

Central Administrative Tribunal, Principal Bench

O.A. No. 1195/99

New Delhi this the 22nd day of November, 1999

Hon'ble Shri S.P. Biswas, Member (A)

Hon'ble Shri Kuldip Singh, Member (J)

Shri Rishi Pal (189/Crime) (344 DRP)

S/o Shri Gurveer Singh

R/o B-16, Bhagirathi Vihar,

Delhi.

..Applicant

By Advocate Shri Shyam Babu.

Versus

1. Government of NCT of Delhi
through its Chief Secretary,
5, Sham Nath Marg,
New Delhi-110 054.

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

3. The Joint Commissioner
of Police (Vig.),
Police Headquarters,
I.P. Estate,
New Delhi.

..Respondents

Shri Deepak Bhardwaj, proxy counsel for Shri Arun Bhardwaj,
Counsel for the respondents.

ORDER(ORAL)

By Hon'ble Shri S.P. Biswas, Member (A)

The applicant, a Constable under Delhi Police, is aggrieved by the respondents' order at Annexure-A dated 1.3.99. By the said order, the applicant's representation for promotion on out-of-turn basis has been turned down on the basis that a Departmental Enquiry was pending against him w.e.f. 9.5.97 and that his name was on the list of those who are in the doubtful integrity.

2. The background of the fact is that the applicant along with others in a team were responsible for performing a commendable job in apprehending two dreaded criminals on

(6)

27.3.98. Pursuant to such a laudable activity, the respondent No.2, with the approval of respondent No.1, decided to offer out-of-turn promotions to as many as 31 officials as at Annexure-F dated 19.3.98. This annexure incorporates the names of those who have been granted ad hoc promotions to their next higher grade pursuant to meritorious and excellent work done by them in apprehending notorious criminals as aforesaid. The applicant was, however, denied the benefits of the said order for the reasons as stated in para 1 of this order. It was exactly from 9.5.97 that the applicant's name was also kept in the doubtful integrity list. The applicant claims to have preferred a representation on 11.3.98 and the DE was dropped on 1.9.99. The respondents, thereafter, had removed the name of the applicant from the doubtful integrity list w.e.f. 1.9.99, as is evident from the Annexure-I dated 8.9.99 attached with the rejoinder. The applicant would contend that as per details available in the paper-book nothing stands in the way of his being considered for ad hoc promotions like those who have been favoured by the order dated 19.3.98.

3. Shri Deepak Bhardwaj, proxy counsel for the respondents concedes that the applicant's case would have been considered under the provisions of 19(ii) of the Delhi Police (Promotion and Confirmation) Rules, 1980 had the applicant been cleared in respect of the proceedings allegedly initiated against him. Now that the proceedings and the subsequent stigma of being in the integrity list have been taken out, the respondents submit that the applicant's case could be considered in the light of the actions taken by them as at

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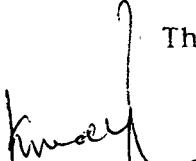
Annexure A. We, therefore, dispose of the OA with the following directions:-

(7)

(i) The respondents shall consider the case of the applicant for ad hoc promotion under Rule 19(ii) in the light of the order dated 19.3.98 (Annexure F) and in view of the observations aforesaid.

(ii) The respondents shall pass an appropriate order within a period of 2 months from the date of receipt of a copy of this order.

4. The OA is disposed of as above.


(Kuldip Singh)

Member (J)


(S.P. Biswas)
Member (A)

Rakesh