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Central Administrative Tribunal, Principal Bench

Original Application No.3271 of 2001

New Delhi, this the 25th day of October, 2002

Hon'ble Mr. Justice V.S. Aggarwal, Chairman  
Hon'ble Mr. M.P. Singh, Member (A)

Shri Chandeshwar Prasad,  
S/o Shri Shyam Lal (Late)  
R/o Quarter No.7, Type - I  
New Police Lines,  
Kingsway Camp,  
New Delhi

....Applicant

(By Advocate: Shri S.K. Gupta)

Versus

1. Govt. of NCT of Delhi  
Through Chief Secretary,  
Delhi Secretariat,  
I.P. Estate,  
New Delhi-2

2. Commissioner of Police,  
Delhi Police Headquarters,  
MSO Building, I.P. Estate,  
New Delhi-2

3. Deputy Commissioner of Police (North Distt.)  
Civil Lines,  
New Delhi

....Respondents

(By Advocate: Ms. Rashmi Chopra)

O R D E R (ORAL)

By Justice V.S. Aggarwal, Chairman

The applicant (Chandreshwar Prasad) is a Constable in Delhi Police. By virtue of the present application, he seeks quashing of the action of respondents in not considering him for the post of Head Constable and for a direction to consider him for promotion to the post of Head Constable in terms of Rule 14 of Delhi Police (Promotion & Confirmation) Rules, 1980. If the applicant is found suitable, then he should be so promoted.

2. Some of the relevant facts are that applicant had joined Delhi Police in 1986 on deputation basis. He was

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absorbed in Delhi Police w.e.f. 3.2.86. He contends that he has put in more than 20 years of service but has not been considered for promotion while his juniors as such have been promoted. Plea has been taken that criteria for promotion to the next higher grade is that five years confidential reports of the person is to be considered out of which minimum three reports should be good.

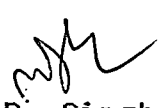
3. In the reply filed, the petition has been contested. It is not disputed that the applicant had been taken on deputation in Delhi Police but according to the respondents, he was absorbed permanently w.e.f. 5.12.88. In order to draw the promotion list 'C' (Executive) under Rule 14 of Delhi Police (Promotion & Confirmation) Rules, the service particulars of all confirmed police constables who have crossed the age of 40 years had been called. The departmental promotion committee had met. The applicant's last five years confidential reports were considered. He could not make the grade due to adverse entry in his CRs for the year 1999 and 2000. Therefore, his name could not be drawn on the promotion list.

4. After hearing the parties counsel, we are of the considered opinion that in the facts of the present case, application must fail being without merit. The contention that the case of the applicant has not been considered, falls to the ground because respondents have produced the original record in this regard which clearly shows that the case of the applicant had been considered.


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5. In that event what was highlighted was that the applicant has more than three good reports in the last five years and therefore, he had a right to be so promoted.

6. Even on that score, perusal of the relevant facts show that what is being urged at the Bar is not borne from the record. For the year 1999-2000 (1.4.99 to 31.3.2000), there is a positive adverse entry against the applicant. Even for the period 1.4.98 to 31.3.99, the work and conduct of the applicant has not been assessed to be good. It has been recorded as just satisfactory. Keeping in view the adverse entry that has been recorded, the disciplinary authority did not deem it appropriate to promote the applicant. Accordingly there is precious little for this Tribunal to interfere in this regard. For these reasons, the O.A. must fail and is dismissed.

  
( M.P. Singh )  
Member (A)

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( V.S. Aggarwal )  
Chairman