

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No. 1448 of 1999

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New Delhi, this 4th day of May, 2000

Hon'ble Shri Justice V.Rajagopala Reddy, VC(J)
Hon'ble Smt. Shanta Shastry, Member(A)

B.K. Singh
A-211 Pandara Road
New Delhi.

..... Applicant

(By Shri K.K.Rai, Advocate) ~~through proxy~~
Shri Tarkeswar Nath)
versus

1. Union of India, through
Joint Secretary (U.T)
Ministry of Home Affairs
Govt. of India, North Block
New Delhi.
2. Union Public Service Commission
Through its Chairman
Dholpur House
Shahjahan Road
New Delhi.
3. Shri Rajiv Ranjan
C/o Deputy Commissioner of Police
Rashtrapati Bhawan
New Delhi-110001.
4. Shri R.K. Pandey
C/o Deputy Commissioner of Police
Anti Corruption Branch
Govt. of N.C.T. of Delhi
Old Secretariat, Delhi.
5. Shri Rajveer Singh
R/o 7/LF, Babban Place
Near Bengali Market
New Delhi.
6. Shri Santosh Kumar
ACP Departmental Enquiry Cell
J-3/20 DDA Flat, Kakkaji
New Delhi.
7. Shri Rajesh Kumar
C/o Deputy Commissioner of Police(West)
Rajouri Garden, New Delhi
New Delhi.
8. Shri A.K.Sikka
c/o Deputy Commissioner of
Police(North District)
Civil Lines, Delhi.
9. Shri R.A.Sanjeev
C/o Deputy Commissioner of Police(South)
Hauz Khas
New Delhi.

[Signature]

(No. 2)

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10. Shri Prem Nath
C/o Deputy Commissioner of Police (North)
Civil Lines
Delhi. Respondents

(By Advocate: None present)

Order (oral)

By Reddy, J.

Heard the learned counsel for the applicant.

2. The applicant belongs to U.T. Police Service of 1988 batch. He is governed by U.T. of Delhi, Andaman and Nicobar Islands, Lakshadweep, Daman and Diu and Dadra and Nagar Haveli Service Rules, 1995 (for short, Rules). He joined service as Assistant Commissioner on 30.4.1989. He was considered for promotion to the post of Grade-I (Selection Grade) and was promoted on the recommendations of the DPC met on 15.12.1997 by order of 26.3.1998, with effect from 1.4.1997. The grievance of the applicant is that since he had completed 8 years of approved service by 1.7.1996, he was entitled to be promoted with effect from 1.7.1996. The learned counsel relies upon the National Capital Territory of Delhi, Andaman and Nicobar Island, Lakshadweep, Daman and Diu and Dadra and Nagar Haveli Service (Amendment Rules, 1997) which came into force on 15.10.1997. As per the said Rules, the learned counsel submits that he has completed approved service of 8 years by 1.7.1996, hence he is entitled to be promoted from that date.

(No. 2)

3. In spite of opportunities granted to file reply, no reply is filed by the respondents, None appears for the respondents.

4. Rule 2(1) of the amended Rules, define 'approved service' as under:

"(n) 'Approved Service' in relation to any grade means period or periods of regular service rendered in that grade, including period or periods of absence during which he could have held a post on regular basis in that grade but for his being on leave or otherwise not being available to hold such post, from the first day of July of the year-

(a) following the year in which the examination was held in respect of an officer appointed directly to that grade;

(b) for which the recruitment was made on regular basis in respect of an officer appointed to that grade by promotion."

5. Rule 2(2) says that for 'Regular Service', the words 'approved service' should be substituted in Schedule III. It is clear from above, the period of eligible service of 8 years for promotion should be considered from the date following the examination. If that date is reckoned, the applicant would be completing 8 years by 1.7.1996 and he is entitled to be promoted from that date. But, in our view, the amended Rules which came into force on 15.10.1997 have no application to the facts of the case because the applicant ^{completed} 8 years of regular service by 1.4.1997, on which date the amended rules did not come into force, ^{hence} through DPC met on

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15.1.1997. The Respondents have rightly taken into consideration the unamended rules and promoted the applicant with effect from 1.4.1997 as by that date the applicant was governed by the old rules. The contention that since the DPC met in 1997 after the amended rules came into force, is not correct.

6. It is further contended that the DPC considered no other respondents as per the new rules, cannot be considered in this case as their cases of promotion are not under challenge. Even if their consideration was illegal, the same illegality cannot be applied to the applicant.

7. In the facts and circumstances of the case, the OA fails and is dismissed. No order as to costs.

(Mrs. Shanta Shastry)
Member (A)

(Mrs. Shanta Shastray)
Member (A)

Om Rajagopal
(V. Rajagopala Reddy)
Vice Chairman(J)

Member (A)

Vice Chairman(J)

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