

**Central Administrative Tribunal  
Principal Bench, New Delhi**



**O.A. No.1937/2019  
MA No. 2440/2021**

**This the 13<sup>th</sup> day of September, 2021**

(Through Video Conferencing)

**Hon'ble Mr. A.K. Bishnoi, Member (A)  
Hon'ble Mr. R.N. Singh, Member (J)**

ASI (Exe.) M Radha Krishnan  
Belt No. 1087/Spl. Cell, PIS No. 28870147  
S/o Late Sh. Achutan Nair  
R/o Quarter Number 208,  
Police Lines, Vikas Puri  
New Delhi – 110018.

Presently posted at :-

Special Cell, SWR,  
Group 'C' Aged-54 yrs.

...Applicant

(Through Advocate: Shri Sourabh Ahuja )

VERSUS

1. GNCT of Delhi  
Through Commissioner of Police,  
Police Head Quarters, IP Estate,  
MSO Building, New Delhi.
2. Deputy Commissioner of Police  
(Establishment), PHQ, IP Estate,  
MSO Building, New Delhi. ...Respondents

(Through Advocate: Shri Anuj Kumar Sharma )

**ORDER (Oral)****Hon'ble Mr. R. N. Singh, Member (J):**

In the present OA filed under section 19 of the AT Act, 1985, the applicant has prayed for the following reliefs :-

- “a. Quash and set aside orders dated 12.06.2019 qua the Applicant whereby, the respondents have kept the representation of the Applicant pending till the decision of Hon'ble Supreme Court of India in SLP (C) No.11470/2014 etc. And
- b. Direct the respondents to fix/re-fix the seniority of the Applicant in the rank of Head Constable (Exe.) w.e.f. December, 1994, in terms of the law down by the Larger Bench of this Hon'ble Tribunal in Abdul Nazeer Kunju's case and accord all the consequential benefits to the Applicant arising there from viz. Promotion, seniority, difference in pay etc. And
- c. Award cost in favor of the Applicant and against the respondents. And/or
- d. Pass any further order, which this Hon'ble Tribunal may deem fit, just equitable in the facts and circumstances of the case.”

2. Pleadings are complete in the OA. However, subsequently the respondents have filed MA No. 2440/2021 praying therein as under :-

- “(i) To dispose of the present OA, with a direction to the respondents, to consider the representation of the applicant, and to find out if he is similarly placed as the petitioner in CA/6283/2015.



(ii) Pass any other order which this Hon'ble Tribunal deem fit and appropriate in the facts and circumstances of the case."

3. It is not in dispute that during the pendency of the OA, the Civil Appeal No.6283/2015 has been decided by the Hon'ble Supreme Court vide Order/Judgment dated 04.03.2021. It is also not in dispute that pursuant to that Order, the respondents have passed order dated 07.05.2021, which has not been challenged in the present OA.

4. Therefore, he submits that the present OA may be disposed of with liberty to the applicant to challenge the said Order dated 7.05.2021 for appropriate reliefs, if so advised in accordance with law.

5. In view of the aforesaid, the present OA and MA are disposed of, with the consent of the parties, with liberty to the applicant to challenge the said Order dated 7.05.2021 and/or any other order of the respondents, relevant to his claims qua his seniority in the grade of Head Constable.

There shall be no order as to costs.

**(R.N.Singh)**  
**Member (J)**

*rk/anjali*

**(A.K. Bishnoi)**  
**Member (A)**