

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

O.A.NO.2610/2001

Friday, this the 19th day of April, 2002

(9)

Hon'ble Shri Kuldip Singh, Member (J)  
Hon'ble Shri S.A.T. Rizvi, Member (A)

ASI Sahib Singh  
s/O Sh. Karan Singh  
c/O Sh. C.D.Garg  
C 7/105 B  
Lawrence Road  
New Delhi

..Applicant

(By Advocate: Shri Pradeep Dhayia for Shri A. Bhardwaj)

Versus

1. Commissioner of Police  
Police Head Qrs.  
I.P. Estate,  
New Delhi
2. Addl. Commissioner of Police (Estt.)  
Police Head Qrs.  
I.P. Estate,  
New Delhi
3. Deputy Commissioner of Police (PCR)  
Police Head Qrs.  
I.P. Estate,  
New Delhi
4. Assistant Commissioner of Police (Vigilance)  
PHQ IP Estate  
New Delhi

...Respondents

(By Advocate: Shri R.K.Singh for Shri A.K.Chopra)

O R D E R (ORAL)

Hon'ble Shri S.A.T. Rizvi, M (A):

The applicant in the present OA was promoted to the rank of ASI (Ex.) w.e.f. 29.6.1988 and was to be confirmed after the expiry of period of probation w.e.f. 29.6.1990. However, he was placed under suspension on 21.3.1991 and a criminal case was launched against him along with a departmental enquiry. He was acquitted in the criminal case on 24.4.1999. The departmental proceedings were thereafter dropped on 13.10.1999. He was thereafter confirmed retrospectively w.e.f.

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29.6.1990 and his name was also removed from the secret list from the date of inception, i.e., from 13.4.1992. (10)  
Having thus been exonerated in the departmental enquiry after his acquittal in the criminal case and also upon having been confirmed from 29.6.1990 and his name also having been removed from the secret list as above, he became entitled to be considered for promotion to the post of SI (Ex.). The applicant remained suspended from 21.3.1991 to 21.6.1999. He could not, therefore, be considered by the DPC held on 16.1.1997 in which a person junior to him was brought on the promotion list E-1 (Ex.) w.e.f. 16.1.1997.

2. After his reinstatement in service, he was considered for promotion by virtue of a court order by a review DPC held on 1.5.2001. In that review DPC, the applicant's case for promotion w.e.f. 16.1.1997 was considered ~~and~~ also his further claim for promotion <sup>or alternatively</sup> from 2.12.1998 and 1.9.2000 on which dates further DPC meetings were held to consider the cases for promotion of ASI (Ex.) to the post of SI (Ex.). In the said review DPC, while considering his case for promotion from 16.1.1997, the review DPC considered his ACRs for the years from 1985-86 to 1989-90 for the reason that subsequent ACRs right upto 1999-2000 were not available. He was found unfit as he had failed to receive three "good" or above <sup>& ACRs</sup> in accordance with the relevant guidelines. When it came to considering his claim for promotion w.e.f. 2.12.1998, the DPC considered his ACRs again for a period of five years, but this time for the period from 1986-87 to 1990-91. During the said period,

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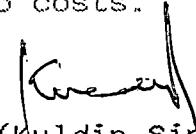
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the applicant had earned two "good" or above ACRs which fell short of the desired number by one and, therefore, he could not be considered fit for promotion. Thereafter, while considering his claim for promotion w.e.f. 1.9.2000, having regard to the changed criterion permitting consideration of six years ACRs instead of five years, as earlier, the DPC considered the applicant's ACRs for the period from 1985-86 to 1990-91. It was found that during the period in question, the applicant had earned three "good" or above ACRs. On this basis, he was considered fit for promotion w.e.f. 1.9.2000. We have perused the departmental record pertaining to the aforesaid review DPC and also the record pertaining to the DPC meetings held on 16.1.1997, 2.12.1998 and 1.9.2000 and find nothing wrong with the way the respondents had proceeded in the matter. The recommendation made by the DPC is found by us to be in order. In the circumstances, the OA fails and is dismissed. There shall be no order as to costs.

  
(S.A.T. Rizvi)

Member (A)

  
(Kuldip Singh)

Member (J)

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