

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.NO.177/2001

Wednesday, this the 25th day of July, 2001

Hon'ble Shri Govindan S. Tampi, Member (A)
Hon'ble Shri Shanker Raju, Member (J)

Mishri Lal Meena
s/o late Shri Kishori Lal
R/O RZG-697, Raj Nagar-II
Palam Colony,
New Delhi.

..Applicant.

(By Advocate: Shri Shyam Babu)

Versus

1. Govt. of NCT Delhi through its
Chief Secretary,
5, Sham Nath Marg,
Delhi.
2. Commissioner of Police
Delhi
Police Headquarters
I.P.Estate,
3. Addl. commissioner of Police
(Establishment), Delhi Police
Headquarters, I.P.Estate,
New Delhi.
4. Dy. Commissioner of Police
HDQRS (Estt), Delhi
Police Headquarters
I.P.Estate
New Delhi.

..Respondents

(By Advocate: Ms. Neelam Singh)

O R D E R (ORAL)

By Hon'ble Shri Shanker Raju, Member (J):

Heard the learned counsel for both the parties.

2. The applicant has assailed an order dated 5.9.1999, whereby several ASIs have been admitted to promotion list E-I (Exe.) w.e.f. 1.9.2000. The grievance of the applicant that he has been declared unfit for promotion by this arbitrary order without following the guide-lines for conducting the DPC. The learned counsel of the applicant by drawing our attention

H to the guide-lines issued by the respondents contended that the minor punishment of censure during the last 6 months from the date of holding DPC would not have any effect over the promotion and the officer concerned is to be empanelled in promotion list. Referring to clause (iii) of the guide-lines, it is stated that only those minor punishments which have been inflicted during the preceding 5 years of the DPC would debar the Govt. servant for consideration in case the same has been awarded on the charge of corruption, moral turpitude and gross dereliction of duty to protect Govt. property. According to the applicant, by a show-cause notice dated 29.9.1999, he has been asked to explain why he should not be awarded minor penalty of censure to which he replied to the respondents. By an order dated 3.12.1999, the minor penalty of censure has been confirmed on the ground that the applicant has submitted a wrong passport verification report of one Shri Ganesh Prasad. In this background, it is stated that even if the punishment has been awarded on account of gross negligence and dereliction of duty, he should not be debarred for promotion as per their own guide-lines. It is also stated that apart from a minor penalty of censure, nothing adverse has been recorded and he is eligible for being accorded admission in promotion list E-I (Exe.)

3. Rebutting strongly the contentions of the applicant, the learned counsel of the respondents stated that as per their guide-lines, the case of the applicant was considered by the DPC and he was declared unfit due to indifferent service record on account of minor penalty

H of censure awarded on the charge of corruption, moral turpitude and gross dereliction of duty and as per guide-lines, he cannot be empanelled for admission to promotion list E-I (Exe.)

4. We have heard the learned counsel on either side and have perused the material placed on record. Admittedly, the relevant guide-lines for consideration of a police official for promotion to the next higher rank is contained in the guide-lines issued by the Commissioner of Police which are highlighted in the reply of the respondents. In one of the clause (v) of the guide-lines, it is clearly provided that in case an officer has been awarded censure during the last 6 months without any other punishment, he is allowed to be brought on the promotion list. Clause (iii) of the guide-lines also stipulates that the censure which has been awarded within the preceding 5 years on charge of corruption, moral turpitude and gross dereliction of duty to protect Govt. property would be taken seriously debarring the police officer for consideration and empanelment. We have perused the show cause notice issued to the applicant and the order of censure. No allegations of corruption and moral turpitude and gross dereliction of duty to protect Govt. property have been alleged against him. The applicant has been punished on a gross negligence for not making a correct enquiry on the passport. As such having failed to establish that the punishment is on the grounds debarring the police official for empanelment as provided in clause (iii) of the guide-lines, the respondents were not right in

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declaring the applicant unfit on account of his past service records. In view of that the censure has been inflicted upon the applicant on 3.12.1999, the same is beyond six months as such at the time of holding DPC on 1.9.2000 ceases to have any effect at all.

5. In the result, the action of the respondents by which he has been declared unfit for promotion list E-I (Exe.) as Sub Inspector and further denial of promotion in list-II (E) is illegal. It is stated by the learned counsel of the applicant that all the batch mates of the applicant have already been deputed to undergo for Intermediate School Training Course. Having regard to the reasons recorded above, we allow this OA and direct the respondents to hold a review DPC to consider the case of the applicant for promotion in list E-I (Exe) w.e.f. 1.9.2000 as well as in list-II (E) from the date his juniors and colleagues were accorded the same. The respondents are also directed to send the applicant for training to Intermediate School Training Course. The applicant shall also be accorded his appropriate place in the seniority list with all consequential benefits. The respondents are further directed to comply with the directions within a period of three months from the date of receipt of a copy of this order. No costs.

S. Raju
(Shanker Raju)
Member (J)

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(Govindan S. Tampi)
Member (A)