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Central Administrative Tribunal, Principal Bench

Original Application No.1571 of 2002

New Delhi, this the 7th day of June, 2002

Hon'ble Mr. Justice Ashok Agarwal, Chairman
Hon'ble Mr. S.A.T. Rizvi, Member(A)

J.P.Verma IPS
working as Addl.Director
General of Police, CRPF, West Zone
R/o 1405, Panchmarhi, Kaushambi
Ghaziabad(U.P.).

.... Applicant

(By Advocate: Shri Jayant Das, Senior Counsel with Shri Ajit Pudussery)

Versus

1. The Union of India
Through the Secretary
Ministry of Home Affairs,
Government of India,
North Block, New Delhi

2. Mr. Kamal Pande
Secretary
Ministry of Home Affairs
Government of India,
North Block, New Delhi

3. The Director General,
Central Reserve Police Force,
CGO Complex, New Delhi

.... Respondents

ORDER(ORAL)

By Hon'ble Mr. S.A.T. Rizvi, Member(A)

Applicant, an IPS officer of 1966 batch who is currently holding the post of Additional Director General in CRPF, stands empanelled for the post of Director General. A number of officers junior ^{& to him} in that ~~same~~ batch, have already been promoted to the post of Director General. In fact, several others belonging to junior batches, have also been promoted likewise to the post of D.G. In OA No.1459/2000 filed by the applicant, orders as follows were passed on 16.11.2000:

"(1) xxxx xxxx xxxx xxxx

(2) The applicant shall be entitled for consideration for promotion as DG in the Centre, in accordance with his panel position against the vacant posts in future, in accordance with the relevant Rules and instructions."

2. The learned senior counsel appearing on behalf of the applicant submits that in compliance of the aforesaid directions, the respondents are yet to appoint the applicant to the post of D.G. despite the fact that the aforesaid directions issued by this Tribunal have been upheld by the High Court on 14.5.2002 in a Writ Petition filed by the Union of India. Meanwhile, according to him, the tenure of the applicant as A.D.G. will expire on 8.6.2002. The submission made is that if the applicant is allowed to be repatriated to his parent cadre on the expiry of his tenure in the post of A.D.G., the chances of his appointment to the post of D.G. will be jeopardised and quite clearly, the respondents will get away without complying with the directions issued by this Tribunal on 16.11.2000 and upheld by the High Court. In-so-far as the extension of tenure is concerned, the relevant rule provides that the officers of the A.D.G. level having one year or less for superannuation at the end of their prescribed deputation tenure, need not be reverted to their parent cadres and can be given extension upto the period till they superannuate. The applicant is going to superannuate on 31.8.2002. The learned senior counsel submits that if in these circumstances, the applicant is

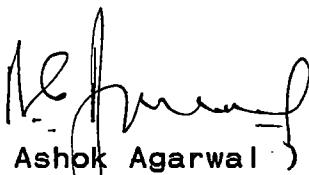
reverted back to his parent cadre, he could never hope to be appointed as D.G. and the respondents will also get away ^{for good} without complying with the aforesaid directions.

3. Aggrieved by the aforesaid action/inaction on the part of the respondents, the applicant has filed a representation on 1.5.2002 (Annexure P-3) which is yet to be disposed of. Having regard to this and the various submissions made by the learned counsel and keeping in view also the aforesaid facts and circumstances, we find it just and proper to dispose of the present OA at this very stage with a direction to the respondents to consider the aforesaid representation expeditiously and to pass a reasoned and a speaking order thereon in any event within a period of one month from the date of receipt of a copy of this order. We direct accordingly.

4. In the peculiar circumstances of this case, we further direct that before orders as above are passed and for a period of one month thereafter, the applicant will not be reverted to his parent cadre, and within the same period, the respondents will proceed to comply with the aforesaid directions of this Tribunal dated 16.11.2000. O.A. is disposed of in the aforesaid terms.

Issue DASTI.


(S.A.T. Rizvi)
Member(A)


(Ashok Agarwal)
Chairman

/dkm/