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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. NO.1751/2002

New Delhi this the 10th day of July, 2002.

HON'BLE SHRI JUSTICE ASHOK AGARWAL, CHAIRMAN

HON'BLE SHRI S.A.T.RIZVI, MEMBER (A)

Sub Inspector Girdhari Lal Sharma
No. D/256
S/o Late Nar Singh Dayal Sharma
R/o H-14, Garhwali Mohalla
Laxmi Nagar, Delhi. Applicant

(By Shri Amitesh Kumar, Advocate)

-versus-

1. Govt. of NCT of Delhi
Through its Chief Secretary
Delhi Sachivaliya, I.P.Estate
New Delhi.
2. The Commissioner of Police
Delhi Police Headquarters
New Delhi-110001.
3. The Special Commissioner of Police
(Admn.)
Delhi Police Headquarters
New Delhi.
4. The Joint Commissioner of Police
Delhi Police Headquarters
New Delhi. ... Respondents

O R D E R (ORAL)

S.A.T.Rizvi:-

Applicant who is a Sub Inspector (Ministerial) in Delhi Police is an aspirant for promotion to the next higher post of Inspector (Ministerial). The respondents determined 23 vacancies to arise in the year 2002-2003. On that basis, they had prepared a

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..... zone of consideration consisting of 50 sub Inspectors (Ministerial) and had arranged their names, according to the learned counsel, in the order of seniority (Annexure A-3). Three vacancies out of the aforesaid 23 are reserved for SC candidates and another three for ST candidates, thus leaving 17 vacancies to be filled by general category candidates. By their letter of 21.1.2002 (Annexure A-1), the respondents have notified the selection of 19 persons for the post of Inspector (Ministerial). The list includes three SC candidates and no ST candidate. Thus 16 candidates figuring in the said list belong to the general category. The applicant's case is that in terms of seniority, he ranks just below Shri Rawat Ram who is last general category candidate selected by the respondents and, therefore, if the respondents had decided to fill all the 17 general category vacancies, the applicant would have been selected.

2. In the list of 19 persons selected vide Annexure A-1, the names of S/Shri Bani Singh and Sukhbir Singh have been separately shown as Sub Inspectors, the recommendations of the DPC in respect of ~~them~~^{them} have been kept in a sealed cover. The learned counsel appearing on behalf of the applicant submits that as and when the sealed cover is opened for considering the recommendations of the DPC in respect of S/Shri Bani Singh and Sukhbir

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Singh, enough vacancies would still be available to accommodate them inasmuch as while the respondents have calculated the number of vacancies as 23, on a proper calculation of the vacancies, that figure will rise to 27. In the circumstances, according to him, the respondents have committed a gross illegality by ignoring the claim of the applicant. The applicant's performance has been satisfactory and following the criterion of seniority-cum-fitness, he was entitled to promotion.

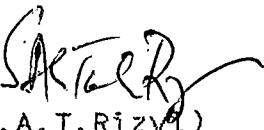
3. Aggrieved by the above, the applicant has filed representations on 22.4.2002 (Annexure A-7) and 22.5.2002 (Annexure A-8). He has also personally called on the respondents for redressal of his grievance. There has been no response from the respondents' side so far though the applicant has been informed that the respondents are not likely to hold a DPC to consider his case. In the aforesated circumstances, we find that the interests of justice will be duly met by disposing of the present OA at this very stage even without issuing notices with a direction to the respondents to consider the aforesaid representations filed by the applicant and to pass a reasoned and a speaking order thereon expeditiously and in any event within a period of three months from the date of receipt of a copy of this order. We direct accordingly.

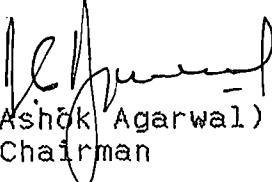
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We further direct that if the respondents decide to hold a DPC before orders as above are passed, the result of such a DPC will be subject to the orders to be passed by them, and the applicant will be entitled to be considered by such a DPC without any prejudice to the orders which the respondents have been directed to pass as above.

4. OA is disposed of in the aforesated terms.


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


(Ashok Agarwal)
Chairman

/sns/