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Central Administrative Tribunal
Principal Bench, New Delhi.

O.A.No.2346/93

New Delhi this the 16th Day of January, 1995.

Hon'ble Mr. Justice S.K. Dhaon, Vice-Chairman(J)
Hon'ble Mr. B.N. Dhoundiyal, Member(A)

Shri Radhey Lal,
S/o Shri Parmal Singh,
Roll No.2821,
C/o Mrs. Avnish Ahlawat, advocate,
243, Lawyers' Chambers,
Delhi High Court,
New Delhi.

Applicant

(Ms. Rashmi, proxy counsel for Mrs. Avnish Ahlawat,
advocate)

versus

1. Union of India,
through Secretary,
Ministry of Home Affairs,
Nirman Bhavan,
New Delhi.

2. Govt. of National Capital Territory of Delhi,
through Commissioner of Police, Delhi,
Police Headquarters,
M.S.O. Building,
I.P. Estate,
New Delhi.

Respondents

(through Sh. Madan Gera, advocate)

ORDER(ORAL)

delivered by Hon'ble Mr. Justice S.K. Dhaon, V.C.. (J)

Necessity arose for recruiting about 475 candidates to the post of Constable in Delhi Police. A team headed by Shri M.A.J. Farooqui, the then Deputy Commissioner of Police, 7th Battalion, Delhi Armed Police was sent to some districts including Kanpur in the month of August, 1980 for selection of suitable candidates. The applicant having Roll No. 2821 was selected from among the candidates who were considered for recruitment at Kanpur.

The prayer, in substance, is that like other candidates who were similarly placed and who had filed O.A.No.640/86 decided on 12.8.1990 and thereafter the

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order passed therein having been clarified in the R.A. and followed in O.A.No.2280/92 decided on 13.1.1993, O.A.No.1613/92 decided on 16.2.1993 & O.A.No.69/93 decided on 6.8.1993, the applicant may be given an opportunity.

The controversy involved in this O.A. was lastly decided by us on 6.8.1993 in O.A.No.69/93. Therein we considered the matter on merits. We repelled the contention advanced on behalf of the respondents that the O.A. should be thrown out as barred by time. We held in the facts and circumstances of the case that a case had been made out for condoning the delay. The learned counsel for the respondents has fairly stated at the Bar that the controversy is concluded by the said judgement given by us. He, however, reiterates the plea of limitation raised on behalf of the respondents.

In paragraph 4.9 of the O.A. it is stated that in July, 1992 the applicant made a representation stating therein the relevant facts and praying therein that he may be put at par with other candidates who were eventually given opportunity on the basis of the judgement given by this Tribunal. It is further stated that no reply to the representation has been received so far. A copy of the representation has also been enclosed as Annexure-A to the O.A.

In the counter-affidavit filed on behalf of the respondents, it is denied that such a representation was ever received by the respondents. In the

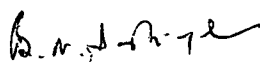
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rejoinder-affidavit filed, the applicant has reiterated that a representation was made in July, 1992 and submitted in the office of the Commissioner of Police, Delhi Police Headquarters, New Delhi, by hand. It is also stated that like any other case, the respondents did not take any decision on the representation. The representation must be lying somewhere in the cold-storage.


We see no reason to disbelieve the version of the applicant that he submitted a representation in the month of July, 1992. It is to be noted that the O.A. was presented on 6.10.1993, well within the time. That apart, we consider this case too as fit where delay should be condoned.

The O.A. succeeds and is allowed in terms of the directions given by us in O.A.No.69/93 decided on 6.8.1993. The respondents shall issue a letter of appointment to the applicant. While doing so, they shall subject the applicant only to a medical test. They shall also, if they so consider, call for a fresh verification of his character antecedents. These directions shall be implemented within a period of three months from the date of receipt of a certified copy of this order.

There shall be no orders as to costs.


(B.N. Dhoundiyal)

Member(A)


(S.K. Dhaon)

Vice-Chairman

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