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CENTRTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A NO. 1534/1999

New Delhi, this the 04th day of December, 2000

HON'BLE SHRI JUSTICE ASHOK AGARWAL, CHAIRMAN
HON'BLE SHRI S.A.T. RIZVI, MEMBER (A)

Head Constable Khajan Singh No.241/S.W
Posted at P.S. Najaf Garh,
S/o Shri Bhana Ram, aged 52 years,
R/o Vill & P.O. Shripur Lowa Kalan
Police Station Bahadur Garh
District Jhajhar,
Haryana Applicant
(By Advocate : Shri Shankar Raju)

VERSUS

1. Union of India,
Through its Secretary,
Ministry of Home Affairs,
North Block,
New Delhi.
2. Dy Commissioner of Police,
Licencing (H.Q)
Police Head Quarters,
I.P. Estate, M.S.O. Bldg.,
New Delhi Respondents
(By Shri Sachin Chauhan proxy for
Shri Rajinder Pandita)

O R A L (ORAL)

HON'BLE SHRI S.A.T. RIZVI, MEMBER (A)

The applicant Head Constable in this case is aggrieved by his name not being included in the Promotion List D-I(Exe.) which clears the way for the placement of Head Constables in the Promotion List D-II (after passing the intermediate school course), whereafter the Head Constables become eligible for being considered for promotion to the rank of ASI.

2. The applicant was appointed as Head Constable (Exe.) on 30.6.1984 and was confirmed in that rank on 1.7.1986. The rule position is that after five years of service as confirmed H.C., a
- 2

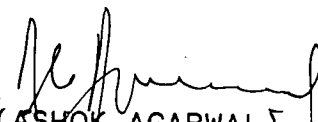
H.C. becomes eligible for being considered for placement in Promotion List D-I subject to fulfilment of certain conditions and requirements. The DPC for the aforesaid purpose relating to the case of the applicant was held in March - April, 1999. The DPC found him unfit for enlistment, in List D-I.


3. The learned counsel for the applicant has contended that the Annual Confidential Reports of the applicant for five years period immediately preceding the date (s) of holding of the DPC were good enough in accordance with the norms and, therefore, the applicant should have been picked up for enlistment in List D-I. The relevant five years' period would be from 1994-95 to 1998-99. The learned counsel has not produced any record to show that the applicant was actually adjudged by the authorities satisfactorily in the way he should have been adjudged for the purpose of placement in promotion list D-I. The ground taken by him is that since no adverse remark was ever conveyed to him, he had assumed that he had succeeded in getting satisfactory gradings from the authority during the aforesaid period of five years. The learned counsel for the respondents does not agree with this contention and has, on the other hand, drawn our attention to the punishment meted out to the applicant in 1994-95 itself. We find that the punishment of censure was imposed on the applicant on 28.10.1994 on the charge of bribery. The learned counsel for the respondents contends that while in ordinary course

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the effect of a censure technically speaking vanishes after a period of six months, in this case the DPC has relied not on the aforesaid technical aspect, but on the actual charges which were found proved against the applicant. It is obvious to us that the charge of corruption is one of the worst charges that render a government servant unfit. In the applicant's case, however, he seems to have been let off with a minor penalty, that of a censure. All the same, keeping the gravity of the charge proved against the applicant in view, we will be least inclined to interfere with the decision taken by the DPC and the respondents in this matter.

4. In the result, the O.A. fails and is, therefore, dismissed without any order as to costs.


(ASHOK AGARWAL)
CHAIRMAN


(S.A.T. RIZVI)
MEMBER (A)

(pkr)