

Central Administrative Tribunal
Principal Bench: New Delhi

DA No. 2442/89

New Delhi this the 13th May, 1994.

MR. J.P. SHARMA, MEMBER (J)
MR. B.K. SINGH, MEMBER (A)

Sh. Tikam Chand,
S/o Sh. Sri Ram,
R/o H.No.2710, Tri Nagar,
Delhi-35.

...Applicant

(By Advocate Sh. B.S. Charya)

Versus

1. Commissioner of Police,
Delhi Police Headquarters,
M.S.O. Building,
I.P. Estate,
New Delhi.

2. Union of India through
its Secretary, Ministry
of Home Affairs,
North Block, New Delhi.

3. Shri Suresh Chander,
Inspector D-1/45,
S.H.O. P.S. Tilak Marg,
New Delhi.

...Respondents

(By Advocate Sh. T.S. Oberoi, proxy for Sh. Anup Bagai,
Counsel).

ORDER (ORAL)

Mr. J.P. Sharma, Member (J):-

The applicant while working as Inspector of Police filed this original application primarily assailing the seniority list of Sub Inspectors circulated by the respondents by the O.M. dated 2.1.1985. He has also claimed seniority over one Suresh Chander respondent no.3 stating that both of them joined on the post of Assistant Sub Inspector. The applicant joined in July, 1959 while respondent no.3 joined in 1961. However, in the impugned seniority list, the name of respondent no.3 is shown at serial no.259 and that of the applicant is shown at sr. no.466. The applicant has also claimed consequential reliefs and for ante-dating his promotion to the post of Inspector in the similar manner as has been given to respondent no.3. Respondent no.3 has been promoted as Inspector in September, 85 and has been confirmed on that

post on 26.11.85. The applicant, however, was promoted on officiating basis to the post of Inspector on 28.2.89.

2. We have gone through the pleadings of the parties and heard the learned counsel for the parties at length. The counsel for the applicant, however, at the commencement of hearing, desired that the present application be adjourned for hearing as the applicant has also filed another application where he has assailed an order of compulsory retirement w.e.f. 6-9-90. We could not agree to the proposition ^{advanced} by the learned counsel as this is an old case and before the applicant's counsel could reach in the pre-lunch session, in order to utilise time, the counsel for the respondents was also heard.

3. The learned counsel has also taken us to the plea of limitation and also on merits of the case. At last, the learned counsel having consulted the applicant stated that he does not want to press the present application because of the fact that Suresh Chander has not yet been ~~ranked~~ promoted to a post higher to that of

^{Le. ACP}
Inspector of Police. It is also because of the fact that the applicant in normal course would have reached the age of superannuation on 31.3.1994. Seniority is a factor which counts for further promotion. The learned counsel, therefore, made a request that the application be allowed to be withdrawn, which is not opposed. The application is dismissed as withdrawn, leaving the parties to bear their own costs.


(B.K.SINGH)
MEMBER (A)


(J.P.SHARMA)
MEMBER (J)

'KALRA'