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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

R.A. No. 125/94
in
OA No. 109/89
MA No. 952/94

New Delhi this the 22nd July 1994

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

Union of India
Commissioner of Police,
Delhi and Ors. ... Applicant

Vs.

Shri Musarrat Khan,
Resident of A-278 Police Colony, PTS,
Malviya Nagar,
New Delhi-110 017. ... Respondent

O R D E R

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

(Union of India)

The Review Applicant has sought review of the Judgement in OA-109/89 dated 18.2.1994. Another R.A. was filed by the applicant 169/94 against the same judgement which was considered by circulation and was dismissed by the order dated 12.5.1994. While hearing R.A. No. 125/94, the counsel for the original applicant has referred to certain important facts pointing out that the department has itself looked into the entire factual position and it is eventually decided to place the Shorthand Reporter in the Executive Cadre. While Shorthand Reporter have been given Executive Cadre Viz. SI Sumer Singh, SI Radhey Sham, SI Mahavir Singh, SI Raj Kumar and SI Ramesh Chand Jain and SI Sumer Singh has already been promoted in the Executive Cadre. Three more incumbents viz. SI Raj Kumar, SI Radhey Sham and SI Mahavir Singh are considered for inclusion in List 'F' Executive. They are all Shorthand Reporters. Shri Ramesh Chandra Jain is the appointee as Shorthand Reporter alongwith the original applicant, respondent.

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The applicant cannot be treated differently. We have also pursued the judgement passed in the RA-169/94. Though we find that certain typographical errors need to be changed in the original judgement as pointed by the Union of India and RA-125/94 in the last para of the judgement at Page 11, the promotion list 'E' has been written correctly. However, alongwith this sentence, list 'F' has also been written which is said to have been prepared under Rule 17 of the Delhi Police Appointment and Recruitment Rules, 1980 while it is not so. Here the list 'F' erroneously been added. Thus, this correction will also be made in the judgement. The Union of India's counsel has been pointed out that at two places while discussing the facts of the case the word 'Ministerial' has been written instead of 'Technical' and Delhi Police Appointment Recruitment Rules has been referred to as 1987 while these rules are of 1980. This is also ordered to be corrected. Besides the above correction we would like to add one more para in the judgement, at the end in view of the arguments of the D.A's counsel and reply to this R.A.

The applicant shall be free to make a representation to the respondents to give him benefit as has been given in Executive Cadre viz., SI Sumer Singh, SI Radhey Sham, SI Mahabir Singh, SI Raj Kumar and SI Ramesh Chandra Jain. The counsel for the respondents has conceded that the representation of the applicant shall be considered with open mind on the same lines as his batch mate Shri Ramesh Chandra Jain who was Shorthand Reporter was given benefit to Executive Cadre. Respondents shall dispose of such representations sympathetically keeping in view the case of the similarly situated Shorthand Reporters. A corrected

copy of the judgement be sent to the parties.

(B.K. Singh)
Member(A)

Domarla
(J.P. Sharma)
Member(J)

Mittal