

(2021) 03 CAT CK 0123

In the Central Administrative Tribunal

Case No : Original Application No. 1934 Of 2019, Miscellaneous Application No. 796 Of 2021

SI (Exe.) Virender Kumar

APPELLANT

Vs

GNCTD Of Delhi & Others

RESPONDENT

Date of Decision : 23-03-2021

Acts Referred:

Administrative Tribunals Act, 1985 — Section 20

Citation : (2021) 03 CAT CK 0123

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

Bench : Division Bench

Advocate : Sourabh Ahuja, Amit Yadav

Final Decision : Disposed Of

Judgement

R.N. Singh, Member (J)

MA 796/2021

1. The present MA has been filed by the applicant seeking direction for disposal of the OA in terms of Order/Judgment dated 29.1.2021 passed by this

Tribunal in OA 1950/2019.

2. Shri Ahuja, learned counsel for the applicant, submits that the issue raised in the present OA is identical to that in OA No.1950/2019.

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

4. In the present OA, the applicant, who is working as Sub-Inspector (Executive) in Delhi Police under the respondents, is aggrieved by inaction of the

respondents on the representation preferred by him for extending the benefits of the Judgment of the Honâ??ble Delhi High Court dated 6.5.2013 in

Writ Petition (Civil) No.2414/2012 and other connected Writ Petitions including Abdul Nazeer Kunju and others case. It is not in dispute that the

benefits of the aforesaid Judgment of the Honâ??ble High Court in the said Writ Petitions have been extended to all the respondents in the said Writ

Petitions. However, the respondents have approached the Honâ??ble Supreme Court vide SLP No.15138/2017 and other connected matters and

during pendency of the said SLPs, the applicant has approached this Tribunal. It is not in dispute that the said SLP and other connected matters have

been dismissed by the Honâ??ble Supreme Court vide Judgment dated 4.3.2021.

5. However, Shri Yadav, learned counsel appearing for the respondents, submits that the present OA itself is not maintainable for the reason that the

applicant without waiting for six months after his representation as prescribed under Section 20 of the Administrative Tribunals Act, 1985, has

approached this Tribunal by filing the present OA. However, he has not disputed that even during pendency of the OA and after lapse of six months,

the respondents have not chosen to consider and dispose of the applicantâ??s representation. It is also not in dispute that once an Order/Judgment in

rem is passed, the Government being model employer is expected to extend the benefit to all similarly placed persons. However, in the present case,

the respondents have though extended the benefits of the judgment of the Honâ??ble High Court in Abdul Nazeer Kunju (supra) but have chosen

not to consider even the representation of the applicant. As such in the facts and circumstances, we are of the considered view that objection raised

by the learned counsel for the respondents does not hold good in the eyes of law and the same is accordingly rejected.

6. In view of the aforesaid facts and circumstances, the present OA is disposed of with direction to the respondents to consider the applicantâ??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 eight

weeks of receipt of a copy of this Order. It is further directed that if on such consideration, the applicantâ??s case is found to be similar as the

respondents in aforesaid Writ Petition (Civil) No.2414/2012 and other connected cases, including the case of Abdul Nazeer Kunju (supra), the

respondents shall accord the same benefits as given to the respondents in the said Writ Petitions and consequential benefits, if any, shall be released to

the applicant as expeditiously as possible and in any case within eight weeks thereafter.

7. The OA is disposed of in the aforesaid terms. No costs.

8. The aforesaid MA also stands disposed of accordingly.