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Central Administrative Tribunal
Principal Bench

O.A. No. 2757 of 2002

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New Delhi. this the 20th February, 2003

HON'BLE MR. JUSTICE V.S. AGGARWAL, CHAIRMAN
HON'BLE MR. A.P. NAGRATH, MEMBER (A)

S.I. Ajay Pal Singh,
No. D/2101,
S/o Sh. Dharam Pal Singh,
R/o C-33, Mehram Nagar Police Colony,
New Delhi Applicant.
(By Advocate: Smt. Jasvinder Kaur)

Versus

1. Lt. Governor/Administrator,
NCT of Delhi.
2. Commissioner of Police,
Delhi Police Head Qtrs.
I.P. Estate,
New Delhi Respondents
(By Advocate: Mrs. Jasmine Ahmed)
ORDER (Oral)

Justice V.S. Aggarwal

The applicant is a Sub-Inspector (Executive) in Delhi Police. By virtue of the present application, he seeks quashing of the order dated 3.10.2002 and for a direction to the respondents to consider and promote him to the rank of Inspector (out of turn promotion).

2. The applicant contends that he had won a Gold medal in hammer throw. In terms of Rule 19(ii) Delhi Police (Promotion & Confirmation) Rules, he is entitled to be considered for out of turn promotion in the quota of outstanding sportsmen.

3. In the reply filed, the application has been contested primarily on the ground that the applicant had

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been appointed as a temporary Sub Inspector (Executive) on 2.12.85. After his appointment on sports basis, the applicant had taken part in various National games that is hammer throw even. It is not disputed that he has won various medals including Gold medal in the National Games held at Trivandrum on 25.12.87.

4. The claim of the applicant had been considered by the Screening Committee under the Chairmanship of Addl. Commissioner of Police and for out of turn promotion to the rank of Inspector (Executive) on ad hoc basis. The same was rejected on the technical ground that the competent authority had not approved such promotion.

5. From the above said facts, it is clear that it is not disputed that the applicant has won Gold medal in the National Games at Trivandrum. Rule 19 (ii) of Delhi Police (Promotion & Confirmation) Rules reads as under:

"To encourage outstanding sportsmen, marks men, officers who have shown exceptional gallantry and devotion to duty, the Commission of Police may, with prior permission of Administrator, promote such officers to the next higher rank provided vacancies exist. Such promotions shall exceed 5 percent of the vacancies likely to fall vacant in the given year not in the rank. Such promotion shall be treated as ad hoc and will be regularised when the persons so promoted have successfully completed the training course prescribed like (Lower School Training), if any. For purpose of seniority such promotees shall be placed at the bottom

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of promotion list drawn up for that year."

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6. A perusal of relevant Rule clearly shows that outstanding sportsmen who have shown exceptional gallantry and devotion to duty can claim promotion subject to availability of vacancies. Such promotions as per rule cannot exceed 5% of the vacancies likely to fall vacant in the given year.

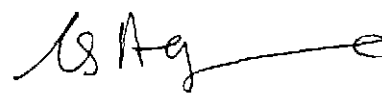
7. The other contentions are not relevant for disposal of the present application.

8. Our attention has been drawn to Standing Order 4 issued by the Commissioner of Police dated 8.12.89 to contend that the applicant had won the Gold medal before the said standing order and the standing order would be only prospective in nature. Even if it be so, keeping in view Rule 19(ii) of the Rules, referred to above, the applicant had a right to be considered for promotion in the outstanding sportsmen quota as contemplated under the said rule. Therefore, the claim of the applicant cannot be said to be rejected simply on the ground that the standing order is prospective in nature.

9. Resultantly, we quash the impugned order and it is directed that the claim of the applicant should be considered for further promotion in the outstanding sportsmen quota in pursuance of Rule 19 (ii) referred to above. Consequential benefits, if any, will also be accorded to him.


(A.P. Nagi) (h)
Member (A)

/ug/


(V.S. Aggarwal)
Chairman