

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

OA No. 1000/99

New Delhi: this the 15th day of February, 2001

HON'BLE MR. S. R. ADIGE, VICE CHAIRMAN (A)

HON'BLE DR. A. VEDAVALLI, MEMBER (J)

Mam Raj Singh,
S/o Shri Thandi Lal,
R/o A-8/558, Harijan Basti,
East Gokulpur, Loni Boarder,
Shahdara, Delhi-94.

Working as
Asstt. Sub-Inspector (No. 2787/D),
Delhi Police, President Cell,
Main Security Lines,
Near Ashoka Hotel,
New Delhi-1.

.... Applicant.

(By Advocate: Shri D. S. Chaudhary)

Versus

1. Commissioner of Police,
Delhi,
MSO Bldg. PHQ, I.P. Estate,
New Delhi-2

2. Dy. Commissioner of Police,
Hqrs. (I),
MSO Bldg. PHQ, I.P. Estate,
New Delhi-2

..... Respondents.

(By Advocate: Shri Devesh Singh)

ORDER

S. R. Adige, VC (A):

Applicant impugns respondents' order dated 20.4.98 (Annexure-A-1) discontinuing his adhoc promotion as S.I of Police and the rejection of his representation by order dated 21.8.98 (Also Annexure-1). He seeks promotion to the post of S.I. on regular basis w.e.f. 16.9.97.

2. Admittedly applicant was admitted to Promotion List E-1 (Ex.) w.e.f. 25.11.94 and was promoted on adhoc basis as SI (Ex.) w.e.f. 13.1.95 under Rule 19(1) Delhi Police (Promotion & Confirmation) Rules. After completion of Upper School Course Training

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successfully in the term ending July, 1997 his name was brought on promotion list E-II (Ex.) w.e.f. 16.9.97.

3. Between 4.3.96 and 20.5.97 applicant has been censured 5 times. That apart he has received adverse CR for the period 1.4.96 to 6.8.96. On that basis respondents have contended that applicant's conduct and efficiency had decreased after his empanelment in promotion list and accordingly they issued impugned order dated 20.4.98 removing applicant's name from promotion List E-I (Ex.) and E-II (Ex) and discontinuing his adhoc promotion as SI of Police after putting him to notice.

4. We have heard both sides. Applicant's counsel has also filed counter submissions.

5. Firstly it is contended that the censures have an effect only up to 6 months, and could not have effected his service career beyond 19.11.97 and furthermore that applicant was brought onto promotion List E-I (Ex.) w.e.f. 25.11.94 and the instances mentioned in the impugned order which relate to censures inflicted in regard to subsequent events are irrelevant and applicant's name cannot be removed from Promotion List E-I (Ex.). Secondly, it is argued that applicant's CR for the aforementioned period was not 'below average' as recorded in the impugned order dated 20.4.98 but only 'average', and he could not have been reverted on the basis of these remarks. Thirdly, it is contended that applicant would have been regularised as SI w.e.f. 16.9.97 and could not have therefore be reverted. Fourthly it has been contended that his reversion amounts to reduction in rank which cannot be done except as a measure of punishment after enquiry.

(A)

6. Rule 5 Delhi Police (Promotion & Confirmation) Rules, 1980 lays down the general principles for promotion. Rule 5(i) specifically provides that promotion from one rank to another shall be by selection in which efficiency and honesty shall be the guiding factors. Rule 5(ii) provides that if the competent authority considers that the work of the officer has not been satisfactory or needs to be watched for some more time he may revert him to the grade or post from which he was promoted. A similar provision exists in Rule 18(iii) relating to confirmation.

7. Applicant's retention in Promotion List E-I (Ex.) and E-II (Ex.) was dependent on his continued efficiency. In the light of the 5 censure remarks received by applicant between 4.3.96 and 20.5.97 and the indifferent remarks earned by him in his CR for the period 1.4.96 to 6.8.96 respondents cannot be faulted for concluding that applicant's overall performance had slipped after his empanelment in Promotion List E. Applicant's counsel cannot be heard to argue that because the life of the censure is only 6 months, therefore it could not be taken into account in assessing his overall performance. Applicant was promoted as SI on purely adhoc basis, and his continuance as such was dependent on his continued efficiency. He has no enforceable legal right to continue on adhoc basis despite his slippage in performance, and if respondent on assessing his performance found the same not to be satisfactory, the rules themselves cited above empower them to revert applicant to his substantive post.

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8. The OA therefore warrants no interference.
It is dismissed. No costs.

A. Vedavalli
(DR. A. VEDAVALLI)
MEMBER (J)

S. R. Adige
(S. R. ADIGE)
VICE CHAIRMAN (A)

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