

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.1933/90

New Delhi this 1st Day of September, 1994.

HON'BLE SHRI A.V. HARIDASAN, MEMBER (J)
HON'BLE SHRI B.K. SINGH, MEMBER (A)

Shri Jagdish Chander (D 908)
S/o Shri T.R. Thagela,
R/o F-4, Police Station Kalkaji,
New Delhi
Presently working as Sub Inspector
in 7th Battalion of Delhi PoliceApplicant

By advocate : VERSUS

1. Delhi Administration Delhi
through its
Chief Secretary,
5, Shyam Nath Marg, Delhi.
2. Commissioner of Police, Delhi
Police Headquarters
I.P. Estate, New Delhi.
3. Addl Commissioner of Police, (Admn)
Police Headquarters
I.P. Estate, New Delhi

Respondents

By Advocate :

JUDGEMENT (ORAL)

Hon'ble Shri A.V. Haridasan, Member (J)

The applicant in this application who is Sub Inspector in the Delhi Police has sought his confirmation with effect from the date from which some his juniors/batchmates were confirmed and for consequential benefits. He has also challenged the vires of Rule 12.2(3) of the Punjab Police Rules and Rule 22 of Delhi Police (Amendment and Recruitment rules, 1980) as arbitrary and ultra vires. The applicant has relied upon the judgement of this Tribunal dated 7.01.87 in the application filed by Shri Narender Kumar and Shri Krishan Kumar (OA Nos 302/86 and OA 392/86) and has contended that the benefit of the aforesaid judgement should also be extended to the applicant.

as he is similarly situated person. As common question of law are involved, it is proposed to dispose of the application by a common judgement.

2. The application is opposed on the ground of limitation by the respondents. It is also contended by the respondents that the applicant prior to the date of confirmation has been awarded punishment of censures several times. Respondents contend that the applicant is not entitled to the relief claimed.

3. The contention of the learned counsel for the applicant is that when most of those who were selected along with the applicant have been confirmed in service w.e.f.22.5.74 the applicant should also be given the benefit of confirmation as Sub Inspector from the said date. Similarly the case of the applicant should also be reviewed and considered for the purpose of confirmation as in case his batchmates having more or less similar adhoc/temporary service. The applicant contents that he should also be given all the benefit of having been confirmed as S.I from the said date.

4. In Behari Lal Vs Lt Governor O.A.2606/ this Bench of the Tribunal has followed the decision in Mohan Lal Vs Delhi Administration (OA 1046/88) and extended to the applicant in that case the benefit of the judgement.

5. In view of the judgement aforesaid we are of the view that while revising the seniority of all the incumbants, it is only just and proper that the applicant's case should also be considered for confirmation in the light of the directions given in the aforesaid judgements.

6. In result we dispose of this application with a direction to the respondents to consider the case of the applicant for seniority and confirmation in the light of the judgement rendered

M/

in Shri Mohanlal Vs Delhi Administration OA 1046/88 and to extend to the applicant the same benefits, as have been given to his juniors who are applicants in the said OA, but the applicant shall not be entitled to any arrears of pay and allowances in case, he is found eligible for fixation of higher seniority. In such a case his pay should be notionally fixed. No costs.

(B.K.Singh)

Member (A)

(A.V.Haridasan)

Member (J)

spr