

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI.

OA 1152/93

(11)

New Delhi this the 13th day of May, 1999.

Hon'ble Shri S.R. Adige, Vice Chairman(A)  
Hon'ble Smt. Lakshmi Swaminathan, Member (J)

*Ramveer* (X)

1. Shri ~~Pandita~~ Singh  
S/O Sh. Risipal Singh  
r/o Village Budhaka  
PO Vania, Distt. Aligarh,  
UP.
2. Shri Virendra Kumar  
S/O Sh. Shiv Prakash Singh  
R/O Village Bijrol  
PO Bijrol Distt., Meerut (UP)
3. Shri Kali Charan  
Son of Shri Karan Singh  
r/o Bachavli  
Distt. Bulandshahr (UP)

... Applicants

(None for the applicants)

Versus

1. The Chief Secretary,  
Delhi Administration,  
Old Secretariat, Delhi.
2. The Commissioner of Police,  
Delhi Police, IP Estate,  
New Delhi.

... Respondents

(By Advocate Shri Rajinder Pandita )

O R D E R (ORAL)

(Hon'ble Shri S.R. Adige, Vice Chairman (A))

Applicants seek arrears and other consequential benefits as has been given to other similarly placed Constables vide order dated 21-5-92 and also to those similarly placed constables in OA 2113/98.

2. None appeared for the applicants when the case was called out even on the second round.

3. We note that none had appeared for the applicants even on the previous date 6.5.99, and we were about to dismiss the OA on that date itself, but by way of indulgence, we ~~did~~ not do so and allowed the case to be listed on another date. Shri

(X) *Corrected vide  
Court's order on 26.4.2000*  
L

12

Rajinder Pandita has appeared for the respondents and has been heard.

4. By order dated 26.4.1991 in OA 2113 (Sh. Vinod Kumar Vs. Delhi Admn. and Ors.), the order dated 19.4.98 terminating his services under Rule 5(i) of the CCS(TS) Rules, 1965 was set aside and applicant was deemed to be reinstated in service from the date his services were terminated and it was held that he would be entitled to consequential benefits. SLP No.18438/91 against the aforesaid order dated 26.4.91 was dismissed by the Hon'ble Supreme Court vide order dated 5.2.1992.

5. Subsequently pursuant to the Tribunal's order dated 9.12.91 in OA 2289/88 respondents by order dated 21.5.92 (Ann.A.5) reinstated four constables in service from the date of their termination and declared that <sup>they</sup> would be entitled to back-wages from the date of their termination till their reinstatement in service,, and the period from the date of their termination to the date of issuing of the aforesaid order would be treated as the period spent on duty.


6. Meanwhile by order dated 8.12.91 in OA 754/89 Promod Kumar Vs. Delhi Police and connected OAs, wherein the order of termination of those applicants from service under Rule 5(i) of CCS(CCA) Rules, 1965 was challenged, the Tribunal while quashing the termination orders granted liberty to respondents to take appropriate action after complying with the principles of natural justice. The Bench further held that in the event the authorities concluded, after such enquiry as was necessary, that the services of the applicant were liable to be terminated, they could proceed to pass such orders, and in such event the petitioners would not be entitled to claim any back-wages, but if the authorities concluded, that the services of the petitioners were not liable to be terminated those petitioners would be entitled to backwages from the date of termination till their reinstatement in service.

13

7. Respondents in their reply have stated that pursuant to the above order dated 8.12.1991 regular DEs against all the applicants were ordered which were under process except In the case of applicant No.3 Shri Kali Charan whose DE had concluded and he had been allowed all consequential benefits from the date of termination till his re-instatement in service. As regards payment of backwages of the other two constables, the reply states that same would be decided after finalisation of the DEs pending against them.

8. Shri Pandita is not able to state, as to whether the DEs against the other two constables have since been finalised or not.

9. However noting the statement of respondents in their reply that as regards payment of backwages in respect of applicants No.2 and 3, the same would be decided after finalisation of the DEs pending against them, which might have been disposed of now, we dispose of this OA in terms of the <sup>dated 8.12.91</sup> earlier order. No costs.

  
(Smt. Lakshmi Swaminathan)  
Member (J)

  
(S.R. Adige)  
Vice Chairman (A)