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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

REGN. NO. O.A. 2160/92.

DATE OF DECISION: 07 May, 1993.

Rajpal.

... Petitioner.

Versus

Delhi Administration & Ors. ... Respondents.

CORAM:

THE HON'BLE MR. JUSTICE S.K. DHAON, VICE CHAIRMAN.
THE HON'BLE MR. S.R. ADIGE, MEMBER(A).

For the Petitioner.

... Shri Rishikesh, Counsel.

For the Respondents.

... Ms Ashoka Jain, Counsel.

JUDGEMENT (ORAL)

(By Hon'ble Mr. Justice S.K. Dhaon,
Vice Chairman)

On 14.2.1990, the petitioner and Shri Bheep Singh were working as Beldars with the respondents. On that date their services were discontinued. An FIR No. 28 dated 26.1.1990 had been lodged in the Police Station Nangloi alleging that a theft had been committed and the petitioner and Shri Bheep Singh were suspects in the theft. It appears that the basis of discontinuing the services of the petitioner and Shri Bheep Singh was the lodging of the FIR.

2. Shri Bheep Singh came to this Tribunal by means of O.A. No. 1825/90 which was finally decided on 19.2.1992. It appears that before the Tribunal the Government's case was that the First Information Report was not traceable in the Police Station. Accordingly, in paragraph 6 of its order the Tribunal observed:

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"In the facts and circumstances of the case, the application is disposed of with the direction to the respondents to verify the correctness of the statement dated 5.9.1991 recorded by the Police Station at Nangloi. In case no criminal case is pending against the applicant, he shall be reinstated in service as Beldar and he shall be considered for regularisation in accordance with the scheme prepared by the respondents. They shall comply with the above directions within a period of three months from the date of communication of this order".

3. We have heard the learned counsel for the respondents. We see no reason why an order different to one given in the case of Shri Bhoop Singh should be passed. We accordingly dispense of this application in terms of the directions as given in para 6 in the orders of Shri Bhoop Singh's case.

4. The learned counsel for the respondents, however, states that this is not a fit case where we should interfere as the petitioner is guilty of laches. It is true that the petitioner's services were terminated on 14.2.1990 and he has taken sometime to come to this Tribunal. But we cannot ignore the fact that this Tribunal on 19.2.1992 for the first time granted relief and issued directions to the respondents to reinstate Bhoop Singh. It is apparent that the petitioner approached this Tribunal soon after the judgement of this Tribunal in Bhoop Singh's case was rendered on 19.2.1992. Hence, delay, if any, should be condoned.

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This application succeeds and is allowed. The respondents shall /pass the same order as given in para 6 of the judgement in Bheep Singh's case, as indicated above. The respondents shall pass necessary orders within a period of two months from the date of presentation of a certified copy of this order to the relevant authority by the petitioner.

5. With these observations, this application is disposed of but without any order as to costs.

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(S.R. ADIGE)
MEMBER(A)

S.K.
(S.K. DHAON)
VICE CHAIRMAN

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