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CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

O.A.No.1717/93

New Delhi: dated this the 13th September, 1999.

HON'BLE MR. S. R. ADIGE, VICE CHAIRMAN (A).

HON'BLE MR. P. C. KANNAN, MEMBER (J).

Shri Yashpal,
S/o Shri Sukhbir Singh,
R/o Village Khera Hatan,
Meerut (UP)

2. Shri Raj Kumar,
S/o Shri Hukam Singh,
R/o Village Bukhara,
Bulandshahr, UP

3. Shri Raj Kumar,
S/o Shri Jagander Singh,
R/o Hasanpur,
Distt. Ghaziabad, UP Applicants.
(By Advocate: Shri M.P. Raju)

Versus

1. The Chief Secretary,
Delhi Administration,
Old Secretariat,
Delhi.

2. The Commissioner of Delhi,
Delhi Police,
I.P. Estate,
New Delhi Respondents.
(By Advocate: Shri Anil Singhal for Shri Anoop Bagai)

ORDER

HON'BLE MR. S. R. ADIGE, VICE CHAIRMAN (A).

Applicants seek arrears and consequential benefits as granted to Constables in O.A No.2113/88 who are said to be similarly placed.

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2. Heard both sides.

3. Applicants were enlisted as Constables in Delhi Police and were deputed to undergo basic training at PTS, Jharoda Kalan w.e.f. 1.10.87. On the basis of a report that a number of constables who were enlisted in Delhi Police in 1987 had sought employment by producing fake/bogus Employment Registration Cards, applicants' services were terminated on 21.4.88 by Principal, PTS Jharoda Kalan under Rule 5(1) CCS(TS) Rules.

4. Applicants along with others challenged their termination from service vide OA No. 2289/88. That OA, along with other OAs in which other Constables had also challenged their termination from service, was disposed of by order dated 9.12.91 (Annexure-I). That order dated 9.12.91, after noticing the Tribunals' decision dated 26.4.91 in OA No. 2113/88 Vinod Kumar Vs. Delhi Admin. & ors held thus:

"But in the event of the authorities coming to the conclusion that the services of the petitioners are not liable to be terminated, the petitioners will be entitled to backwages from the date of termination till their reinstatement in service."

For the reasons stated above, all these applications are allowed and the impugned orders of termination are quashed reserving liberty to take further action in favour of the respondents in the light of the observations made. There shall be no order as to costs.

5. SLP No. 5318-20/92 against the order dated 9.12.91 was dismissed by the Hon'ble Supreme Court on 30.4.92 (Annexure-II).

6. Pursuant to the aforesaid order dated 9.12.91,

Respondents in their reply state that departmental enquiries against applicants have been initiated which are under progress, and the question of payment of back wages will be decided after finalisation of the DE pending against them.

Respondents state that as regards payment of back wages and consequential benefits, case of the applicants in OA No.2113/88 stands on a different footing from the case of applicants in the present O.A., because in OA No.2113/88 while quashing the termination orders the Bench had expressly allowed all consequential benefits (with liberty to respondents to proceed against him in accordance with law), but in OA No.2289/88 the grant of consequential benefits was to await the results of the fresh DEs to be instituted against applicants. Hence the benefits granted in OA No.2113/88 cannot automatically be extended to the applicants in the present O.A.

7. There is merit in this reasoning of respondents. In this connection a copy of respondents' order dated 9.12.94 disposing of applicant Yashpal's appeal against the punishment of removal from service has been filed. By that order, applicant's appeal has been allowed; he has been ordered to be reinstated with immediate effect and the period from the date of his removal i.e. 28.7.94 till the date of his reinstatement has been ordered to be treated as leave of kind due. No mention has been made as to how the period from 21.4.88 till 28.7.94 is to be treated. In the case of the other two applicants in the O.A we have not been informed of the present state of the DE against them. Furthermore

neither the order of the disciplinary authority nor that of the appellate authority dated 9.12.94 has specifically been impugned by applicants.

8. In the result we hold that the directions in OA No.2113/88 is not automatically applicable to applicants for the reasons discussed above. If after conclusion of the DEs against them, drawn up pursuant to the Tribunal's direction dated 9.12.91 in OA No.2289/88 and connected OAs, any grievance still survives, it will be open to applicants to agitate the same in accordance with law, if so advised after specifically impugning the relevant orders.

9. This OA is disposed of in terms of para 8 above. No costs.

Dhananjo
(P.C.KANNAN)
MEMBER(J)

infclg:
(S.R.ADIGE)
VICE CHAIRMAN(A).

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