



**Central Administrative Tribunal
Principal Bench**

OA No. 1427/2015

Order reserved on : 07.01.2020
Order pronounced on: 15.01.2020

Hon'ble Mrs. Justice Vijay Lakshmi, Member (J)
Hon'ble Mr. Pradeep Kumar, Member (A)

Pravindra
Constable in Delhi Police,
PIS No.28105788
Aged about 39 years
S/o Sh. Jai Pal Singh,
R/o 127, Metro Apartment,
Jahangir Puri, Delhi.

... Applicant

(By Advocate: Sh. Anil Singal)

VERSUS

1. Union of India
Through its Secretary,
Ministry of Home Affairs,
North Block, New Delhi.
2. Lt. Governor of Delhi,
Raj Niwas,
Delhi.
3. Commissioner of Police,
PHQ, IP Estate,
New Delhi.
4. Joint Comm. Of Police,
(Headquarters), PHQ,
IP Estate, New Delhi.
5. Dy. Comm. Of Police,
(Establishment), PHQ,
IP Estate, New Delhi.

... Respondents

(By Advocate: Sh. K.M.Singh)



ORDER

By Hon'ble Mr. Pradeep Kumar, Member (A)

The applicant herein is working as Constable in Delhi Police. The Anti Extortion Cell of Crime Branch in Delhi Police arrested a dreaded gangster. In recognition of the same, a proposal was made to recognize and appreciate the performance of the concerned Delhi Police team members, who played an exemplary role in the excellent and brave act. Certain recommendations were made to promote the applicant on out of turn basis. Certain cash awards to other team members were also proposed. This proposal was signed by the Commissioner, Delhi Police on 18.07.2013 and applicant pleads that this signature signifies his approval to the entire recommendation.

2. In follow up, a citation for grant of out of turn promotion of the applicant was prepared on 31.07.2013 and it was sent to Headquarters for consideration of the competent authority. This was forwarded to Addl. Deputy Commissioner of Police (Establishment) in Police Headquarters on 06.08.2013 for further consideration.

3. Applicant, however, pleads that despite approval by Commissioner on 18.07.2013, out of turn promotion was not granted. The applicant also drew attention to an order dated



04.02.2015 wherein the citation for out of turn promotion in respect of the applicant was put up to the next meeting of the Incentive Committee for consideration.

It appears that the said Incentive Committee had considered the proposal but did not agree for out of turn promotion and instead granted a cash award which has since been disbursed to the applicant.

The applicant is aggrieved that despite the recommendation having been approved by the Commissioner, Delhi Police, he has not been given out of turn promotion. The applicant pleads that the original proposal was approved by the Commissioner, Delhi Police without any remarks on 18.07.2013. Accordingly, there was no need for putting up his case for consideration of the Incentive Committee which works under overall control of the Commissioner, Delhi Police. The applicant also pleads that the recommendations of Incentive Committee are finally approved by Commissioner, Delhi Police only.

4. The applicant also brought out certain recommendations for out of turn promotion in respect of another Head Constable, namely, Sh. Devender Kumar for some other incident, which were made by the Delhi Police on 21.05.2013 wherein the Commissioner approved the note with the remarks "Sl. No.1 & 2 to Incentive Committee".



In this context, the applicant pleads that had the Commissioner, Delhi Police desired to forward his case for consideration by Incentive Committee, he would have given a remark to that effect when original noting was approved by him on 18.07.2013. Since in the event, no such remark was given, the proposal for granting him out of turn promotion ought to have been deemed as approved, without there being any need for putting up his case for consideration by the Incentive Committee.

5. Feeling aggrieved, on non-grant of out of turn promotion, applicant has preferred the instant OA and pleaded following relief:

“1. To call for the records and quash and set aside the impugned order dt. 4.2.2015 and direct the respondents to promote the applicant on out of turn basis to the rank of HC w.e.f. 18.7.2013 with all consequential benefits.”

6. Per contra, the respondents opposed the OA. It was pleaded that Incentive Committee is formed in the Police department to consider all such recommendations for grant of out of turn promotion and such recommendations are thereafter put up to the Commissioner, Delhi Police for approval.

In this case there was a proposal for granting out of turn promotion to the applicant and it was initially approved by the Commissioner, Delhi Police without any remark



thereupon. Accordingly, the case was required to be put up to the Incentive Committee which did not recommend his case and instead only recommended the cash award which has since been disbursed.

7. It was also pleaded that when cash award was being given to the applicant based upon the recommendation of the Incentive Committee, he has accepted the same without any protest. Accordingly for the same act of bravery, applicant cannot be considered for a second award in the form of out of turn promotion.

8. Matter has been heard at length. Sh. Anil Singal, learned counsel represented the applicant and Sh. K.M.Singh, learned counsel represented the respondents.

9. The system of out of turn promotion is an incentive to the Delhi Police personnel to award the individual acts of bravery and excellence so as to motivate them as well as others. The employees do not have a right for grant of such out of turn promotions.

With a view to impart objectivity, the Delhi Police is following a system of Incentive Committee which considers all such recommendations to arrive at the really deserving cases. The applicant's case was accordingly put up to the Incentive Committee.



Mere signatures by the Commissioner, Delhi Police on 18.07.2013 without expressing anything not to put it up for scrutiny by Incentive Committee does not give rise to any right to the applicant for grant of out of turn promotion.

10. It is true that Incentive Committee works under overall supervision of the Commissioner, yet role of Incentive Committee for scrutiny of all such cases and making recommendations cannot be overlooked. The approval granted by the Commissioner on 18.07.2013 is in the form of prima facie approval.

Applicant had pleaded that formal policy to put up such recommendations to Incentive Committee, was issued in 2014 which is subsequent to approval in his case which happened on 18.07.2013. This argument is of no help to applicant as this system was already in vogue, even without formal policy, as seen from another case mentioned by applicant in para 4 above, which is also of the year 2013.

Accordingly, the action by Delhi Police to refer the case to Incentive Committee cannot be faulted.

11. No right of the applicant has been denied as out of turn promotion is for certain acts of bravery and excellence to be adjudged by the Department for which Department has to devise methods for assessment e.g. Incentive Committee and thereafter approval by the competent authority.



In the instant case while there was an initial proposal to grant out of turn promotion but this was not approved by the departmental procedures as were in force.

12. Accordingly, there is no merit in the OA and the same is dismissed. No order as to costs.

(Pradeep Kumar)
Member (A)

(Justice Vijay Lakshmi)
Member (J)

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