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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH: NEW DELHI

...  
OA No. 276/99

New Delhi, this the 17<sup>th</sup> day of March, 1999

HON'BLE SHRI T.N. BHAT, MEMBER (J)  
HON'BLE SHRI S.P. BISWAS, MEMBER (A)

In the matter of:

Head Constable Rajender Singh No. 77/SW,  
P.S. Dabri, South West District,  
New Delhi. ....Applicant

(By Advocate: Shri Sama Singh)

Versus

1. Lt. Governor of Delhi  
Raj Niwas Marg,  
Delhi.
2. Commissioner of Police,  
Delhi Police Headquarters,  
MSO Building, IP Estate,  
New Delhi.
3. Addl. Commissioner of Police,  
Southern Range,  
Delhi Police Headquarters,  
MSO Building, IP Estate,  
New Delhi.
4. Deputy Commissioner of Police,  
South West District,  
Vasant Vihar, New Delhi. ....Respondents

(By Advocate: None)

O R D E R

delivered by Hon'ble Shri T.N. Bhat, Member (J)

We have heard Mr. Sama Singh, the learned  
counsel for the applicant, on the question of admission.  
For reasons <sup>that</sup> ~~these~~ follow we are convinced that this O.A.  
deserves to be dismissed in limine.

2. The applicant in the O.A., a Head Constable  
in Delhi Police, seeks directions to the respondents to  
grant out of turn promotion to the applicant as he  
considers himself to be an officer who had shown

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exceptional gallantry and devotion to duty on 2.7.1987 when while coming back to Delhi from Muzaffarpur the Police party of which the applicant was a member was attacked by dacoits. According to the applicant he showed exceptional courage and presence of mind even though he had received a bullet injury. The applicant is aggrieved by the fact that the respondents have failed to appreciate and give due credit to the applicant's role in the above incident, while police personnel who had shown such exceptional gallantry in other incidents have been granted out of turn promotion.

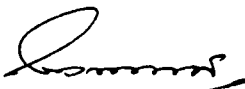
3. Rule 19 (ii) of Delhi Police (Promotion and Confirmation) Rules, 1980 provides that outstanding sportsmen, marks—men and officers who have shown exceptional gallantry and devotion to duty may be promoted to the next higher rank provided vacancies exist. It further provides that such promotions shall not exceed 5 percent of the vacancies. The power to grant such promotions is vested in the Commissioner of Police who is, however, required to seek the prior approval of the Lt. Governor.

4. A bare reading of the provision contained in the aforesaid Rule 19(ii) would show that the exercise of the power to grant such out of turn promotion depends upon the subjective satisfaction of the Commissioner of Police. It is for him to take the view on the question as to whether the officer has done an act of exceptional gallantry and devotion to duty. The scope of judicial review in such matters would necessarily be limited. The Tribunal can hardly intervene in such matters. It is not

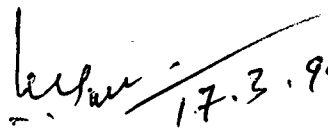
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for the Tribunal to suggest as to in what manner should the Commissioner of Police act so as to encourage the subordinate officers, which is the only object of the provision contained in Rule 19 (ii).

5. Viewed as above, we find no grounds in this O.A. for issuing notice to the respondents. This O.A. is accordingly dismissed in limine. We, however, make it clear that the dismissal of this O.A. shall not prevent or debar the respondents to consider the applicant's claim raised in this O.A.

  
(S.P. Biswas)  
Member (A)

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(T.N. Bhat)  
Member (J)