

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA 200/1999

16

New Delhi, this the 19th day of January, 2001

Hon'ble Smt. Lakshmi Swaminathan, Vice-Chairman (J)
Hon'ble Sh. Govindan S. Tampi, Member (A)

1. Inspector Tej Singh
No. D-1612
S/o Shri Daya Ram,
R/o D-106, Prashant Vihar,
New Delhi.

...Applicant

(By Advocate Mrs. Sumedha Sharma)

V E R S U S

1. Commissioner of Police
Police Headquarter,
M.S.O. Building, ITO
I.P.Estate
New Delhi.
2. Dy. Commissioner of Police
Central District, Delhi.
3. Addl. Commissioner of Police,
HOQRS (I) Delhi
PHQ, M.S.O. Building
I.T.O., I.P.Estate
New Delhi.

...Respondents

(By Advocate Shri Rajinder Pandita)

O R D E R (ORAL)

SMT. LAKSHMI SWAMINATHAN, VICE-CHAIRMAN (J)

The applicant has impugned the letter dated 24-8-98 passed by the respondents. In this letter it has been stated that the applicant may be informed that his case regarding declaration of probation period will be decided after the finalisation of the complaint pending against him.

2. We have perused the pleadings and heard Mrs. Sumedha Sharma, learned counsel for the applicant and Shri Rajinder Pandita, learned counsel for the respondents.

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3. Brief relevant facts of the case as seen from the reply filed by the respondents are that the applicant was initially appointed as temporary Sub-Inspector (Ex.) in Delhi Police on 18-7-77 and confirmed in that post w.e.f. 2-1-1981. His further promotion was kept in a sealed cover due to the pendency of a complaint case before the competent criminal Court. Later the sealed cover was opened and he was given promotion to the rank of Inspector (executive) with retrospective effect by placing him at the appropriate place of seniority. The main claim of the applicant in the present case is that the probation period of the applicant has not been properly decided by the respondents, who have kept it pending till the finalisation of the complaint case stated to be pending against him. Mrs. Sumedha Sharma, learned counsel relies on the provisions of Rule 17 (1) of the Delhi Police (Probation & Confirmation) Rules, 1980. She has contended that the probation period cannot be extended for an unlimited period in terms of the Rule 5 (2) of the Delhi Police (Promotion & Confirmation) Rules, 1986. She has submitted that the applicant was censured vide order dated 1-7-96, on account of which his probation was extended for six months beyond the initial two years. Her submission is that a direction may be given to the respondents to take a proper decision in the matter regarding the period of probation of the applicant in accordance with the Rules and not keep it pending indefinitely as stated in the impugned order.

4. Shri Rajinder Pandita, learned counsel relies on the Circular dated 29-11-89 issued by the respondents, copy placed on record. The relevant portion of the circular reads as under. :-

18

"The officers/men who are under suspension and/or are facing enquiry/investigation of any kind will be considered for confirmation/declaration of completion of probation period at the due time, but the decision in their regard will be announced on finalization of enquiry/investigation pending against them.

5. Taking into account, the facts and circumstances of the case and the provisions of Rule 5 (ii) of Delhi Police (Probation & Confirmation) Rules, 1980, the respondents are directed to take an appropriate decision on the question of the extended probation period of the applicant and pass a speaking order. This shall be done within two months from the date of the receipt of the copy of this order. No order as to costs.

(GOVINDAN S. TAMPI)
MEMBER (A)

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(SMT. LAKSHMI SWAMINATHAN)
VICE-CHAIRMAN (J)