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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O. A. NO. 588/2004

New Delhi, this the 8th day of March, 2004

HON'BLE SHRI JUSTICE V.S. AGGARWAL, CHAIRMAN
HON'BLE SHRI SARWESHWAR JHA, MEMBER (A)

Head Constable (Driver) Kishan Kumar No.3892/PCR
s/o Shri Sher Singh, aged 41 years,
r/o RZ-31, N-Block,
Gopal Nagar, Najaf Garh,
New Delhi ... Applicant

(By Advocate: Shri Sachin Chauhan)

Versus

1. Union of India,
Through its Secretary,
Ministry of Home Affairs,
North Block,
New Delhi.
2. Addl. Commissioner of Police
P.C.R. & Communication,
I.P. Estate, M.S.O. Building,
New Delhi
3. Addl. Dy. Commissioner of Police
Police Control Room
Sarai Rohilla, Delhi ... Respondents

O R D E R (Oral)

Justice V.S. Aggarwal:-

The applicant on an earlier occasion had filed
O.A.23/2001. It was disposed of on 1.1.2002.

2. It is relevant to mention that the applicant
in the earlier O.A. was assailing the order imposing
the major punishment of forfeiture of five years
approved service cumulatively. This Tribunal had
allowed the said application. The operative part of
the same reads:

"In the result, the OA succeeds. The order
passed by the disciplinary authority as well

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as appellate authority are quashed and set-aside. The applicant is entitled for all the consequential benefits. The respondents are directed to comply the above directions within a period of two months from the date of receipt of a copy of this order. No costs."

3. The respondents challenged the order of this Tribunal by way of judicial review and filed Civil Writ No.3608/2002. The Delhi High Court had dismissed the said writ petition in limine.

4. By virtue of the present application, the applicant seeks a direction to the respondents to convene a review Departmental Promotion Committee meeting and re-consider him for promotion to the rank of A.S.I. in Delhi Police from 8.11.2001 and if found fit, promote him with consequential benefits.

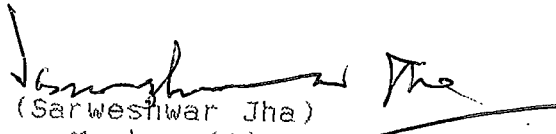
5. To our query, the learned counsel informs us that after the decision of this Tribunal, precious little had been done to comply with the directions of this Tribunal. It appears that after the passing of the order by this Tribunal, two orders had been passed dated 23.7.2002 and 23.5.2003 but review D.P.C. has not been recalled as yet.


6. We have already reproduced above the order passed by this Tribunal wherein it was directed that the applicant is entitled to all consequential benefits. In such a situation, it is in the fitness of things that the respondents also take a decision if the applicant is to be promoted by calling a review Departmental Promotion Committee meeting and necessary

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action^{is} taken in accordance with law. We hasten to add that we are not dwelling into the merits of the matter because it is within the domain of the respondents. O.A. is disposed of.


(Sarveshwar Jha)
Member (A)


(V.S. Aggarwal)
Chairman

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