

Central Administrative Tribunal
Principal Bench
New Delhi

C.P.No.469/2015
in
O.A.No.1033/2013

Order Reserved on: 28.03.2016
Order pronounced on 30.03.2016

Hon'ble Shri V. Ajay Kumar, Member (J)
Hon'ble Shri Shekhar Agarwal, Member (A)

1. Anand Rai
Aged about 57 years
S/o Sh. S.D.Rai
R/o H.No.41, Block-5
Eros Garden
Faridabad.
2. Ashok Kumar Saroha
Aged about 56 years
S/o Late Sh. Sardar Singh
R/o A-4, Ashoka Police Line
Kautilya Marg, Chanakya Puri
New Delhi – 110 021.
3. Sanjeev Kumar Tyagi
Aged about 56 years
S/o Sh. A.Tyagi
R/o SD-295, Tower Apartment
Pitam Pura
New Delhi.

... Petitioners

(By Advocate:Sh. M.K.Bhardwaj)

Versus

1. Sh. L.C.Goyal

Secretary
Ministry of Home Affairs
North Block
New Delhi.

2. Sh. Rakesh Singh
Joint Secretary (UT)
Ministry of Home Affairs
North Block
New Delhi.

3. Sh. Bhim Sain Bassi
Commissioner of Police
HQ, IP Estate, New Delhi.

... Respondents

(By Advocate: Shri R.N.Singh and Sh. Amit Anand for R-3)

ORDER

By V. Ajay Kumar, Member (J):

The OA No.1033/2013 filed by the applicants has been disposed of by this Tribunal on 23.12.2013 as under:

"Heard the learned counsel for both sides.

2. MA No.799/2013 for joining together is allowed.

3. Learned counsel for the applicants submits that they are seeking a direction to the respondents not to apply any rule of reservation in the matter of promotions and to follow the law laid down by the Hon'ble Apex Court and hence the subject matter of the present Original Application is squarely covered by this Tribunal's Order dated 5.12.2013 passed in OA No.2434/2012. Learned counsel for the respondents vehemently opposes and states that the subject matter of the present OA is totally different to the said OA and has no application.

4. However, on a careful consideration and perusal of the said judgment, we are of the considered view that the subject matter is squarely covered by the aforesaid Order relied upon by the applicant and accordingly, the present Original Application is allowed, and the respondents are directed to effect the promotions, only in strict compliance

of the law laid down by the Hon'ble Apex Court in **M. Nagaraj and Others v. Union of India**, (2006) 8 SCC 212 and **Suraj Bhan Meena v. State of Rajasthan**, (2011) 1 SCC 467, and pass appropriate orders as per rules. No order as to costs."

2. Alleging non-implementation of the aforesaid orders of this Tribunal, the present CP has been filed.

3. The respondents vide their counter affidavit and the additional affidavit submit that they have fully complied with the orders of this Tribunal and accordingly prayed for dismissal of the CP.

4. Heard the learned counsel for both sides and perused the pleadings on record.

5. The respondents submit that since the Judgement of this Tribunal is of the year 2013, as per the orders of this Tribunal, they have convened the DPC for appointment to the entry grade of DANIPS against the promotion quota vacancies of the year 2013 onwards without having any provision of reservation for SC/ST/OBC in accordance with the Hon'ble Supreme Court's Judgement in **M. Nagaraj** (supra). They have also produced the Notifications dated 17.11.2014, 04.03.2015 and 24.07.2015.

6. However, the petitioners contend that the respondents are liable to conduct review DPCs for the previous years also, in order to fully comply with the orders of this Tribunal.

7. While disposing of the OA No.1033/2013, this Tribunal has not adjudicated any lis and on the other hand only directed the respondents to effect the promotions, only in strict compliance of the law laid down by the Hon'ble Apex Court in **M. Nagaraj and Others vs. Union of India** (2006) 8 SCC 212 and **Suraj Bhan Meena v. State of Rajasthan**, (2011) 1 SCC 467, and to pass appropriate orders as per Rules.

8. In the circumstances, and in view of the substantial compliance of the orders of this Tribunal, we do not see any merit in the CP and accordingly, the same is closed. Notices are discharged. However, this order shall not preclude the petitioners to avail their remedies, if they have any other grievance, in accordance with law. No costs.

(Shekhar Agarwal)
Member (A)

(V. Ajay Kumar)
Member (J)

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