

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH: NEW DELHI

O.A.2383/94

New Delhi, this the 2nd December, 1994

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

Hon'ble Shri S.R. Adige, Member (A)

Shri Aquil Ahmed,  
s/o late Shri Nazeer Ahmed,  
Aged 56 years,  
Presently S.H.O. Police Station,  
Chittaranjan Park,  
New Delhi.

... Applicant

By Advocate: Shri B.N. Gobardhan alongwith  
Ms. Geeta Luthra)

Vs.

1. National Capital Territory of Delhi  
through  
Chief Secretary,  
Shyamnath Marg,  
Old Secretariat,  
Delhi.

2. Commissioner of Police  
(Delhi Police)  
Police Headquarters,  
M.S.O. Building,  
I.P. Estate,  
New Delhi.

... Respondents

ORDER (ORAL)

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

The short point involved in this case is that one Sub Inspector Surender Dev has represented to the department that the date of confirmation given to the applicant in the year 1975 is incorrect and his date should be postponed to October, 1976. The Department has issued show cause notice to the applicant on 30.9.88. It was followed by another show cause notice asking the applicant to represent and show cause why the date of confirmation in the rank of SI (Ex.) should not be changed to 11.3.76 instead of 25.10.75. The applicant

Je

...2.

by a request made in the year 1988 alone wanted respondents to furnish certain documents to him (Annexure-IV-A). The relevant papers he has sought are as follows:-

- i) Copy of notification dated 21.4.79 by which I was confirmed;
- ii) Copy of the promotion letter of Shri Surender Dev;
- iii) Copy of 'E' list by which Shri Surender Dev was shown as having been qualified the post for promotion to the rank of Sub-Inspector;
- iv) Copy of the 'D' list by which Shri Surender Dev was promoted as ASI to show that he was junior to me in that list also;
- v) It may be specified as to what sort of mistake has been found in my confirmation because the show cause notice is extremely vague in that behalf;
- vi) The date of promotion of the incumbents mentioned at Sl.No. 667 to 793 may be quoted to me to show that most of these incumbents are junior to me;

Now the respondents by the letter dated 8.11.94 turned down the request of the applicant and directed to submit his reply to the show cause notice dated 30.9.88 within seven days from the date of receipt of this letter failing which it will be presumed that he has nothing to say and the case will be decided on its merit.

le

2. We heard Shri B.N. Gobardhan at length and perused the pleadings and the annexures filed alongwith it. Unless departmental remedies are exhausted u/s 20 of the A.Ct. Act 1985 the application against the show cause notice cannot be filed. We feel that this application is pre-mature.

3. However we do observe that the respondents i.e. Commissioner of Police, Respondent No.2 shall consider supplying the requisite documents asked for by the applicant in his letter dated 7.10.88 and the documents referred to in that are quoted in the earlier part of this order. The applicant may file the reply to the show cause notice.

4. If no other order has already been passed on the said show cause notice dated 8.11.94 the order on the show cause notice should be passed after the reply is filed by the applicant as said above. The application is disposed of at the Admission stage as premature.

*S.R. Adige*  
(S.R. ADIGE)  
Member (A)

*J.P. Sharma*  
(J.P. SHARMA)  
Member (J)

'rk'