
(2021) 03 CAT CK 0108

In the Central Administrative Tribunal

Case No : Original Application No. 1953 Of 2019, Miscellaneous Application No. 2003 Of 2020

SI (Exe.) Om Prakash

APPELLANT

Vs

GNCT Of Delhi & Others

RESPONDENT

Date of Decision : 19-03-2021

Acts Referred:

Citation : (2021) 03 CAT CK 0108

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

Bench : Division Bench

Advocate : Sourabh Ahuja, Salonee Kashwani, Esha Mazumdar, Anuj Kumar Sharma

Final Decision : Disposed Of

Judgement

R.N. Singh, Member (J)

MA No. 2003/2020 & OA No. 1953/2019

1. The present MA has been filed by the applicant seeking disposal of the OA in terms of Order/Judgment dated 30.05.2019 passed by this Tribunal in OA 1720/2019 (Annexure MA/2).

2. Shri Sourabh Ahuja, learned counsel for the applicant, submits that the issue raised in the present OA is identical to that in OA No.1946/2019.

3. With the consent of learned counsel for the parties, OA is being taken up for final hearing today.

4. In the present OA, the applicant has challenged the order dated 28.08.2017 and communication dated 21.09.2017 stated to have been received by him under RTI [Annexure A/1 (Colly)]. The applicant, who is working as Sub Inspector (Executive) under the respondents, is aggrieved by the action of the respondents in keeping the representation of the applicant pending till the decision in the SLP preferred by them before the Hon'ble Supreme Court against the Order/

Judgment dated 6.05.2013 of the Hon'ble High Court of Delhi in Writ Petition (Civil) No.2414/2012 and other connected cases. It is not in dispute that the Order/Judgment of this Tribunal dated 24.3.2011 in OA No.2047/2006, titled Abdul Nazeer Kunju and others vs. Union of India and others, was affirmed by the Hon'ble High Court of Delhi in Writ Petition (Civil) No.2414/2011, and other connected cases, and the benefits of the said Order/Judgment have been accorded to the applicants in the said OA. However, the claim of the applicant for extending the benefits of that Order/Judgment has been kept in abeyance by the respondents keeping in view that their SLP was pending before the Hon'ble Supreme Court.

5. Today learned counsels for the parties submit that the said SLP has now been dismissed by the Hon'ble Supreme Court on 4.3.2021.

6. In view of the aforesaid, the present OA is disposed of with direction to the respondents to consider the applicant's pending representation and to dispose of the same by passing a reasoned and speaking order as expeditiously as possible and in any case within a period of six weeks from the receipt of a copy of this Order. It is further directed that if the applicant is found similar to the applicants in Abdul Nazeer Kunju's case (supra), the respondents shall accord the same benefits and treatment as given to the applicant(s) in Abdul Nazeer Kunju's case and in that situation, such benefits will be released to the applicant positively within eight weeks thereafter.

7. The present OA is disposed of in the aforesaid terms. The above mentioned MA also stands disposed of accordingly. There shall be no order as to cost.