

**Central Administrative Tribunal
Principal Bench**

OA No.3746/2017

New Delhi, this the 2nd day of February, 2018

**Hon'ble Mr. V. Ajay Kumar, Member (J)
Hon'ble Ms. Nita Chowdhury, Member (A)**

Arun Kumar Singh,
Aged about 57 years, Group C, Sub-Inspector (Exe.),
S/o Late Shri P.P. Singh,
R/o 58-C, MIG Flats, DKT A, GIB Enclave,
Delhi-110093.

...Applicant

(By Advocate : Shri Ajesh Luthra)

Versus

1. Commissioner of Police,
PHQ, MSO Building,
IP Estate, New Delhi.

2. Deputy Commissioner of Police,
(Establishment),
PHQ, MSO Building,
IP Estate, New Delhi.

... Respondents

(By Advocate : Shri Amit Anand)

ORDER (ORAL)

Mr. V. Ajay Kumar, Member (J) :-

Heard both sides.

2. The applicant, a Sub Inspector under the respondents filed the instant OA seeking the following reliefs.
 - i) direct the respondents to accord benefit of judgment dated 06.05.2013 passed by Hon'ble Delhi High Court in CWP 2414/2012 (along with connected CWP) affirming the

view of Larger Bench of this Hon'ble Tribunal in OA No.2047/2006 (alongwith connected OA) on the reference decided on 24.03.2011 and consequently grant him seniority in the rank of Inspector (Exe.) w.e.f. the year 1999 (date of ad hoc promotion) along with all consequential benefits, including antedating his promotion to the next higher post of Sub-Inspector (Exe.).

- ii) award costs of the proceedings and
- iii) pass any order/relief/direction(s) as this Hon'ble Tribunal may deem fit and proper in the interests of justice in favour of the applicant."

3. The respondents vide their counter though opposed the OA, however, have not disputed the fact of allowing the OA No.2047/2006 and batch in **Abdul Nazeer Kunju Vs. UOI & Ors.** by a Larger Bench of this Tribunal in the identical circumstances and upholding of the said order by the Hon'ble High Court of Delhi in its order dated 06.05.2013 in WP(C) No.2414/2012 and batch. Learned counsel for applicant submits that this Tribunal while following the decision of the Larger Bench has also allowed the OA No.473/2014 dated 24.07.2015 (Annexure-A/12) and the respondents vide Annexure-A/11 dated 07.10.2015, themselves granted the relief to certain identical persons even without filing any OA.

4. The respondents, however, submits that since the SLPs filed against the said common order in **Abdul Nazeer Kunju** are pending

before the Hon'ble Apex Court, no relief can be granted to the applicant at this stage.

5. It is not in dispute that though the respondents filed SLPs before the Hon'ble Apex Court, but there are no stay orders against the orders of this Tribunal as upheld by the Hon'ble High Court of Delhi in ***Commissioner of Police & Ors. Vs. Abdul Nazeer Kunju & Ors.***

6. In the circumstances, the OA is disposed of by directing the respondents to consider the claim of the applicant keeping in view Annexure-A/11 and Annexure-A/12 and decision of the Larger Bench of this Tribunal, as upheld by the Hon'ble High Court in ***Commissioner of Police & Ors. Vs. Abdul Nazeer Kunju & Ors.*** (supra), and to pass appropriate orders within 90 days from the date of receipt of a certified copy of this order. If the respondents find that the applicant is similarly situated, consequential benefits may be granted to the applicant, on par with the applicants in the Larger Bench decision. However, the applicant is entitled for arrears, if any, from the date of filing of the OA. It is needless to mention that the orders to be passed by the respondents are subject to the result of the SLPs pending in ***Abdul Nazeer Kunju & Ors.*** cases. No costs.

(Nita Chowdhury)
Member (A)
'rk'

(V. Ajay Kumar)
Member (J)