

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

OA-3065/2018

New Delhi, this the 14th day of August, 2018

**Hon'ble Sh. K.N. Shrivastava, Member (A)
Hon'ble Sh. S.N. Terdal, Member (J)**

Lokender Kumar Sharma Group 'C'
Recruitment Constable of Delhi Police
Aged about 41 years
S/o Sh. Atma Ram Shrama
R/o VPO/PS Doghat,
Patti Madan, Tehsil: Barout,
Distt.: Baghpat, UP. ... Applicant

(through Sh. Anil Singal)

Versus

1. Govt.of NCT of Delhi
Through Commissioner of Police
PHQ, I.P. Estate,
New Delhi.
2. Dy. Commissioner of Police
Recruitment, New Police Lines,
Kingsway Camp, Delhi. ... Respondents

(through Ms. Harvinder Oberoi)

ORDER(ORAL)

Hon'ble Sh. K.N. Shrivastava, Member (A)

The applicant participated in a selection process for the selection of Constable in Delhi Police in the year 1997. He qualified all the tests in the selection. Since his name had figured in FIR No. 193/92 dated 14.12.1992 registered at Doghat Police Station, UP, he was not offered the appointment

letter. It is stated that the applicant got acquitted in the criminal case on 06.10.1997.

2. The applicant came to know that one Sh. Vikram Singh, who was also a candidate in the said examination for the post of Constable in Delhi Police in the year 1997, had filed OA No. 1795/2005 against the rejection of his candidature for the post of Constable. The Tribunal granted the relief and the OA was allowed vide order dated 13.12.2006. The respondents challenged the order of the Tribunal in WP(C) No. 1869/2007 before the Hon'ble High Court of Delhi which was allowed and thus the Tribunal's order dated 13.12.2006 was set aside. The applicant challenged the order of the Hon'ble High Court before the Hon'ble Apex Court in SLP No. 24320/14 which was converted into Civil Appeal No. 18800/17. The said Civil Appeal was disposed of by Hon'ble Apex Court vide Annexure A/5 order dated 15.11.2017 in the following terms:

“5. Accordingly, this appeal is disposed of as follows:-

The appellant is permitted to file a detailed representation before the respondent, within a period of one month from today. In the event of filing of such a representation, the respondent will consider the same in the light of the judgment referred to above and pass a reasoned order after affording an opportunity of hearing to the appellant, within a period of four months thereafter.

We make it clear that the judgment of the High Court shall not stand in the way of the respondent/Commissioner of Police passing orders, as above.”

3. The claim of the applicant is that he is identically placed with Sh. Vikram Singh, the applicant in OA No. 1795/2005 and hence, is entitled to the same relief that has been granted to Sh. Vikram Singh.

4. Heard Sh. Anil Singal, learned counsel for the applicant. Issue notice to the respondents. Ms. Harvinder Oberoi, learned Additional Standing Counsel accepts notice on behalf of the respondents.

5. From the perusal of the records, we find that the Hon'ble Apex Court only has granted liberty to the applicant in the OA No. 1795/2005 to file representation before the respondents and has directed the respondents to consider such representation as well as to offer an opportunity to the applicant therein, of being heard, within a period of four months. In view of it, we dispose of this OA in following terms:

- 1) The applicant shall file a comprehensive representation before the Commissioner of Police, Delhi, within a period of four weeks from today.***
- 2) The Commissioner of Police, Delhi, shall decide the representation of the applicant within a period of eight weeks thereafter by way of passing a reasoned and speaking order, in accordance with law.***
- 3) The applicant shall have the liberty to take recourse to appropriate remedy, as available to him under law, in case he remains dissatisfied with the order to be passed by the Commissioner of Police, Delhi, on his representation.***

Order Dasti.

(S.N. Terdal)
Member (J)

(K.N. Shrivastava)
Member (A)

/ns/