

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH: NEW DELHI

11

O.A.1437/91

Date of decision:18.3.93

Raju Yadav & others

.. Applicants.

versus

C.P.Delhi and others

.. Respondents.

Sh.A.S.Grewal

.. Counsel for the applicant.

Sh.B.R.Prashar

.. Counsel for the respondents.

Coram:

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

The Hon'ble Sh.B.S.Hegde, Member(J)

J U D G E M E N T (ORAL)

(Hon'ble Sh.N.V.Krishnan, Member(J))

Heard. This is a common application filed by three applicants who are Constables in Delhi Police. Their main grievance is that in view of the common disciplinary proceedings were pending against them they were not sent for training in the Lower School Course, which is a prerequisite for earning promotion to the rank of Head Constable. The applicants, therefore, filed this application praying for the following important reliefs:

Order No.16491-565/P.Er.(PHQ) (SI-IV)) dated 6.6.91 passed by the respondent No.2(annexure A) and order No.16420-565/P.Er.(SI.IV) dated 6.6.91 passed by the respondent No.2 (Annexure B) vide

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which the applicants have not been deputed for training in the Lower School Course, be set aside. (12)

- ii) The applicants be deputed for training in the Lower School Course.

2. An interim directions was issued on 18.7.91 to the respondents to depute the applicants for training in the Lower School Course, subject to the outcome of the present application.

3. The learned counsel for the applicant submits that subsequent to the filing of this application the applicants were awarded penalty of forfeiture of service permanently but in an appeal filed against this order the penalty has been reduced to only censure vide order dated 13.3.92 which, in accordance with the departmental instructions, is not a bar to further promotion. The applicants, therefore, filed M.P.2023/92 for direction to the respondents to include the names of the applicants in the promotion list w.e.f. 27.4.92 and grant them consequential promotion to the rank of Head Constable, as has been done in other similar cases.

4. When the case came up for final hearing the learned counsel for the respondents was unable to confirm whether the penalty of the applicant has since been reduced. The reply shows that the applicants were not sent for training only because D.E. proceedings No.732-33/P.Sec.(N.R.) dated 13.3.92 was passed by the Additional Commissioner of Northern Range

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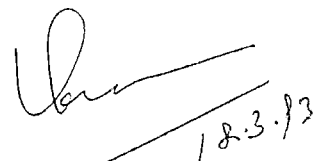
5. In view of the fact that a copy of the order No.732.33/P.Sec(NR) dated 13.3.92 passed by the Additional Commissioner of Police, Northern Range is annexed with the M.P., showing that the punishment has been reduced to censure, we are satisfied that the applicants are now entitled to be sent for training as directed in the interim order, which can be made absolute in their favour. We are also satisfied that in this view of the matter, the prayers sought by the applicant in para 8.1 and 8.2 having been fulfilled, nothing remains now for adjudication in this original application which has now become infructuous.

6. We, therefore, dispose of this application by making absolute the interim order issued on 18.7.91 without any condition. This application has now, become infructuous as the applicants have already been sent for training. It is open to the applicants to make representations to the respondents that, in view of the change in the penalty they should now be considered for promotion, in accordance with law and in case the applicants have still any grievance, they can seek such legal remedies as advised.

7. The case is disposed of accordingly, with no order as to costs.



(B.S.Hegde)
Member(J)



18.3.93

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