

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

**OA No-4666/2014
MA No-4057/2014**

New Delhi, this the 13th day of February, 2020



**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. A.K. Bishnoi, Member (A)**

1. Sh. Hansraj, S/o late Sh. Kabul Singh
Aged about 45 years
R/o 304, Vill, Chilla Saroda
Mayur Vihar, Phase-I
Delhi-110091
Working as Head Constable(AWO).
2. Sh. Devanand
Aged about 48 years
S/o Sh. Babulal
R/o Qtr. No. 7B, P.C.
PS Kalyan Puri, Delhi-110091
Working as Head Constable(AWO).
3. Mohd. Iqjadarul Hasan Khan
Aged about 43 years
S/o late Sh. M.N. Hasan
R/o 228, Sector A/5, Pkt-6
Police Colony, Narela
Delhi-110040
Working as Head Constable(AWO). ... Applicants
(through Sh. M.K. Bhardwaj)

Versus

Commissioner of Police & Ors. through

1. The Commissioner of Police
PHQ, IP Estate, New Delhi-110002.

2. The Deputy Commissioner of Police
Communication, Delhi. Respondents
(through Ms. Sangita Rai)



ORDER (Oral)

Mr. Justice L. Narasimha Reddy, Chairman

The applicants were working as Head Constables in the Delhi Police in the year 1999. For the appointment to the post of Head Constable, Assistant Wireless Operator [HC(AWO)], there is a provision for promotion from the post of Constable, subject to certain conditions. First, an examination is held, limited to participation by the Constables. Candidates, who clear the examination, are put to training for a period of six months. On completion of training, a test is conducted and those successful in it, are put in the 'B' list. The promotions are made from such a list, to the extent of available vacancies. Remaining candidates are required to continue as Constables only.

2. The applicants were promoted to the post of HC (AWO) through an order dated 07.08.2000, through the process mentioned above. They made a representation in the year 2014 stating that, for the period during which they have undergone



training, they are entitled to be extended the benefit of increment attached to the post of HC. That was rejected through an order dated 10.03.2014. The applicants filed this OA challenging the order dated 10.03.2014 and with a prayer to direct the respondents to count the training period also, in the rank of HC, for the purpose of fixation of pay and grant of increments. The applicants contend that the training is specific for the post of HC and once it is counted towards service for direct recruits, there is no basis for denying such a benefit to the promotees.

3. The respondents filed counter affidavit opposing the OA. It is stated that the mere inclusion of a Constable in the 'B' list does not lead to his appointment to the post of HC (AWO). It is also stated that it is only on clearing the test, subsequent to the training, that a Constable becomes eligible and the question of counting the period of training in such cases towards service of the promotional post, does not arise.

4. We heard Sh. M.K. Bhardwaj, learned counsel for the applicants and Ms. Sangita Rai, learned counsel for the respondents.

5. The method of promotion to the post of HC (AWO) has been indicated briefly, in the preceding paragraphs. A



preliminary test is conducted and thereafter, the candidates who have cleared the test, not exceeding 25% of total number of posts sanctioned under AWO/Tele-printer Operators (HC), are imparted training. After completion of training, a test is conducted and the names of the successful candidates are included in the 'B' list. The promotion is effected thereafter, depending upon the availability of vacancies. It is only on a regular promotion that, he becomes a HC(AWO). Therefore, the question of counting any period earlier to the date of promotion, towards the service in that post, does not arise.

6. Reliance is placed upon certain OMs issued by the DoP&T. They are referable to direct recruitment. It is not uncommon that candidates, who are selected by direct recruitment are subjected to training and only on successful completion of training, the orders of regular appointment are issued. Question arose whether period of training must be counted towards promotion. The answer was in the affirmative. A distinction needs to be maintained between a direct recruit, who is subject to training before he is issued order of regular appointment, on the one hand; and a promotee, who undergoes training as a condition precedent to be considered for promotion,

on the other. While in the former, the training period is required to be counted towards the service, in the case of latter, it is not.

7. In the impugned order, detailed reasons are furnished with reference to the prescribed procedure. The relevant paragraphs read as under:

“In the instant case the officials were considered for appointment through Departmental Competitive Examination for the rank of HC (AWO) in the year 1999 and were sent for training as HC(AWO) on 26/07/1999 and passed the course vide order dated 30/3/2000. They were promoted to the rank of HC (AWO) w.e.f. 07/08/2000.

Pay of the officials has been fixed in accordance with the provisions of FR 22(I)(a)(i) from the date of their promotion as HC(AWO) and the same is in order. There is no provision for grant of the scale for concerned post merely on passing of the test according to clause No. 15, 16 & 17 of the S.O. No. 223/86”

No exception can be taken to the view expressed by the respondents.

8. In the order passed in Writ Petition No. 3129/2011, relied upon by the applicants, the question was as to whether, the period of training can be counted towards the experience stipulated under the rules. The issue that arose for consideration in the OA was not dealt with, in that Writ Petition at all. Similarly, judgment of the Hon’ble Madras High Court in



WP(C) No. 15509/1998 and batch, was in respect of direct recruits. Viewed from any angle, we do not find any merit in the OA and accordingly, the same is dismissed.

Pending MA, if any, shall stand disposed of.

There shall be no order as to costs.



(A.K. Bishnoi)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/ns/