

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

Regn.No. OA 775/1993

Date of decision: 13.10.1993

Shri Anwar Ali

...Petitioner

Versus

Union of India & Others

...Respondents

For the Petitioner

...Shri G.D. Gupta, Counsel

For the Respondents

...Ms. Maninder Kaur, Counsel

CORAM:

THE HON'BLE MR. JUSTICE S.K. DHAON, VICE CHAIRMAN

THE HON'BLE MR. B.N. DHOUDIYAL, ADMINISTRATIVE MEMBER

JUDGMENT (ORAL)

(of the Bench delivered by Hon'ble Mr.
Justice S.K. Dhaon, Vice-Chairman)

It appears to be an admitted position that the petitioner, Onkar Singh and 93 others were desirous of being recruited as Constables in the Delhi Police. Selections were held but some-how or the other, letters of appointment were not issued. Onkar Singh and 93 others came to this Tribunal by means of OA 640/1986 which was decided on 22.08.1990. This Tribunal took the view that the amendment to the Standing Order No.212 introduced w.e.f. 31.3.1986 would not be applicable to Onkar Singh & Others and the action of the respondents in applying the revised criteria only to the candidates selected from U.P. and not to those selected from other States amounted to discrimination and was violative of Article 16(1) of the Constitution. Accordingly, this Tribunal directed the respondents to reconsider the cases of Onkar Singh and Others for appointment to the post of Constables in the Delhi Police on the basis of the standard of eligibility as applicable to the

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recruitment to the post of Constables in August, 1985. In case any of the applicants (Onkar Singh & Others) became overage, the respondents shall grant them suitable age relaxation while reconsidering their cases.

2. Shri Onkar Singh and 93 others preferred Review Application No.136/1990 which was disposed of on 01.10.1991. This Tribunal clarified that in case Onkar Singh & Others had already undergone the various tests and interviews, they shall not be subjected to any tests or interviews for the purpose of implementing the directions of this Tribunal. In case they are within the prescribed age limit at the time of selection, they will be eligible for appointment even though some of them may have become overage.

3. The respondents went to the Supreme Court against the judgment in the Original Application as well as the order passed in the Review Application. In both the matters the Supreme Court dismissed the Special Leave Petitions. Thus, the judgment given by this Tribunal in Onkar Singh's case and the order in the Review Application have become final. In the normal course, we see no reason why the petitioner should not be put at par with Onkar Singh & Others. However, the learned counsel for the respondents has strenuously urged that this is a belated application.

4. Keeping in view the principle of justice and equity, we consider it a fit case where delay, if any, should be condoned. We accordingly direct the respondents to extend the benefit of the judgment in Onkar Singh's case coupled with the orders passed in the Review Application to the petitioner.

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

B.N. Dhoundiyal
(B.N. DHOUNDIYAL)
MEMBER (A)
13.10.1993

S.K. Dhaon
(S.K. DHAON)
VICE CHAIRMAN
13.10.1993

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