

Central Administrative Tribunal

Principal Bench

O.A. No. 1668 of 2000

New Delhi, dated this the 8th October 2001

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)
HON'BLE DR.A . VEDAVALLI, MEMBER (J)

Shri Paramjeet Singh
S/O Shri Harbans Singh
2nd Battalion, DAP,
Delhi Police, Delhi

.....Appellicant

(By Advocate ; Smt. Avnish Ahlawat)

Versus

1. Union of India, through
Lt. Governor of Delhi
Thriugh Commissioner of Police ,
Delhi Police,
Police Headquarter,
MSO Building,
New Delhi Dy
2. The Additional/Commissionar of Police
West District, Rajouri Garden,
Delhi Police
MSO Building
New Delhi .
3. The Principal
P.T.S. Jharodakalan
Delhi Police ,
New Delhi .

.....Respondents

(By Advocate: Shri R.K. Singh proxy for Shri A.K. Chopra)

ORDER

S .R . ADIGE V C (A)

Applicant impugns respondents' order dated 24.9.99 (Ann. G) denying him back wages for the intervening period between the date of termination of his services on 17.1.98 and the date of his rejoining duty on 24.9.99. He prays for back wages and interest @ 18% p.a. thereon.

2. Heard.

3. Admittedly applicant services were terminated by order dated 21.1.97 because, according to respondents his caste "Saini" was not mentioned in the common list of OBCs contained in Ministry of Social Welfare Resolution dated 10.9.93 and he had not produced the requisite OBC certificate in prescribed form. Applicant challenged that order dated 21.1.97 in O.A. No.830/97 which was disposed of by order dated 17.11.97 in terms of the Tribunal's order dated 21.10.97 in O.A. No. 2410/96 Parminder Kumar & Others Vs. Union of India & Others and connected cases. Respondents filed CWP No. 1423/98 in the Delhi High Court. By order dated 25.3.98, the operation of the Tribunal's order dated 17.11.97 was stayed, but the stay was vacated on 24.9.98. Thereupon respondents filed SLP No. 3279/99 in the Hon'ble Supreme Court which was dismissed on 19.7.98. Thereupon applicant was reinstated vide impugned order dated 24.9.99 subject to the outcome of CWP pending in Delhi High Court but in the impugned order dated 24.9.99 back wages have been denied to applicant for which he has now filed the O.A.

4. By the Tribunal's order dated 24.10.97 in Parminder Kumar's case (supra) respondents were directed to reinstate those applicants within two months from the date of receipt of a copy of the order. O.A. No. 830/97 filed earlier by applicant was disposed of on 17.11.97 in terms of the order in

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Parminder Kumar's case (suprra), and under the circumstances respondents should have reinstated applicant on/about 17.1.98. If they did not do so, and instead chose to challenge the aforesaid order dated 17.11.97 in the Delhi High Court and later in the Hon'ble Supreme Court, ultimately upon not succeeding in getting any order requiring them not to comply with the Tribunal's order dated 17.11.97 they reinstated applicant on 24.9.99 and during all this while as applicant was both willing and able to join duty, respondents cannot legitimately deny him his back wages for the aforesaid period. In this connection the Hon'ble Supreme Court's ruling in Sarita Thakur Vs. Union of India 1995 (6) SLR 793 which greatly supports applicant's claim is relevant.

5. Under the circumstances in the particular facts and circumstances of this case, which shall not be treated as a precedent, the O.A. succeeds and is allowed to the extent that respondents are directed to release applicant his pay and allowances for the period 17.1.98 to 24.9.99. The prayer for interest is rejected. No costs.

A. Vedavalli

(Dr. A. Vedavalli)
Member (J)

karthik

S.R. Adige

(S.R. Adige)
Vice Chairman (A)