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CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

O.A. No. 445/93

New Delhi: this the 17th day of March, 1999.

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

HON'BLE MRS. LAKSHMI SWAMINATHAN, MEMBER (J)

Shri Avtar Singh,
S/o Shri Sadhu Singh,
Vill. Khajuri,
Near Panchayat Ghar,
P.O. Gokulpuri,
Delhi-094

..... Applicant.

(By Advocate: Shri Shyam Babu)

Versus

1. Commissioner of Police,
Delhi Police, Police Hqrs.,
MSO Building,
New Delhi -02

2. The Dy. Commissioner of Police,
(Int Special Branch), Delhi Police,
Police Headquarters,
MSO Building,
New Delhi -2.

3. Union of India,
Ministry of Home Affairs,
Govt. of India,
North Block,
New Delhi

(through its Secretary)

..... Respondents.

(By Advocate: Shri Vijay Pandita)

ORDER (ORAL)

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

In this OA applicant has impugned the order dated 4.2.93 initiating departmental proceedings against him and sought for a direction to open the sealed cover and promote him by bringing his name on Promotion List 'F' from the date his juniors have

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been promoted.

2. We have heard applicant's counsel Shri Shyam Babu and respondents' counsel Shri Vijay Pandita.

3. Admittedly respondents by order dated 29.9.94 (Annexure-A to MA No. Nil/99 filed by applicant) dropped the disciplinary proceeding initiated against the applicant vide order dated 4.2.93, and further issued an order dated 5.7.95 (Annexure-B to MA) bringing applicant's name on Promotion List 'F1' (Ex.) w.e.f. 26.8.92 and promoting him as Inspector (Ex.) w.e.f. 12.4.93. Applicant has also been granted pro forma promotion in the rank of Inspector (Ex.) from 12.4.93 to 2.7.95 but it has been stated that during this period he would not be entitled for any pay and allowance for the said post and this period would otherwise count towards fixation of pay and seniority etc.

4. Shri Shyam Babu invited our attention to Hon'ble Supreme Court's ruling in R.C.Thakore Vs. Supdt. Engineer, Gujarat & another' 1996(11) SCC 603 and 1995 SCC (L & S) 193 and has contended that as the disciplinary proceeding has been dropped with respect to applicant he is entitled to pay and allowances for the period from 12.4.93 to 2.7.95.

5. This OA is disposed of with a direction that in the event applicant makes a self-contained representation to the respondents, in the light of the submissions advanced by him, respondents shall

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dispose of the same in accordance with rules, and judicial pronouncements instructions on the subject under intimation to the applicant. If any grievance still survives, it will be open to applicant to agitate the same through appropriate original proceeding in accordance with law, if so advised.

6. The OA stands disposed of accordingly. No costs.

Lakshmi

(MRS. LAKSHMI SWAMINATHAN)
MEMBER(J)

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

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