

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

OA NO. 2380/99

New Delhi, this the 19th day of October, 2000.

(A)

HON'BLE MR. JUSTICE V.RAJAGOPALA REDDY, VICE CHAIRMAN (J)
HON'BLE MR. GOVINDAN S. TAMPI, MEMBER (A)

In the matter of:

Mukhtiar Singh,
S/o Sh. Pritam Singh,
R/o Qtr. No. 244, Type-6,
Police Colony,
Ashok Vihar,
New Delhi.
(By Advocate: Sh. Ajesh Luthra)

Vs.

1. Union of India
through Secretary,
Ministry of Home Affairs,
North Block,
New Delhi.
2. The Commissioner of Police,
Police Headquarters,
M.S.O.Building,
I.P.Estate,
New Delhi.
3. The Deputy Commissioner of Police,
(Vigilance),
P.H.Q., M.S.O.Building,
I.P.Estate,
New Delhi.
4. The Additional Commissioner of Police,
(Establishment),
P.H.Q., M.S.O.Building,
I.P.Estate,
New Delhi.

(By Advocate: Sh. Rajinder Pandita)

ORDER (ORAL)

Justice V.Rajagopala Reddy,

The applicant was a Constable in Delhi Police. After a departmental enquiry he was inflicted with a punishment of forfeiture of 5 years service with cumulative effect vide orders dated 25.11.91. The appeal was rejected. Pending the enquiry, his name was placed in the select list. The applicant filed OA-1419/92 which was allowed by order dated

1.9.97 quashing the order of the disciplinary authority as well as the appellate authority. Consequently respondents considered him for promotion for the rank of Head Constable and granted him proforma promotion w.e.f. 25.11.94. It is the case of the applicant that his juniors were promoted in 1991 but though he was considered for promotion he was not promoted only on the ground that his name was placed in the secret list. It is the case of the applicant that now the punishment has been set aside, the applicant should be reconsidered for promotion w.e.f. 7.1.91 the date on which his juniors have been considered and promoted.

2. Heard the counsel for the applicant and the respondents. The facts are not in dispute. Admittedly, the applicant was not found fit for promotion on the ground that his name was placed in the secret list. Now, the punishment has been set aside, he is entitled to be considered for promotion w.e.f. 7.1.91, the date on which his juniors were considered and promoted. It is also not in dispute that the applicants have been removed from the secret list in 1994. We have already taken the view in another matter that once the punishment has been set aside the name of the applicant stands removed from the secret list from the date it was placed therein as the removal of the name should date back the date of his inclusion in the secret list. Consequently, the applicant is entitled to be considered for promotion w.e.f. 7.1.91.

3. The OA, therefore, succeeds. Respondents shall consider the applicant for promotion to the post of Head Constable w.e.f. 7.1.91 within a period of 3 months from the date of

receipt of a copy of this order. He is also allowed for consequential benefits of fixation of pay and seniority w.e.f. the date he was promoted. The OA is, accordingly, allowed. (b)

(GOVINDAN S. TAMPI)

Member (A)

'sd'

V.Rajagopala Reddy
(V.RAJAGOPALA REDDY)

Vice Chairman (J)