

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH
New Delhi

O.A. No. 2657/1999

New Delhi, this 2nd day of the January, 2001

HON'BLE MR. V.K. MAJOTRA, MEMBER (A)
HON'BLE MR. SHANKER RAJU, MEMBER (J)

Shri Ramesh Chand, S/o Shri Itwari Singh, R/o
H.No.333, Vill. Saboli, Police Station Nandnagari,
Delhi 110093. Presently working as Assistant Sub
Inspector (No. 1215-D) and posted in the office of
Deputy Commissioner of Police (Security) Main Line,
Vinay Marg, Delhi Police, New Delhi. ... APPLICANT

(By Advocate: None)

Versus

1. The Commissioner of Police
PHQ, MSO Building, I.P. Estate,
New Delhi-110002.
2. The Addl. Commissioner of Police
PHQ, MSO Building, I.P. Estate,
New Delhi-110002.
3. The Deputy Commissioner of Police
PHQ, MSO Building, I.P. Estate,
New Delhi-110002.

... RESPONDENTS

(By Advocate: Mrs. Meera Chhibber)

ORDER

By SHANKER RAJU, MEMBER (J) :

None for the applicant. We proceed to dispose of
this case in accordance with the Rule 15 of the Central
Administrative Tribunals Procedural Rule, 1987.

2. The applicant has challenged his non-inclusion in
promotion list E-I (Executive) with effect from
16.01.1997, the order dated 14.10.1999 whereby the
representation of the applicant for promotion has been
rejected by observing that he could not achieve the
benchmark prescribed by the DPC and also the action of
the respondents whereby his juniors have been promoted
to the rank of Inspector.

(2)

3. The applicant is a confirmed Assistant Sub Inspector and at the time of holding DPC for the promotion by the department a promotion list E-I (Executive) was prepared by which the promotions were made effective with effect from 16.01.1997, The applicant was found unfit as he could not achieve the benchmark prescribed by the DPC. The applicant contended that despite having requisite seniority and also belonging to the Scheduled Caste category, he has been superseded by his juniors. The applicant further contended that he has good service record and no adverse remarks have ever been conveyed to him. The applicant further contended that his representation has been rejected in a mechanical manner without specifying the reasons as to why he has been found unfit.

4. We have carefully considered the contention of the applicant and, the learned counsel for the respondents and perused the record.

5. We find from the order sheet, vide an order dated 10.12.1999, the respondents have been directed to produce the relevant records. Vide an order dated 17.02.2000, the record of the applicant has been perused and the following observation have been made as under:-

...."We have perused the record in respect of the DPC held for preparing list E-I (Ex.). We find that the said DPC has noted the guidelines followed by it in the minutes of the DPC which met on 14.01.1997 and 16.01.1997 to select the names of ASI (Ex.) for admission of their names to list E-I (Ex.). The DPC has considered names of 744 eligible ASI (Ex.) falling within the zone of consideration and assessed their

suitability for admission to list E-I (Ex.) on the basis of ACRs recorded during the preceding five years together with their general record of service like punishments etc. As provided under Rule 5 of Delhi Police (Promotion and Confirmation) Rules, 1980, merit-cum-seniority was the guiding principle prescribed, officers having at least '3 good or above' reports and without any 'below average or adverse' report during the last five years were being considered in general category. However, amongst themselves as required under the brochure for SCs/STs. For SC candidates '2 good or above' reports and for ST candidates over all satisfactory reports were regarded as benchmark.

2. As far as the applicant is concerned, he belongs to SC and he is required to have '2 good or above' reports for being included in the list. So far as he is concerned, he has got 'average', 'good', 'average', 'average' and 'average/very good'. If one has regard to the aforesaid remarks to be found in his ACRs, he is found to have obtained one 'good' and half 'very good'. Since it is not clear as to for what period applicant has been given 'average' and for what period he has been given 'very good' for the year 1995-96, we direct the learned counsel for the respondents to produce his ACRs for our perusal on the next date of hearing."

At the time of hearing this matter the learned counsel for the respondents has submitted the DPC record as well as personal file of the applicant for our perusal.

6. Before dealing with the issue, the relevant Rules is necessary to mention which governs the promotion of the applicant as under:-

...."16. List 'E' - List E (Executive) confirmed Assistant Sub Inspector (Executive), who have put in a minimum of 6 years of service in the rank of Assistant Sub Inspector (Executive) shall be eligible for list E-I (Executive). The selection shall be made on the recommendations of the Departmental Promotion Committee. The Assistant Sub Inspector so selected, shall be brought on List E-I in order of their respective seniority, keeping in view the vacancies in the rank of Sub Inspector (Executive) likely to occur in the following

(4)

one year. Subject to the medical fitness by the Civil Surgeon, the selected Assistant Sub Inspector (Executive) shall be sent for training in the Upper School Course. On successfully completing the Upper School Course, their names shall be brought on promotion List E-II (Executive) in order of their respective seniority in List E-I for promotion to the rank of Sub Inspector (Executive) as and when vacancies occur."

From the perusal of this record we find that the posts of Sub Inspector is a selection post and the candidates are assessed on merit-cum-seniority as provided under Rule 5 of the Delhi Police (Promotion and Confirmation) Rules, 1980.

7. As per the guidelines of the DPC Circular Scheduled Caste candidates have to be adjudged separately as required under the brochure for SCs/STs. For SC candidates two 'good' reports and for ST candidates overall satisfactory reports were recorded as benchmark. It is contended by the respondents that the applicant was found unfit by the DPC while evaluating his service record and ACRs for the preceding five years as he could not achieve the benchmark of two 'good' in ACRs, the norms fixed by the DPC for SC category candidates. In order to satisfy ourselves, we have perused the DPC record and find that the ACRs of last five years which were taken into consideration by the DPC pertain to years from 1991 to 1996. The applicant has been graded 'average' for the year 1991-92, 'good' for the year 1992-93, 'average' for the year 1993-94, 'average' for the year 1994-95 and for the year 1995-1996, the applicant has been graded as 'very good' for the period of 22.12.1995 to 31.03.1996. From the perusal of the ACRs of the

applicant, it has been transpired that the applicant has failed to achieve two 'good' reports in his ACRs which was the eligibility norm fixed by the DPC for SC category candidates. As the applicant could not fulfill the minimum eligibility criteria laid down by the DPC for promotion to admission List E-I (Ex.), the respondents have rightly declared him unfit for promotion to the rank of Sub Inspector with effect from 16.01.1997. The applicant has not alleged any malafides against the DPC. The applicant has also not alleged any violation of the Rules or regulations pertaining to his promotion. The learned counsel for the respondents urges that the Tribunal would not sit in Judgement over the selection made by the DPC, if the applicant has been found unfit and could not confirm to the eligibility criteria laid down by the DPC for promotion. This contention has been fortified by her by placing reliance on the Judgement in the case of Mrs. Anil Katiyar Vs. VOI (JT 1996 (10) SC 768) laying down the aforesaid ration uphold the contention of the learned counsel for the respondents.

8. We have carefully considered the DPC report, ACRs of the Applicant for the years from 1991 to 1996 and also the personal file of the applicant, we find that the applicant has been rightly declared unfit for promotion as he could not achieve the requisite benchmark.

9. Keeping in view of the above discussion, we find no merit in the present application and the same is accordingly dismissed. No order as to costs.

S. Raju
(SHANKER RAJU)
MEMBER (J)

V.K. Majotra
(V.K. MAJOTRA)
MEMBER (A)

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