

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH: NEW DELHI

O.A. No. 260 of 1999

New Delhi, this 07th day of September, 1999.

HON'BLE MR. JUSTICE V. RAJAGOPALA REDDY, VICE CHAIRMAN  
HON'BLE MRS. SHANTA SHASTRY, MEMBER (A)

ASI Harbans Lal  
S/o Shri Chajju Ram  
R/o 149, Police Complex  
P.T.S. Malvia Nagar  
New Delhi.

... Applicant

(By Advocate: Shri Shankar Raju)

versus

1. Union of India,  
Through Secretary  
Ministry of Home Affairs  
North Block  
New Delhi-110001.
  2. Addl. Commissioner of Police  
Establishment, Police Headquarters  
I.P. Estate  
M.S.O. Building  
New Delhi.
  3. Dy. Commissioner of Police  
H.Q. Police Head Quarters  
M.S.O. Building, I.P. Estate  
New Delhi.
- ... Respondents

(By Advocate: Shri Bhaskar Bhardwaj, proxy  
for Shri Arun Bhardwaj)

O R D E R (Oral)

By Reddy, J.

Heard the learned counsel for the applicant and  
the respondents.

2. The applicant who is an Assistant Sub Inspector  
(ASI) in the Delhi Police is aggrieved by the non  
consideration of his name for promotion on the ground  
that his name was kept in the secret list.

3. The name of the applicant was placed in the  
secret list on 13.3.1996 by an order dated 6.4.1995 on

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✓ the ground that a departmental enquiry was pending against him. The departmental enquiry was subsequently concluded and the applicant was exonerated by an order dated 7.4.1998. During the pendency of the enquiry, DPC was convened and the juniors of the applicant had been considered for promotion to the post of Sub Inspector(Ex.) and the name of the applicant was placed in the reserved category in sealed cover by an order dated 22.1.1997. Even after the exoneration of the applicant in the departmental enquiry by an order dated 7.4.1998, the name of the applicant was not removed from the sealed cover. His name was however removed subsequently from the secret list with effect from 7.4.1998 by an order dated 10.7.1998 which is filed as Annexure A-1 to the OA. The grievance of the applicant is that his name should have been removed from the date when his name was placed in the secret list, i.e. with effect from 13.3.1996 and he should have been considered for promotion to be <sup>placed</sup> ~~placed~~ in E-I list from the said date.

4. The learned counsel for the respondents contends that the applicant is entitled for consideration for promotion only with effect from 7.4.1998 when his name was removed from the secret list.

5. The facts are not in dispute in this case. The name of the applicant was placed in the secret list with effect from 13.3.1996 on the sole ground that a

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departmental enquiry was <sup>pending</sup> ~~held~~ against him. Admittedly, in the departmental enquiry the applicant was exonerated by an order dated 7.4.1998. The effect of the exoneration of the applicant in the enquiry is that the allegations made against him were not proved. The applicant, therefore, is entitled for removal of his name from the secret list with effect from 13.3.1996, i.e. the date of inception when the applicant's name was placed in the secret list. The respondents however removed the name of the applicant from the secret list with effect from 7.4.1998. The same view has been taken in OA.186/99 Kulwant Singh Vs. UOI which was disposed of on 30.8.99.

6. In the circumstances, the OA has to be allowed. Accordingly the OA is allowed and the order dated 10.7.1998 (Annexure A-1) is set aside in so far as the applicant is concerned. The respondents are directed to consider the applicant's name for promotion as if his name was not placed in the secret list at all.

- No costs.

*Shanta Shastry*  
(Mrs. Shanta Shastry)  
Member(A)

*V. Rajagopala Reddy*  
(V. Rajagopala Reddy)  
Vice Chairman(J)

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