

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI**

**CP NO.176/2018
OA NO.362/2018
MA NO.3440/2018**

New Delhi this the 31st day of August, 2018

HON'BLE MR. K.N. SHRIVASTAVA, MEMBER (A)
HON'BLE MR. ASHISH KALIA, MEMBER (J)

Surendra Kumar, Aged about 60 years,
S/o late Sh. Ashutosh Kumar,
R/o 41-A/9, Flat No.3,
Yogmaya Apartments,
Kishangarh, Vasant Kunj,
New Delhi-70.

...Petitioner

(By advocate: Ms. Anu Mehta)

VERSUS

1. Sh. Amulya Patnaik,
Commissioner of Delhi Police,
Delhi Police Headquarter,
MSO Building, ITO, New Delhi.
 2. Sh. R.A. Sanjeev,
Additional Commissioner of Police Estt.
Delhi Police Headquarter, MSO Building,
ITO, New Delhi.
 3. Sh. Devender Arya, Deputy Commissioner of Police,
Ops and Communication,
Delhi Police Headquarter,
MSO Building, ITO, New Delhi.
- ...Respondents

(By advocate: Ms. Harvinder Oberoi)

:ORDER (Oral):

By Mr. K.N. Shrivastava, Member (A)

CP No.176/2018

The petitioner was promoted to the post of Assistant Sub Inspector (ASI) but the said promotion was withdrawn by the

respondents vide order dated 11.01.2018, which has been impugned by the petitioner in the OA. The Tribunal, while considering the OA on 25.01.2018, issued an interim direction staying the operation of the impugned order dated 11.01.2018. The petitioner has filed this CP for alleged non-compliance of the order of this Tribunal dated 25.01.2018.

2. Ms. Anu Mehta, learned counsel for petitioner submitted that the petitioner retired from service on 31.01.2018 and the respondents during the course of proceeding his papers for grant of provisional pension to him, in their internal communication dated 30.01.2018, have indicated the rank of the petitioner as 'Head Constable' and not 'ASI', which is in violation of the interim order dated 11.01.2018.

3. Ms. Harvinder Oberoi, learned counsel for respondents drew our attention to the averment made in the reply filed on behalf of the respondents, wherein it is stated that the copy of the interim order dated 25.01.2018 was actually served on the respondents on 14.03.2018 and as such, mentioning the rank of the applicant as Head Constable in the internal communication dated 30.01.2018 should not be construed as violation of the interim order.

4. Controverting the argument, learned counsel for petitioner submitted that the interim order was passed in the presence of learned counsel for respondents.

5. Be that as it may. The respondents are duty bound to comply with the interim order. We, thus, expect that the respondents would indicate the designation of the applicant, in all their future communications, as 'ASI' only.

6. With these observations, CP is closed.

MA No.3440/2018

Issue notice to the respondents.

Ms. Harvinder Oberoi, learned counsel accepts notice on behalf of the respondents. Let reply be filed within four weeks. Let a copy of the MA be served by learned counsel for the applicant to the learned counsel for the respondents within two days.

List on 22.10.2018.

Order **Dasti**.

(Ashish Kalia)
Member (J)

(K.N. Shrivastava)
Member (A)

/jk/