

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



**O.A. No.1943/2019
MA No. 2295/2021**

This the 09th day of September, 2021

(Through Video Conferencing)

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

SI (Exe.)Yashvir Singh
Belt No. D-2723, PIS No. 28790176
S/o Late Sh. Birham Singh
R/o H.No.-31, Ganga Enclave,
Loni Border, Ghaziabad (U.P.)-201102

Presently posted at :-

Special Cell, S.R. Saket, Delhi
Group 'C' Aged – 59 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 Amit Yadav)



ORDER (Oral)

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

In the present OA, the applicant has prayed for the following reliefs :-

“a. Declare and Hold that the action of the respondents is discriminatory, illegal, arbitrary and whimsical in as much as they 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 extend the benefits of judgment passed by this Hon'ble Tribunal in OA No. 2996/2017, OA No. 1055/2019, OA No. 1720/2019 and OA No. 2047/2006 (Larger Bench Judgment of this Hon'ble Tribunal in Abdul Nazeer Kunju's case) to the Applicant by fixing/re-fixing the seniority of the Applicant in the rank of ASI (Exe.) w.e.f. December, 1998, 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 O.A. However, subsequently the respondents have filed MA No. 2295/2021 praying therein as under :-

“(i) In view of the facts and submissions made hereinabove, it is most respectfully prayed that this



Hon'ble Tribunal may graciously be pleased to dispose of the present Original Application considering Hon'ble Apex Court Order/Judgment dated 04.03.2021 in Civil Appeal No. 6283/2015 in the matter of Govt. of NCT of Delhi & Ors. Vs. Ravinder Pal;

(ii) may also pass any further order(s), direction(s) as be deemed just and proper to meet the ends of justice."

3. Mr. Ahuja, learned counsel for the applicant submits that during pendency of the OA, the respondents have issued a Notification dated 27.04.2021 (Annexure MA-1) and in accordance with the said Notification, the applicant's seniority has been re-fixed with effect from 31.3.1999 in the rank of ASI whereas the claim of the applicant for such seniority has been with effect from December, 1998. He submits that the present OA may be disposed of with liberty to the applicant to challenge the said Notification dated 27.4.2021 for appropriate reliefs, if so advised in accordance with law.

4. In view of the aforesaid, the present OA and MA are disposed of with liberty to the applicant to challenge the said Notification dated 27.4.2021 and/or any other order of the respondents relevant to the claim of the applicant qua his seniority in the grade of ASI.

(R.N.Singh)
Member (J)

(A.K. Bishnoi)
Member (A)