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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

Beign. No. CA 606/90 with
MP 783/90

Date of decision: 26.02.1992.

Shri Khem Chand

...Applicant

Vs.

Union of India & Others

...Respondents

For the Applicant

...Shri G.D. Bhandari,
Counsel

For the Respondents

...Mrs. Avnish Ahlawat,
Counsel

CORAM:

THE HON'BLE MR. P.K. KARTHA, VICE CHAIRMAN (J)

THE HON'BLE MR. B.N. DHOUNDIYAL, ADMINISTRATIVE MEMBER

1. Whether Reporters of local papers may be allowed to see the Judgment? *yes*
2. To be referred to the Reporters or not? (M)

JUDGMENT

(of the Bench delivered by Hon'ble Shri P.K. Kartha, Vice Chairman(J))

The applicant who retired from the post of Sub Inspector in Delhi Police on 31.5.1989 had filed this application praying for extending to him the benefit of the judgment of this Tribunal dated 25.2.1987 in TA 206/85 and connected matters (Dal Chand Vs. Union of India and Others). The applicant, like Dal Chand, was involved in the Police agitation which took place in April, 1967. Ultimately, all of them were reinstated in 1971. In Dal Chand's case, the applicants had sought the following reliefs:-

- (i) That the period from the date of suspension to the date of reinstatement be treated as one on duty for pay as well and full payment for this period be made;

- (ii) That the petitioners should be deemed to have been confirmed as Head Constables with effect from the dates they completed two years after their promotion as Head Constables in accordance with Rule 13.18 of the Punjab Police Rules;
- (iii) That the seniority as Head Constables should be counted from the dates of promotion as Head Constables in accordance with rule 12.2(3) of the Punjab Police Rules;
- (iv) That they should be promoted as Assistant Sub Inspectors with effect from the dates when juniors next below them were promoted;
- (v) That they should be confirmed as Assistant Sub Inspectors after the expiry of two years from the date of their promotion in accordance with Rule 13.18 of the Punjab Police Rules;
- (vi) That they should be deputed for upper school training course for bringing their names on the Promotion List 'E' for promotion to the post of Sub Inspectors in accordance with Rule 13.10 of the Punjab Police Rules; and
- (vii) That they should be promoted and confirmed as Sub Inspectors with effect from the dates when next below juniors to them were promoted and confirmed.

2. By judgment dated 25.2.1987, the Tribunal directed that the applicants shall be given full pay and allowances to which they would have been entitled had they not been suspended. Further they shall be deemed to have been confirmed as Head Constables with effect from the dates on which they completed a period of two years of service after their promotion as Head Constables. The applicants shall also be considered for promotion as Assistant Sub Inspectors from the dates their next juniors were promoted and also shall be considered for promotion as Sub Inspectors from the dates their next juniors were promoted. In case

(12)

they are found fit, they shall get their promotion retrospectively from the dates their immediate juniors were promoted as Assistant Sub Inspectors and Sub Inspectors respectively.

3. The applicant before us is also claiming the aforesaid reliefs except for prayers (vi) and (vii) in Dal Chand's case. Instead, he had prayed ~~for~~ ^{that} all consequential benefits accruing from the above including recalculation and redetermination of pension, gratuity and other benefits should also be granted.

4. The applicants has also filed MP 783/90 praying for condoning the delay in filing the application. He has stated that the judgment dated 25.2.1987 Dal Chand's case gave him cause of action for filing the application. He has made repeated representations to grant to him similar benefits but without success. He claims that his grievance is a continuing one.

5. The only ground taken in the counter-affidavit filed by the respondents is that the applicant was not a party in Dal Chand's case and that the application is hopelessly barred by limitation. They do not, however, deny that the applicant is also similarly situated like the applicants in Dal Chand's case.

6. We have gone through the records of the case and have considered the rival contentions. As the

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respondents have not disputed the version of the applicant that he is similarly situated like the applicants in Dal Chand's case, we are of the opinion that they should have, on their own, extended the benefit of the judgment of the Tribunal in Dal Chand's case without forcing him to file the present application. We overrule the preliminary objection raised by the respondents on the ground of limitation and allow MP 783/90 filed by the applicant.

7. The application is, therefore, disposed of with the following orders and directions:-

(i) The period of suspension of the applicant from 15.4.1967 to 23.12.1970 shall be treated as duty for the purpose of pension. He would also be entitled to full pay and allowances for the said period.

(ii) The applicant shall be deemed to have been confirmed as Head Constable with effect from the date on which he completed a period of two years of service after his promotion as Head Constable.

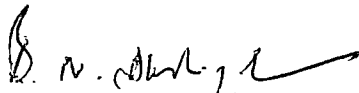
(iii) The applicant shall be considered for promotion from the date his juniors were promoted as Assistant Sub Inspector and in case he is found fit, he shall be given notional promotion from the date his immediate junior was promoted.

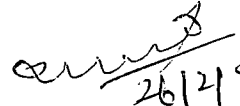
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(iv) The respondents shall recompute the pension, gratuity and other retirement benefits expeditiously and release the same to the applicant.

There will be no order as to costs.


(B.N. DHOUNDIYAL)
MEMBER (A)
26.02.1992


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(P.K. KARTHI)
VICE CHAIRMAN (J)
26.02.1992

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