

Central Administrative Tribunal, Principal Bench

O.A. No.2616 of 2002

New Delhi this the 7th day of October, 2002

Hon'ble Mr. Justice V.S. Aggarwal, Chairman  
Hon'ble Mr. M. P. Singh, Member (A)

Jai Bhagwan No.312/DAO (Pis-No.28872135)  
S/o Sh. Chatter Singh, permanent resident of  
V&PO Pandwan, Teh.Charkhi Dadari,  
Haryana, presently serving in the Police  
Department as a Driver(Ct.)

- Applicant

By advocate: Dr. Gopal Sangwan)

Versus

1. Union of India, through ~  
Secretary of Home, Ministry of  
Home Affairs, North Block, New  
Delhi.
2. The Commissioner of Delhi Police,  
PHQ, MSO Building IP Estate,  
New Delhi.

- Respondents

ORDER (ORAL)

Mr. Justice V.S. Aggarwal, Chairman:

The applicant joined Delhi Police after being relieved from Army. He is stated to be a Grade I Driver with the Indian Army before he was discharged.

2. It has been asserted that a false departmental inquiry had been initiated against the applicant in which he has been exonerated. Besides that the applicant's grievance is that he has not been promoted to the rank of Head Constable (Driver) while his juniors have been so promoted. The applicant could not have asked to undergo such driving/test.

3. Perusal of the records reveals that the applicant (Constable Jai Bhagwan) had appeared in the promotion test of the Constable (Driver) to the rank of Head

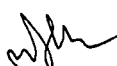
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Constable (Driver) but could not make the grade in 1995. When he could not make the grade, he could have taken the next promotion test.

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4. Learned counsel states at the bar that the applicant cannot be asked to take such test because he had passed it while in the Indian Army. On this ground, it is contended that the applicant could not have been asked to appear in the test first in the year 1995 and 1999. Even this face of these facts so alleged, it cannot be termed that the action of the respondents is illegal because the applicant himself has stated that he has taken the test more than seven years back. It is too late in the day to allege otherwise.

5. Resultantly, we find no ground to interfere. OA must fail and is dismissed in limine.

  
( M.P. Singh )  
Member (A)

  
( V.S. Aggarwal )  
Chairman

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