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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA No.1846/2001

New Delhi this the 11th day of February, 2002

Hon'ble Smt.Lakshmi Swaminathan, Vice Chairman(J)
Hon'ble Shri M.P.Singh, Member (A)

ASI Bhagmal Singh,
ASI (Ministerial)
No.23192/D,SO Branch/C&R,
Office of DCP/ Crime and
Railway, Delhi.

(By Advocate Shri Yogesh Sharma)

..Applicant

VERSUS

1.NCT of Delhi through the
Chief Secretary, New
Secretariate, New Delhi..

2.The Commissioner of Police,
Delhi Police Head Quarter,
Near ITO, New Delhi.

3.The Addl.Commissioner of Police,
Establishment, Police Head
Quarter,Near ITO,New Delhi.

(By Advocate Shri Harvir Singh)

..Respondents

O R D E R (ORAL)

(Hon'ble Smt.Lakshmi Swaminathan, Vice Chairman (J)

The applicant has impugned the order issued by the respondents dated 29.3.2001 (Annexure A 1) praying that the same may be quashed and set aside, as according to him, it is illegal and arbitrary.

2.. We have heard, Shri Yogesh Sharma, learned counsel for the applicant and Shri Harvir Singh, learned counsel for the respondents and perused the pleadings and documents on record.

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3. In the reply filed by the respondents they have, inter alia, submitted that the applicant was not considered for promotion in 1994 due to pendency of Departmental proceedings against him. However, they have submitted that the applicant was again considered for promotion to list 'E' (Min.) for the post of SI (Min.) by the DPCs held on 4.8.1995 and 1.10.1996 but due to indifferent service record, he was graded 'unfit' on both the occasions by the DPC. They have made a categorical statement that the applicant's case will be considered again by the DPC for promotion to list 'E' (Min.) as and when any S.C.category post becomes available on his due turn, which has been conveyed to him by the Headquarters U.O. dated 9.3.2001, which has been impugned in the present application.

4. We find that the applicant was facing a Departmental enquiry in 1994 when promotion list 'E' was issued w.e.f. 18.1.1994 by order dated 21.1.1994 and hence, the recommendation of the DPC with regard to the applicant was kept in a sealed cover. Thereafter, the applicant has been duly considered for promotion by the DPC to list 'E' (Min.) by two subsequent DPCs held on 4.8.1995 and 1.10.1996 but he was not recommended by the selection Committee for empanelment in list 'E' for promotion to the post of SI, after taking into account his relevant ACRs. This action of the respondents cannot, therefore, be faulted. In the

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facts and circumstances of the case, we also do not find that the action of the respondents can also be termed as illegal or arbitrary justifying any interference in the matter. The respondents have made it clear that as and when the SC category post becomes available, the applicant will be considered in accordance with the rules and instructions for promotion, as admittedly, the applicant belongs to that category.

5. Noting the above facts and the submissions, we find no good grounds to justify any interference in the matter. OA accordingly fails and is dismissed. No order as to costs.

MP
(M.P.Singh)

Member (A)

Lakshmi Swaminathan
(Smt.Lakshmi Swaminathan)

Vice Chairman (J)

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