

10

CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH.

O.A. NO. 284/89

New Delhi this the 11th day of July, 1995

Hon'ble Shri N.V. Krishnan, Vice Chairman(A).

Hon'ble Smt. Lakshmi Swaminathan, Member(J).

Harpal Singh (D-379), (since died)
S/o Shri Raghbir Singh

through their legal representatives

1. Smt. Chander Kanta
W/o late Shri Harpal Singh.
2. Shri Anil Kumar,
S/o late Shri Harpal Singh.
3. Km. Indu,
D/o late Shri Harpal Singh.
4. Km. Alka,
D/o late Shri Harpal Singh.

(All R/o B-19, Chander Lok,
Mandoli Road, Shahdara,
Delhi)

...Applicant.

By Advocate Shri Shyam Babu.

Versus

1. Chief Secretary,
Delhi Administration,
5, Shyam Nath Marg,
Delhi.
2. Commissioner of Police, Delhi,
Police Headquarters,
I.P. Estate,
New Delhi.

...Respondents.

By Advocate Shri Arun Bhardwaj.

ORDER (ORAL)

Hon'ble Shri N.V. Krishnan.

The applicant, a Sub Inspector in the Delhi Police, has filed this application challenging the place assigned to him in the seniority list of Sub-Inspectors (Executive) of the Delhi Police as on 1.7.1984 issued on 11.12.1984 (Annexure E). During the pendency of the application, the applicant died on 16.8.1993 and the names of the four legal heirs have been substituted with our permission.

2. The prayer is that the officiating/ad hoc service rendered by the applicant from 18.3.1964 to 4.2.1977 should be counted for the purpose of seniority and consequently the place assigned to the applicant in the seniority list should be redetermined and he be given all consequential benefits.

3. The respondents have filed a reply opposing this application. When this case was taken up for hearing today, learned counsel for the respondents submitted that the deceased applicant and another Sub-Inspector Amin Singh Tyagi similarly placed had filed O.As 291/88 and 290/88 respectively which were disposed of by a common order dated 8.8.1988 of the Tribunal (Annexure-I). By that decision, the prayers made by the two applicants for declaration that they were confirmed from another date, (i.e. with effect from the date when their juniors were so confirmed) and for a direction to consider their case for promotion to the next higher rank of Inspector/Assistant Commissioner of Police on the basis of their earlier confirmation, were rejected, as the O.As filed by them were barred by time. What was only allowed was the prayer at (c). It was directed that they would be considered if the applicants filed a separate application.

4. Consequent thereupon, Amin Singh Tyagi filed O.A. No. 850/89 and the applicant filed the present O.A. The O.A. of Amin Singh Tyagi has already been disposed of by order dated 7.4.1994, a copy of which has been produced for our perusal by the learned counsel for the respondents. It was held therein that in view of the decision of the Tribunal in the earlier O.A., it was

not open to the applicant to seek a change in the date of confirmation. It was also held that though there was a prayer for striking out Rule 12.2(3) of the Punjab Police Rules as being ultra vires offending Articles 14 and 16 of the Constitution, yet, the Tribunal did not pass any order thereon which has to/ be construed to mean that this prayer was dismissed. It was also held that in that judgement the only liberty given to the applicant was to seek relief on ~~various~~ grounds other than these two grounds. In that O.A. it was found that there was no other ground on the basis of which the seniority was challenged. Accordingly, that O.A. had been dismissed.

5. When the matter was taken up today, we wanted the learned counsel for the applicant/whether there are other grounds which have been urged in this O.A. for consideration. However, he could not bring to our notice any new ground. The applicant has challenged the seniority list on the ground that juniors have been given earlier dates of confirmation and, therefore, given higher seniority and it is also urged that the rules prescribing confirmation in the matter of seniority are bad. Both these grounds have already been considered in the earlier decision at Annexure-I and in the circumstance we find that this is a case where there is no new ground.

6. In the circumstances, we respectfully agree with the orders passed in a similar case, O.A. No. 850/89, Amin Singh Tyagi Vs. Chief Secretary, Delhi Administration, N.Delhi and Anr. and find that no new grounds have been adduced. Accordingly, we find no merit in the O.A. It is dismissed. No costs.

Lakshmi Swaminathan

(Smt. Lakshmi Swaminathan)
Member(J)

'SRD'

N. V. Krishnan
N. V. Krishnan
Vice Chairman(A)