

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

C.P. NO.18/2004
in
O.A. NO.2757/2002

This the 22nd day of April, 2004

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HON'BLE SHRI V.K.MAJOTRA, VICE-CHAIRMAN (A)

HON'BLE SHRI KULDIP SINGH, MEMBER (J)

S.I. Ajay Pal Singh No.D/2101
S/O Dharam Pal Singh,
R/O C-33, Mehram Nagar Police Colony,
New Delhi.

... Applicant

(By Ms. Jaswinder Kaur, Advocate)

-versus-

1. Sheliya Chandra,
Chief Secretary,
Govt. of NCT of Delhi,
New Delhi.

2. Shri R. S. Gupta,
Commissioner of Police, Delhi,
Delhi Police Headquarters,
I.P.Estate, New Delhi.

... Respondents

(By Shri George Paracken, Advocate)

O R D E R

Hon'ble Shri V.K.Majotra, V.C.(A) :

Applicant had filed OA No.2757/2002 seeking the
following reliefs :

"(1) Quash & set aside the impugned order
dated 03.10.2002 annexed at Annexure A-1
to the O.A. vis a vis the applicant.

(2) Direct the Respondents to consider and
promote the Applicant to the rank of
Inspector from the initial date when the
out of turn promotion to the rank of
Inspector fell due.

(3) Direct the Respondent to release
consequential benefits including
seniority to the Applicant."

2. The OA was disposed of on 20.2.2003 with the
following directions :

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"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."

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3. Applicant is stated to have made representations dated 27.3.2003 and 12.6.2003 (Annexure P-2 colly.) to the respondents for implementing the directions of this Court. It is alleged that respondents have wilfully disobeyed the Tribunal's directions and are thus punishable for contempt of court.

4. In the reply affidavit, respondents have stated that applicant was appointed as Sub Inspector in 1985 in sports quota. He had secured a gold medal in the National Games in 1987 and a silver medal in 1988 in the All India Police Games. Respondents have stated that thereafter he has "no conspicuous achievements" and, therefore, he could not be given benefit of ^{promotion under 16} sports quota within the 3-4 years period of initial recruitment as Sub Inspector. In any case he has been promoted to the rank of Inspector in the Delhi Police from 16.7.2003. Respondents have contended that applicant does not deserve grant of out of turn promotion under rule 19(ii) of the Delhi Police (Promotion and Confirmation) Rules, 1980.

5. We have heard the learned counsel on both sides. Learned counsel of the applicant contended that the contention of the respondents that standing order 4 dated 8.12.1989 was prospective in nature had been

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considered by the Tribunal and rejected. Applicant's candidature, in terms of the directions of this Court, was to be considered in terms of rule 19(ii) *ibid* under which applicant as an outstanding sportsman was to be considered subject to availability of vacancies, promotions under the sports quota not exceeding 5% of the vacancies in the given year. The learned counsel stated that the ground taken by the respondents that applicant had no conspicuous achievements after securing a gold medal in the National Games in 1987 and a silver medal in the Police Games in 1988 is of no relevance under provisions of rule 19(ii) *ibid*. 15

6. Respondents have admitted that applicant had secured a gold medal in the National Games in 1987 and a silver medal in 1988 in the All India Police Games. They have merely rejected applicant's claim for promotion to the rank of Inspector on the ground that he did not have any conspicuous achievements after 1988. In the Tribunal's order of 20.2.2003 the import of standing order 4 dated 8.12.1989 as well as the provisions of rule 19(ii) *ibid* had been discussed. Applicant has been held to be an outstanding sportsman and it was directed that his claim for promotion as Inspector in the outstanding sportsmen quota was to be considered in pursuance of rule 19(ii) *ibid*. It is not disputed that applicant was eligible for promotion under the provisions of rule 19(ii) in the outstanding sportsmen quota. In the reply affidavit in OA No.2757/2002 respondents had admitted that while the screening committee on 5.12.2000 noticed that applicant's claim was rejected on technical ground

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and not considered under rule 19(ii) *ibid*, however, the next screening committee recommended his case for grant of promotion to the rank of Inspector (Executive) on out of turn basis in sports quota as "he fulfils eligibility criteria for promotion" prescribed in the SO No.4/89 and also covered under rule 19(ii) of the Delhi Police (Promotion and Confirmation) Rules, 1930. This committee recommended applicant's case to the Government of NCT of Delhi. However, applicant's claim was rejected on the basis of delay in the case..


7. The ground taken by the respondents for rejection of applicant's claim is not provided in the provisions under rule 19(ii) *ibid*. Applicant had secured gold medal in National Games in 1987 and he was held to be an outstanding sportsman under these provisions in Tribunal's order dated 20.2.2003.. Respondents were merely to consider applicant's claim in pursuance of rule 19(2) *ibid* subject to availability of 5% vacancies under the sports quota. Respondents have wilfully and deliberately resorted to an entirely new ground of lack of continued outstanding performance for denial of promotion as Inspector to the applicant at the relevant time. The provisions of rule 19(ii) do not contemplate any such restriction or condition. It is also immaterial that ultimately applicant has been considered and granted promotion to the rank of Inspector from 16.7.2003..

8. The contentions raised on behalf of the respondents are rejected in the light of the above discussion. Taking a lenient view, we grant a period of




one month from the date of communication of these orders to the respondents for granting promotion to the applicant in the outstanding sportsmen quota in pursuance of rule 19(ii) ibid in compliance of the directions of this Court contained in order dated 20.2.2003, failing which serious view will be taken in the matter.

9. CP is disposed of in the above terms and notices to the respondents are discharged.


(Kuldip Singh)
Member (J)

/as/


(V. K. Majotra)
Vice-Chairman (A)

22.4.04