

(14)

CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH.

O.A. NO. 3026/91

New Delhi this the 7th day of August, 1996.

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

Hon'ble Shri R.K. Ahooja, Member(A).

Jaswant Singh,
S/o Shri Data Ram,
R/o Barrack Police Post Uttam Nagar,
Police Station Janakpuri,
New Delhi.

...Applicant.

By Advocate Shri Shyam Babu.

Versus

1. Lt. Governor Delhi, through
Chief Secretary,
Delhi Administration,
Delhi.
2. Commissioner of Police, Delhi,
Delhi Police Headquarters,
MSO Building, I.P. Estate,
New Delhi.
3. Deputy Commissioner of Police (HQ.I),
Delhi Police Headquarters, MSO Bldg.,
IP Estate,
New Delhi.

...Respondents.

By Advocate Ms Zoya proxy counsel for Shri Jog Singh.

O R D E R

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

Since this O.A. involves the similar question of facts and law to that of O.A. No. 3028/91, the same is being disposed of on the basis of the judgement in O.A. 3028/91.

2. In this case, the applicant has challenged his non-confirmation as Head Constable with effect from 14.5.1984 in terms of Rule 5(ii) of the Delhi Police (Promotion and Confirmation) Rules, 1980

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(hereinafter referred to as 'the Rules').

3. The brief facts of the case are that the applicant was appointed as Constable on 3.10.1974 and promoted as Head Constable on 14.5.1982. The respondents have stated that because of 'Censure' order dated 11.12.1984, he was not confirmed with effect from 22.11.1985 when others were confirmed but his period of probation was extended for another period of six months. He was then confirmed with effect from 22.5.1986.

4. The Tribunal by its order dated 20.12.1991 had directed the respondents to provisionally depute the applicant for training in the Intermediate School Course.

5. Shri Shyam Babu, learned counsel, has advanced the same arguments as advanced in O.A. 3028/91 and has also relied on the same decisions, as referred to in paragraph 5 of that judgement of even date.

6. From the facts narrated above, it is apparent that the facts in this case are similar to the facts in O.A. 3026/91 as also the question of law. For the reasons given in that case, we, as a coordinate Bench, are bound by the decisions of the Tribunal in Narain Singh Vs. Union of India (O.A. 899/92), decided on 2.4.1993, Azad Singh Vs. Lt. Governor, Delhi & Ors. (O.A. 534/92), decided on 25.3.1994, Rishi Dev Sharma Vs. Lt. Governor of Delhi & Ors. decided on 14.7.1995 (O.A. 1346/91), /and Manoj Kumar Sharma Vs. Delhi Administration & Ors. (O.A. 2340/90) decided on 6.12.1994. Accordingly, this application is liable to be allowed.

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7. In the facts and circumstances of the case, the impugned order confirming the applicant as Head Constable with effect from 22.5.1986 is quashed and set aside. The applicant shall be deemed to be confirmed with effect from 22.11.1985 as Head Constable with all consequential benefits of seniority, in accordance with the rules, as directed in O.A. 3028/91.

8. In the result, the O.A. is allowed with the above directions. No order as to costs.

9. Let a copy of the judgement in O.A. 3028/91 be placed in this O.A.

R.K. Ahooja
(R.K. Ahooja)
Member(A)

Lakshmi Swaminathan
(Smt. Lakshmi Swaminathan)
Member(J)

'SRD'