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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

O.A. No.470 OF 2002

New Delhi, this the 21st day of July, 2003

HON'BLE SHRI JUSTICE V.S. AGGARWAL, CHAIRMAN  
HON'BLE SHRI V.K. MAJOTRA, MEMBER (A)

Asst. Sub Inspector (Ex) Rajender Parsad  
No.641/D  
S/o Shri Shri Kishan  
R/o 156 A, DDA Flats  
Mansarowar Park,  
Delhi-32.

(By Advocate : Shri Sachin Chauhan) ....Applicant

Versus

1. Union of India  
Through Its Secretary  
Ministry of Home Affairs  
North Block  
New Delhi.
2. Lt.Governor of Delhi  
5. Sham Nath Marg  
Raj Niwas, Delhi.
3. Commissioner of Police,  
Delhi  
Police Head Quarter,  
Indraprastha Estate,  
M.S.O.Building  
New Delhi.

(By Advocate : Shri George Paracken) .....Respondents

ORDER (ORAL)

JUSTICE V.S. AGGARWAL

Rule 19 (ii) of the Delhi Police (Promotion & Confirmation) Rules, 1980 (for short, "the Rules") unfolds itself in the following words:-

"19. Ad-hoc promotions- (ii) To encourage outstanding sportsmen, marksmen, officers who have shown exceptional gallantry and devotion to duty, the Commissioner of Police may, with prior approval of Administrator, promote such officers to the next higher rank provided vacancies exist. Such promotions shall not exceed 5 per cent of vacancies likely to fall vacant in the given year not in the rank. Such promotions shall be treated as ad-hoc and

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will be regularised when the persons so promoted have successfully completed the training course prescribed like (Lower School Course), if any. For purposes of seniority such promotees shall be placed at the bottom of the promotion list drawn up for that year."

2. The rule has been enacted to encourage outstanding sportsmen, marksmen and officers who have shown exceptional gallantry and devotion to duty by promoting them. The promotions so made are on ad hoc basis subject to certain percentage with which we are not concerned. The persons so promoted have to be regularised when they successfully complete the training course prescribed.

3. Applicant presses into service the said sub-rule (ii) to Rule 19 of the Rules and seeks that he should be given out of turn promotion to the rank of Sub Inspector (Executive) in face of the said rule.

4. Facts alleged are that the applicant was a Head Constable in May 1979. He is a sportsman and has specialized in playing Volley Ball and was selected in the National Team and played an international match in U.S.S.R. on 15.6.1990. He was the captain of the Delhi Police Volley Ball Team. He has excellent service record. He prayed for out of turn promotion which had been given to other similarly situated persons. The claim of the applicant had been rejected. The applicant preferred OA No.982/98 which was disposed of by this Tribunal on 14.11.2000. This Tribunal had held that the applicant had taken part in

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the international event and qualified for the grant of ad hoc promotion. It was directed that the representation of the applicant should be considered.

5. The respondents are alleged to have rejected the representation. Hence the present application.

6. In the reply filed, the application has been contested. It is not disputed that the applicant had been promoted as a Head Constable on 5.5.1979. He was confirmed as such on 5.7.1983. He was promoted as Assistant Sub Inspector on ad hoc basis on 10.12.1986. It is also not disputed that he had displayed a good work as a Volley Ball player. In 1991, the claim of the applicant was put forward for out of turn promotion to the rank of Sub Inspector on sports basis. The recommendations of the Sports Officer of Delhi Police were not accepted and it was decided that he should be given suitable reward. After the matter had been remitted by this Tribunal, the same had been reconsidered and the claim of the applicant had been rejected. According to the respondents, the same has rightly been so rejected.

7. As already pointed above, the applicant had earlier preferred OA No.982/98 which was decided by this Tribunal on 14.11.2000. This Tribunal with respect to the controversy as to if the applicant had

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taken part in the international games had held:-

"We have not come across any official definition of what constitutes "international games" and, therefore, have had recourse to the Chambers (20th Edition) dictionary in order to understand what the word "international" would mean in the circumstances of the case. According to the dictionary, the word "international" means "between nations or their representatives: transcending national limits; extending nations..." Going by the aforesaid definition, we have no hesitation in holding that the event in which the applicant took part and in respect of which the aforesaid certificate has been placed on record, was indeed an international event and should, therefore, qualify for the grant of adhoc promotion to him in terms of the standing orders just referred to."

So far this Tribunal is concerned, it must be taken to be settled between the parties that when the applicant took part in the match against U.S.S.R. he had taken part in the international games. We are, therefore, not delving further into the said dispute.

8. The instructions pertaining to out of turn promotion are mentioned in the Standing Order of Delhi Police, the relevant portion of which reads:-

" ii) SUB INSPECTOR /ASSTT. SUB-INSPECTOR.

A member of the force in the rank of ASI or Head Constable will be eligible for promotion to the rank of SI/ASI if :-

- (a) He is selected to represent the Country in team event in International Games,
- (b) The team he is representing wins Gold Medal in the National Games.

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(c) The team is representing wins Gold Medal twice in All India Police Games or Silver Medal alone above in the National Games."

It is on the strength of the same that the applicant seeks that he is entitled to out of turn promotion. The representation of the applicant had been rejected by the Commissioner of Police with the following observations:

"10. The applicant has prayed that he may be granted promotion to the rank of Sub-Inspector w.e.f. 15.6.1990 with all consequential benefits. It is worth mentioning that though he participated in the Friendly Match between USSR and India on 15.6.1990, he did not submit any application for ad-hoc promotion till 24.12.96 and what-ever points he has mentioned in the Representation of 24.12.96 are almost the same points which he has given in the representation dated 20.12.2000. I do not consider that anyone is eligible for out-of-turn promotion just because he participated in any international event. Rule 19(ii) of Delhi Police Promotion and Confirmation Rules, 1980 clearly provides for promotion only where the applicant clearly provides for promotion only where the applicant has shown exceptional gallantry and devotion to duty as outstanding sportsmen and just participation in a friendly match does not ipso-facto prove that he was an outstanding person and had shown exceptional gallantry and devotion to duty. The provisions of Standing Order cannot over-rule the provisions of in the Rules. Even the Standing Order stipulates promotion only where the Screening Committee considers the case and the Commissioner of Police can consider cases of ad-hoc promotion taking into consideration the report of Screening Committee. In the case of the applicant, the Screening Committee has not found him suitable for promotion."

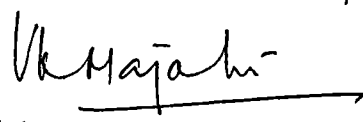
A perusal of the instructions clearly shows that a right accrues on taking part in the international


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games and the person concerned becomes eligible to be considered. It is not necessary that he must be so appointed. The Commissioner had given reasons that it was a simply friendly match and the applicant had just participated therein. It cannot be taken to be that he had shown exceptional gallantry and devotion to duty as an outstanding sportsman. The reasons so given must be taken to be meritorious because every person taking part in an international game cannot automatically claim out of turn promotion. It is not shown that his performance was so extraordinary that he should earn the said promotion. In any case, he became eligible and the matter was considered. Once it is rejected, we find no reason to interfere.

9. Resultantly, the present application being without merit must fail and is dismissed. No costs.

Announced.

  
(V.K. MAJOTRA)  
MEMBER (A)

  
(V.S. AGGARWAL)  
CHAIRMAN

/sns/