

Central Administrative Tribunal  
Principal Bench

O.A. No. 1157 of 1999

New Delhi, dated this the 1<sup>st</sup> DECEMBER, 2000

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)  
HON'BLE DR. A. VEDAVALLI, MEMBER (J)

Shri Narayan Singh Meena,  
Inspector (Executive),  
Delhi Police,  
R/o Qr. No. 815,  
Sector No. 3, R.K. Puram,  
New Delhi. . . Applicant

(By Advocate: Shri Shankar Raju)

Versus

The Commissioner of Police,  
Police Headquarters,  
I.P. Estate, New Delhi. . . Respondents

(By Advocate: Shri Vijay Pandita)

ORDER

MR. S.R. ADIGE, VC (A)

Applicant impugns respondents' order dated 17.6.98 (Annexure A) and seeks ~~for~~ promotion as Inspector of Police w.e.f. the date his immediate junior was promoted i.e. 6.5.93 with consequential benefits.

2. Heard both sides.

3. Admittedly applicant being aggrieved by respondents' orders dated 9.9.96 and 17.10.96 rejecting his representation for inclusion in Promotion List 'F' (Executive) w.e.f. 26.8.92 onwards, filed O.A. No. 2539/96 claiming promotion as Inspector w.e.f. 6.5.93, the date on which his immediate junior was so promoted, after being brought onto Promotion List F (Executive), pursuant to the DPC

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meeting on 26.8.92.

4. O.A. No. 2539/96 was disposed of by order dated 9.2.98 (Annexure J), pursuant to which, the adverse remarks in applicant's ACR for the period 5.5.89 to 2.2.90 were partly expunged and his case was placed before a review DPC to adjudge his merit and suitability for admission to Promotion List F (Exe) w.e.f. 26.8.92; 11.11.93 and 12.8.94 when his immediate juniors were so considered. The review DPC concluded that applicant was unfit for inclusion to Promotion List F (Exe) w.e.f. each of those dates and he was informed accordingly vide U.O. dated 17.6.98 (Annexure A).

5. Applicant thereupon filed a contempt petition which was also dismissed on 16.7.1998.

6. As per Rule 5(i) Delhi Police (Promotion & Confirmation) Rules, promotion from one rank to another and from lower to higher grade in the same rank is to be made by selection tempered by seniority in which efficiency and honest shall be the main factors governing seleiction. While the DPC is entitled to frame its own yardsticks for recommending promotions certain broad guidelines have been

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formulated by respondents in their circular dated 23.9.92 (copy on record) to effect a certain measure of uniformity in making promotions. These guidelines emphasise inter alia that the total record of the officer in that particular grade has to be kept in view.

7. It is not denied that one of the remarks recorded in applicant's ACR during the relevant period is that he requires close supervision, and applicant was aware of that remark.

8. When honest and efficiency are at a premium while making promotions, respondents cannot be said to have acted illegally or arbitrarily in denying applicant promotion as Inspector of Police on finding such a remark in his ACR for the relevant period.

9. It will be open to applicant to seek expunction of that remarks in his ACR in accordance with rules and instructions, but manifestly till such time as that remark stands in his ACR for the relevant period, respondents cannot be faulted for denying applicant his promotion as Inspector of Police w.e.f. 6.5.93.

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10. Thus even without discussing the other defences taken by respondents, it is clear that the impugned order dated 17.6.98 warrants no interference.

11. In this connection we are informed that applicant has subsequently been promoted as Inspector w.e.f. 1998.

12. The O.A. is, therefore, dismissed. No costs.

A Kedavalli

(Dr. A. Vedavalli)  
Member (J)

S. R. Adige

Vice Chairman (A)

'gk'