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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.NO.1560/2002

M.A. NO. 1258/2002

Thursday, this the 6th day of June 2002

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

1. Raj Kumar Jha
s/o late Shri Kapileshwar Jha
R/O B-3, Type IV
New Police Lines, Kingsway Camp
Delhi-9
2. Rupinder Kumar
s/o Shri H.R.Swan
R/o G-12, Type V,
New Police Lines, Kingsway Camp
Delhi-9
3. Vimal Anand Gupta
S/O Shri S.S.Gupta
R/O D-8 Type IV, Behind
Police Station Rajouri Garden
New Delhi
4. Moti Ram Gothwal
s/o Shri S.R.Gothwal
B-4, Type IV, Police Line
Kingsway Camp, Delhi-9
5. Om Prakash Mishra
s/o Shri R.B.Mishra
Flat No.02, Type-IV
Quarters, DCP/South Office
Complex, Haus Khas
New Delhi
6. Brajesh Kumar Singh
s/o Shri R.K.Singh
R/O W-4/1, Police Colony
Andrews Ganj, New Delhi
7. K.K.Vyas
S/O Shri K.K.Vyas
Govt. Quarter 1, ACP (Punjabi Bagh)
Office Premises,
Punjabi Bagh,
New Delhi
8. Brahm Singh
s/o Late Bhagwan Sahai
r/o E-9, Type-IV, New Police Lines
Kingsway Camp, New Delhi

..Applicants

(By Advocate: Shri Vikas Singh)

Versus

1. Union of India through its Secretary
Ministry of Home Affairs
New Delhi
- 2

(2)

2. Commissioner of Police
Police Head Quarter,
New Delhi-2

..Respondents

O R D E R (ORAL)

Shri S.A.T.Rizvi:

The Special Commissioner of Police has, by his letter of 1.5.2002 (A-4), requested the Ministry of Home Affairs, Govt.of India for ^{2 permission} ~~permission~~ to fill up eight ex-cadre posts of DCPs by placing the services of IPS Officers at the disposal of Delhi Police and the remaining seven vacancies of JAG in DANIPS by giving ad hoc promotion to DANIPS officers to the rank of Addl. DCPs. In their reply dated 7.5.2002, the MHA has stated that since it is not possible to provide any more IPS officers for filling up the aforesaid post, all the ^{2 aforesaid} ~~aforesaid~~ vacancies could be filled up by ad hoc promotion of eligible DANIPS officers. The names of thirteen such officers of DANIPS have been enclosed with the aforesaid letter of 7.5.2002 (A-5). The learned counsel appearing on behalf of the applicant submits that the respondents are not likely to proceed with promotions in view of the stay order granted by this Tribunal on 27.5.2002 in OA-1418/2002 (A-8) in respect of the seniority list issued by the respondents on 14.5.2002. He further submits that in view of the following provisions made in the DOPT's OM dated 30.4.1983, it should be possible for the respondents to proceed with promotions, despite the aforesaid stay order:-

"2. Revision of Seniority List:- Unless there is a clear stay in a court case against making regular promotions, the existing seniority list should be followed and persons recommended by DPC



(3)

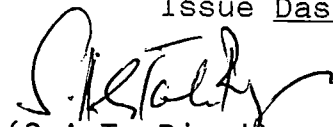
promoted, with the stipulation that promotions are provisional subject to decision of the Courts/Tribunal..."

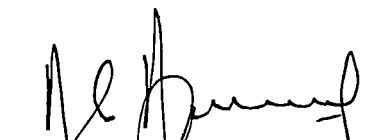
2. When informally approached, the respondents have not shown any keenness to proceed further by relying on the aforesaid instructions, though vigilance clearance in respect of twelve officers out of the aforesaid thirteen has also been issued on 20.5.2002 (A-7).

3. Having regard to the submissions made by the learned counsel and the aforestated facts and circumstances, we find it just, proper and fair to dispose of the present OA at this very stage even without issuing notices with a direction to the respondents to consider the matter by treating the present OA as a representation made on behalf of the applicants and take a decision by passing a reasoned and a speaking order at the earliest possible and in any case within a period of two ~~weeks~~ ² from the date of receipt of a copy of this order. We direct accordingly.

4. The present OA is disposed of in the aforestated terms.

Issue Dasti.


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


(Ashok Agarwal)
Chairman

/sunil/