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**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

O.A. NO.2375/2001

New Delhi this the 11th day of September, 2001.

HON'BLE SHRI JUSTICE ASHOK AGARWAL, CHAIRMAN

HON'BLE SHRI V.K. MAJOTRA, MEMBER (A)

ASI Raghbir Singh
S/o Late Shri Surat Singh
R/o C/o Shri Baljeet Singh Thakran
V& PO Nangal Thakran
Delhi.

... Applicant

Permanent R/o Village & P.O. Jharot
Distt. Sonapat (Haryana)

(By Shri Mukesh Kumar Gupta, Advocate)

-versus-

1. Commissioner of Police, Delhi
Police Headquarters
I.P. Estate
New Delhi-110002.
2. Deputy Commissioner of Police
Headquarters (Establishment)
Police Headquarters
New Delhi-110002.
3. Lt. Governor
Govt. of N.C.T. of Delhi
Raj Niwas
Delhi-110054.

... Respondents

O R D E R (ORAL)

Justice Ashok Agarwal:-

Applicant in the instant case had earlier instituted OA Nos. 1735/2001 and 1736/2001 wherein on 18.7.2001, following order has been issued:-

"In disciplinary proceedings conducted against him a penalty of withholding of future increment for a period of six months without cumulative effect was imposed upon the applicant by an order passed on 6.9.1999 at Annexure A-1 to OA 1736/2001. Based on the order of penalty, applicant by an order passed on 21.10.1999 at Annexure A-1 to OA 1735/2001 has been placed in the list of officers of doubtful integrity. Certain other candidates were granted promotion

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on 14.9.1999. As far as the applicant is concerned, it was found that he would be granted the same after the period of penalty was over. Appeal filed by the applicant was dismissed on 11.11.1999. Revision application filed by him was found not maintainable by an order passed on 6.6.2001. As far as the order of penalty is concerned, applicant was due for his increment on 1.6.2000. Since the penalty was for a period of six months, the same got over on 1.12.2000. Applicant in the circumstances, is now entitled to promotion w.e.f. the date of his colleagues were promoted on 14.9.1999, or in any event, from 1.12.2000 when the order of penalty was over. He is also entitled to removal of his name from the list of officers of doubtful integrity. Applicant has claimed the aforesaid promotion in the present OA No.1736/2001 and has claimed removal of his name from the list of officers of doubtful integrity in OA No.1735/2001.

Having regard to the grievance raised, we direct notices to issue in both the OAs returnable on 7.9.2001 before the Joint Registrar. We further direct that both these OAs be heard together."

Aforesaid order is holding the field till date.

2. After passing of the aforesaid order, a show cause notice of 20.8.2001 at Annexure A-1 is issued which inter alia provides as under:-

"As per provisions contained in Rule 7 (ii) of Delhi Police (Promotion and Confirmation) Rules, 1980, an officer on promotion list should maintain good conduct and efficiency. Any Police Officer whose name exists on promotion list, if found guilty of a misconduct of nature reflecting upon his character or fitness for responsibility or who shows either by specific acts or by his record as a whole that he is unfit for promotion to higher rank, his name can be removed from promotion list.

The award of major penalty to ASI (EXe.) Raghubir Singh No.3246/D and existence of his name on secret list of officers of doubtful integrity from 28.4.99 shows that he has failed to maintain good conduct and efficiency and is, thus, not fit to shoulder higher responsibility in the rank of SI. It is, therefore, proposed to remove his name from promotion list E-I

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(Exe.) and list E-II (Exe.).

ASI (Exe.) Raghubir Singh No.3246/D, is, therefore, called upon to Show Cause as to why the above proposed action should not be confirmed."

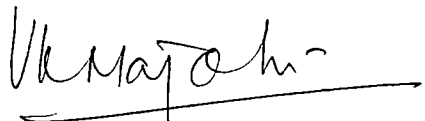
Aforesaid show cause notice at Annexure A-1 is impugned by the applicant in the present OA. A list of candidates placed in the promotion list E-II (Executive) has been issued on 9.9.1999 at Annexure A-2 wherein the name of the applicant figures at Sl.No.97. However, in the promotion list E-I (Executive) issued on 14.9.1999 at Annexure A-3 though the names of the candidates junior to the applicant who have been promoted find place in the said list, the applicant has been placed amongst candidates whose decision is directed to be taken after finalisation of DE/PE/criminal case etc. pending against them or expiry of the punishment period. Though the punishment period of the applicant has already expired, his name has been arrayed at Sl.No.6 of candidates whose promotions have been kept pending. Applicant has submitted his representation against the aforesaid show cause notice on 3.9.2001 at Annexure A-6. No decision thereon has so far been rendered till date.

3. In view of the fact that no decision on the aforesaid show cause notice at Annexure A-1 and the representation of the applicant at Annexure A-6 has so far been taken, we find that interest of justice will be duly met by disposing of the present OA at this

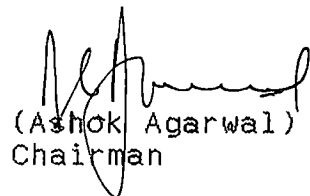


stage itself even without issuance of notices with a direction to the Deputy Commissioner of Police (respondent No.2 herein) to take a decision on the aforesaid representation ^{and the Show Cause Notice} by passing a reasoned and speaking order expeditiously and within a period of four weeks from the date of service of a copy of this order. It is further directed that pending his decision on the said issue and for a period of two weeks thereafter, name of the applicant will not be removed from the promotion list E-I. We direct accordingly.

4. Present OA is disposed of in the aforestated terms.



(V.K. Majotra)
Member (A)



(Ashok Agarwal)
Chairman

/sns/