
(2020) 09 CAT CK 0003
In the Central Administrative Tribunal
Case No : Original Application No. 1205 Of 2020

Jyoti	Vs	APPELLANT
Lieutenant Governor Of Delhi & Others		RESPONDENT

Date of Decision : 02-09-2020

Acts Referred:

Administrative Tribunals Act, 1985 — Section 19

Citation : (2020) 09 CAT CK 0003

Hon'ble Judges : A.K. Bishnoi, Member (A); R.N. Singh, Member (J)

Bench : Division Bench

Advocate : Amit Chawla, R.K. Sharma, H.A. Khan

Final Decision : Disposed Of

Judgement

R.N. Singh, Member (J)

1. Heard learned counsel for the applicant.
2. The present OA has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 to challenge the in action of the respondents in not considering the grievance of the applicant for prospects of equal promotional avenues and considering her for such promotion. Learned counsel for the applicant submits that various juniors and batch-mates of the applicant have been considered and promoted to the higher post. However, on account of gender discrimination, the applicant has been ignored for such consideration.
3. Learned counsel for the applicant further submits that from the order dated 28.11.2019 (Annexure A/1), it is evident that the claim of the applicant is under consideration of the respondents for more than a year. The order dated 28.11.2019 (Annexure A/1) reads as under:-

"Enclosed please find herewith representations dated 14.11.2019 (in original) submitted by W/SI (Exe.) Jyoti, No. D-445 (PIS No. 16070004) for granting her parity in promotion to the rank of Inspector (Exe.) with her counterparts SIs

(Exe.) (Male) appointed during the year 2005. The W/SI had earlier submitted a representation regarding providing her combined seniority list of probationer SIs of 2005 Batch (including Male & Female) which was examined in this Hdqrs and rejected being devoid of any merit vide this Hdqrs. UO dated 16.01.2019 (copy enclosed). Now, the W/SI has submitted the present representation being aggrieved with the disparity among the cadre of Sub-Inspectors based on gender as her counterpart SIs (Exe.) (Male) of Batch-2005 have already been promoted to the rank of Inspr (Exe). Since, the matter regarding merging of Women & Male cadre is being examined in Estt. Branch/PHQ, the present representation may also be taken into consideration at your end, under intimation to the representationist, accordingly."

4. In the aforesaid background, the applicant prays for the following reliefs in the present OA:-

"(a) to direct the Respondents to draw a common seniority list of SIs irrespective of their gender, based on their entry point seniority as has been assured and agreed by them in their order dated 28/11/2019 disposing off the representation dated 14/11/2019 preferred by the Applicant, in a time bound manner

(b) to direct the respondents to consider the case of the Applicant and to consider granting her Seniority as well as promotional benefits vis-a-vis her Male Batchmates as per the initial seniority list based upon n her merit position as per the performance during recruitment in lines with the judgments mentioned in the Grounds of the instant OA

(c) allot at least 33% posts even at the level above the Sub-inspector to be reserved for women in light of the Ministry of Home Affairs has issued detailed advisories on 04/09/2009 and 22/04/2013 to all the State Governments wherein they have advised to increase the representation of women in Police Force to 33% in view of the facts that Women constitute about 48.5% of the Country's total population.

(d) award costs in applicant's favour.

(e) any other relief or order in applicant's favour which this Hon'ble Tribunal considers appropriate in the facts and circumstances of this case."

5. Issue notice.

6. Shri R.K. Sharma, learned counsel for respondent no.1 and 2 and Shri H.A. Khan, learned counsel for other respondents, who appear on advance service, accept notice.

7. At this stage, Shri Chawla, learned counsel for the applicant submits that the applicant shall be satisfied if the present OA is disposed of at this very stage with direction to the respondents to consider the claim of the applicant and to dispose of the same by passing an appropriate reasoned and speaking order in a time bound manner.

8. To such request of the learned counsel for the applicant, there is no objection from the learned counsel appearing for the respondents.

9. In view of the aforesaid, without going into the merit of the claim of the applicant, we dispose the present OA with direction to the respondents to consider the claim of the applicant and to dispose of the same by passing a reasoned and speaking order as expeditiously as possible and in any case within 20 weeks from the date of receipt of a copy of this Order.

10. The OA is disposed of in the aforesaid terms. There shall be no order as to costs.