

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

OA NO.3885/2012

Order reserved on 09.08.2016
Order pronounced on 19.08.2016

HON'BLE SHRI P.K. BASU, MEMBER (A)
HON'BLE DR B.A. AGRAWAL, MEMBER (J)

Bharat Ram,
S/o Sh. Rameshwar Prashad,
R/o 2157/1, IIIrd Floor,
Guru Arjun Nagar,
Near Satyam Cinema,
Patel Nagar, Delhi.

...Applicant

(By Advocate: Shri Ajesh Luthra)

VERSUS

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

...Respondent

(By Advocate: Shri G.D. Chawla)

:ORDER:

DR BRAHM AVTAR AGRAWAL, MEMBER (J):

The applicant, who had joined Delhi Police as a Sub-Inspector in 1992 and became an Inspector on promotion in 2007, has, through the instant OA, challenged his non-promotion as an Inspector in 2006, vide the Promotion List 'F' (Executive) dated 05.06.2006 (Annexure A-2). This non-promotion happened owing to the punishment of censure which the applicant then suffered. The said punishment was later set aside in appeal, vide the order dated 11.10.2006 (Annexure A-4). A Review DPC was held on 23.07.2007 to consider positive inclusion of the

applicant's name in the said List (Annexure A-2). However, the respondent withheld the recommendation of the Review DPC, in view of the litigation as to the seniority list of SI (Exe.) dated 07.12.2005, whereon is stated to be based the said List (Annexure A-2). In fact, the last sentence in Annexure A-2 itself reads:

"The notification is subject to the final outcome in OA No.2769/2005 – Suman Pushkarna & Ors. Vs. UOI & Ors."

2. The Tribunal in the OA No.2769/2005 (Suman Pushkarna & Ors. Vs. UOI & Ors.) set aside the aforesaid seniority list dated 07.12.2005, vide its order dated 06.03.2007; the RA No.69/2007 in the said OA was rejected on 07.07.2007; the Hon'ble High Court of Delhi in the WP(C) No.6309/2007 filed by the respondent, upheld the said order of the Tribunal, vide its judgment dated 04.04.2016. Accordingly, the foundation of the aforesaid List (Annexure A-2) has vanished and the respondent can, therefore, implement neither the impugned List (Annexure A-2) nor the recommendation of the Review DPC.

3. After a thoughtful consideration of the matter, we feel that the instant OA in its present form has lost its substance.

4. Therefore, the OA is dismissed. No order as to costs.

(DR BRAHM AVTAR AGRAWAL)
MEMBER (J)

(P.K. BASU)
MEMBER (A)

/JK/

