

Central Administrative Tribunal, Principal Bench

Original Application No. 1961 of 1998

New Delhi, this the day 25th of October, 2000

Hon'ble Mrs. Lakshmi Swaminathan, Member(J)
Hon'ble Mr.V.K.Majotra, Member (A)

H.C.Jagbir Singh, S/o Sh.Ram Kishan Dahiya,
R/o Q.No.20L, P.C.Model Town, Delhi. - Applicant
(By Advocate Ms.Sumedha Sharma)

Versus

1. Union of India through its Secretary,
Ministry of Home Affairs, North-Block,
New Delhi
2. Joint Commissioner of Police
(Administration), PHQ, M.S.O.Building,
I.T.O., I.P.Estate, New Delhi.
3. Dy.Commissioner of Police, H.Q., RS(I),
P.H.Q., MSO Building, I.T.O., I.P.Estate,
New Delhi.
4. Commissioner of Police, P.H.Q., M.S.O.
Building, I.T.O, I.P.Estate, New Delhi. - Respondents
(By Advocate Ms.Neelam Singh)

O R D E R

By V.K.Majotra, Member(A) -

Being eligible for promotion to List 'D' (Ministerial) having put in a minimum of 5 years service in the rank of Head Constable (Ministerial) and being a confirmed Head Constable, the applicant was considered but not recommended for promotion to List 'D' (Ministerial). His representation against his non-selection was rejected vide Annexure-A dated 18.5.1998.

2. The applicant has claimed that no DE has been initiated against him and his name was never included in the doubtful integrity list. He has never been conveyed any adverse remarks in the ACRs for the last 5 years. Therefore, the question of his non-promotion to List 'D' by the DPC should not arise at all. He has sought quashing of order dated 18.5.1998 (Annexure-A) and

12

direction to the respondents to promote him from the date his juniors were promoted.

3. In their counter the respondents have stated that the DPC is not guided merely by over all grading, if any, that may be recorded in the CRs but should make its own assessment on the basis of the entries in the CRs. The applicant was graded as ¹⁶Not approved' by the DPC because he could not achieve the bench mark of three good ACRs.

4. We have heard the learned counsel of both sides and perused the material available on record, DPC proceedings and the relevant ACRs of the applicant.

5. From the DPC proceedings we find that the following guide-lines were followed:-

1. Officers having atleast 3 "Good or above" reports during the last 5 years being recommended in general category. However, for ST candidates the over-all satisfactory service is regarded as "bench mark", in view of their availability in lesser number.

2. The total record of officers in the rank of Head Constable have been taken into account paying special attention to the nature and number of punishment received during the entire service career. Recent punishments, (those awarded in the preceding 5 years) and specially on the count of corruption and moral turpitude have been given added weight in excluding a person from the list.

3. Officers whose names are borne on "Secret List" of doubtful integrity have not been considered fit as per S.O.No.265/89.

4. Results of officers, who are under suspension or are facing D.Es or are involved in Criminal cases, have been kept in sealed cover".

16

19

:: 3 ::

We find from the records that the applicant had not received any punishment during the preceding five years. His name was not borne on secret list of doubtful integrity and he was not under suspension or facing any DE or involved in any criminal case. His ACRs during the relevant five years were assessed as follows :-

Year	Grading given by Reporting Officer	Grading given by DPC
1992-93	B/Very Good	B / Very Good
1993-94	A/Very Good	A/
1994-95	B/Excellent	B/Satisfactory
1995-96	B/Very Good	B/Satisfactory
1996-97	B/Good	B/Satisfactory

In these years the reviewing authorities have either not recorded their remarks or have just agreed with the grading recorded by the reporting officers.

6. The learned counsel of the respondents contended that the DPC considered various aspects of the applicant's case and did not find him fit for promotion to 'D' list. The learned counsel of the applicant relied on a decision dated 21.9.2000 of this Tribunal in the matter of Smt.Sonia Taneja Vs. The Commissioner of Police & another, O.A.No. 2145/1998 in which it was held, among others, that taking into view the instructions contained in the Home Department's letter dated 9.7.1996 Grading 'B' should be treated as equivalent to 'very good'.

7. The applicant had four 'B's and one 'A' during the relevant five years. The DPC had no material other than the ACRs for consideration of the case of the applicant. Thus, he was entitled for promotion to 'D' list and the action of the DPC in not recommending his

W

14

:: 4 ::

case on the ground that he did not obtain three 'good' gradings is wholly erroneous.

8. In the circumstances, the OA succeeds and is allowed. The respondents are directed to convene a review DPC consisting of members other than those in the DPC meeting held on 16.3.1998, to consider the case of the applicant in the light of the above observations to place him in List 'D' with effect from the date his juniors have been promoted. This exercise shall be completed within a period of three months from the date of receipt of a copy of this order. The applicant shall be entitled to all consequential benefits. No costs.

V.K. Majotra

(V.K. Majotra)
Member (A)

Lakshmi Swaminathan

(Mrs. Lakshmi Swaminathan)
Member (J)

rkv