

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

OA.No.466 of 1999

Dated this 22nd day of February 2000

(9)

HON'BLE MR.JUSTICE ASHOK AGARWAL, CHAIRMAN
HON'BLE MRS. SHANTA SHAstry, MEMBER (A)

Bhopal Singh (3811/D)
S/o late Shri Inder Raj Singh
R/o C-6/174 Yamuna Vihar
Delhi-110053. Applicant

(By Advocate: Shri Shyam Babu)

Versus

1. Govt. of N.C.T. Delhi
through Chief Secretary
5 Sham Nath Marg
Delhi-110054.
2. Commissioner of Police, Delhi
Police Headquarters
I.P. Estate
New Delhi-110002.
3. Joint Commissioner of Police
(Vigilance)
Police Headquarters
I.P. Estate
New Delhi-110002.
4. Deputy Commissioner of Police, Delhi
Police Control Room
Sarai Rohila
Delhi. Respondents

(By Advocate: Shri George Paracken)

O R D E R (Oral)

Mr. Justice Ashok Agarwal

W.J.
The applicant in the present OA is Assistant Sub Inspector (Executive) in the Delhi Police. He is, by way of present OA, seeking several reliefs, most of which have been granted pending the OA. Present OA is now pressed for

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claiming only the relief which still remains to be granted to the applicant.

2. On 19.4.1996 a disciplinary enquiry was initiated against the applicant on allegation that he had failed to check the travel documents of a passenger at the Indira Gandhi International Airport, New Delhi. By an order passed on 7.1.1997 his name was brought on doubtful integrity list. His name was brought ~~in~~ in the list with effect from 19.4.1999, the date on which the disciplinary proceeding was initiated. A ^{chargesheet} was framed against the applicant on 26.5.1997. By an order passed on 22.4.1998 applicant was exonerated in the disciplinary proceedings. Again on 1.5.1998 applicant was placed under suspension on the ground of his having shown favour in issuing of Challan Book. By an order passed on 11.9.1998 applicant was re-instated as the enquiry conducted by the Vigilance as well as the Police Control Room could not be substantiated in respect of aforesaid allegation of showing favour in issuing Challan Book. By an order passed on 29.12.1998 the suspension period of the applicant was treated as spent on duty. In the DPC held on 2.12.1998 for promotion to the post of Sub Inspector (Executive) the applicant was found unfit for promotion on the ground that (i) he was censured on 20.12.1994 and (ii) his name appeared

N.S.J

in the secret list of doubtful integrity. On 13.1.1999 a show cause notice was issued to the applicant for showing favour in issuing the Challan Book. By an order passed on 6.4.1999 show cause notice dated 13.1.1999 was dropped as allegations could not be substantiated. On 28.10.1999 pending the present OA, name of the applicant has been removed from the doubtful integrity list with effect from 19.4.1996. With the aforesaid order having been passed on 28.10.1999, nothing now survives against the applicant which can come in the way of his being considered for promotion.

3. Shri George Paracken, learned counsel appearing for the respondents has however pointed out that a penalty of censure was imposed against the applicant on 20.12.1994 and the same still holds the field. In our view, having regard to the period that has gone ~~by~~ ^m from the date of the issue of the censure, the same can no longer survive and the same also cannot be held out against the applicant for denying him his right to be considered for promotion. In the case of Sukhbir Singh Vs Commissioner of Police in OA.610/96 decided on 24.1.2000, this Tribunal, placing reliance on a judgement of the Guwahati Bench of the Tribunal in A.K.Sahu Vs UOI & Anr [1992(2) CAT 480] has held that punishment of censure cannot come in the way of prootion —

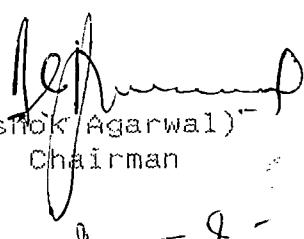


especially when the instructions of the Delhi Police dated 23.9.1992 themselves provide that the effect of censure would last only for six months. Aforesaid censure therefore cannot now be held against the applicant in order to deny him his claim for being considered for promotion.

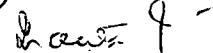
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4. In the circumstances, we direct the respondents to hold a review DPC and consider the applicant for promotion to the post of Sub Inspector (Executive) by ignoring the aforesaid censure as also the Secret/D.I. List. This exercise be undertaken within a period of three months from the date of receipt of a copy of this order.

5. Present OA is accordingly allowed in the aforesaid terms. No order as to costs.


(Ashok Agarwal)

Chairman


(Mrs. Shanta Shastray)

Member(A)

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