
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Jomane
18/5/95*

(i) The respondents shall consider the appointment of the applicant to the post of Mahilla Constable and treat her as Mahilla Constable and she should be sent for training with the next available batch. But her seniority should be reckoned from 1994.

(ii) She should be paid salary and allowances from the date she is appointed to the post ~~(on completion of her training.)~~ *deleted
Jomane
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6. With these directions, the O.A. is finally disposed of, but without any order as to costs.


(B. K. SINGH)
Member(A)


(J. P. SHARMA)
Member(J)

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