

Central Administrative Tribunal  
Principal Bench

O.A. No. 2022 of 1998

New Delhi, dated this the 29<sup>th</sup> NOVEMBER 1999

Hon'ble Mr. S.R. Adige, Vice Chairman (A)  
Hon'ble Mr. Kuldip Singh, Member (J)

Chhida Singh Rawat,  
Head Constable No. 83/SD,  
Police Station Badarpur,  
New Delhi. .... Applicant

(By Advocate: Shri U.S. Prasad)

Versus

1. Union of India through  
the Secretary,  
Ministry of Home Affairs,  
North Block, New Delhi.
2. Lt. Governor of Delhi,  
through the Secretary,  
Rajniwas, Delhi.
3. The Police Commissioner,  
Police Headquarters, I.P. Estate,  
New Delhi. .... Respondents

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

ORDER

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

Applicant seeks promotion as Sub-Inspector of Police with retrospective effect and grant of seniority over his junior. He seeks implementation of the directions issued by the Hon'ble Supreme Court in its order dated 2.1.91 in C.A. No. 318/91 and seeks all benefits and emoluments other than back wages.

2. Applicant was enlisted as a Constable in

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Delhi. police w.e.f. 27.7.62. He was dismissed from service on 6.1.68 during the police agitation. In 1970 Government took a policy decision to convert the dismissal of 59 constables/Head Constables amongst the police agitationists including applicant to that of removal of service vide notification dated 2.12.70. A number of petitions were filed by these police personnel before Delhi High Court challenging this action. Applicant filed CWP No. 3174/85 before the Hon'ble Supreme Court which was disposed of with a direction that applicant could approach C.A.T. Thereupon applicant filed O.A. No. 1276/87 in C.A.T. which was allowed by order dated 23.3.90 with direction to respondents that applicant may be reinstated in service and he shall be entitled to consequential monetary benefits for the period, he was out of service, less what had already been paid to him. This order was challenged by respondents in Hon'ble Supreme Court vide C.A. No. 318/91, who by their judgment dated 21.11.91 ordered that applicant's reinstatement would not be disturbed, but he would not be entitled to any back salary from 6.1.68 to 3.1.85. Applicant was reinstated w.e.f. 6.1.68 vide order dated 28.2.91 in which it was mentioned that his dismissal period from 6.1.68 to 15.1.91 would be treated as period spent on duty but the pay and allowances would not be admissible for the period 6.1.68 to 3.1.85.

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4. Applicant's case for promotion as Head Constable (Executive) was thereupon examined, by a D.P.C. and as per his seniority-cum-suitability he was found fit for promotion as Head Constable (Ex.) w.e.f. 29.6.90 by granting him proforma promotion for the period from 29.6.90 upto the date of issue of the promotion order on 17.3.93.

5. Applicant thereupon submitted a representation praying for promotion as per his seniority. Respondents state that the request was considered by taking into consideration the judgments in the case of Bhopal Singh in CWP No. 214/70 and Fateh Singh in CWP No. 165/71 decided by the Delhi High Court as well as the Hon'ble Supreme Court's decision in C.A. No. 318/91 Union of India & Others Vs. Chidha Singh Rawat (applicant). While applicant was holding the rank of constable at the time of his dismissal and had not passed A(1) Test, S/Shri Bhopal Singh and Fateh Singh were holding the rank of Head Constable (Ex.) on the date of their dismissal. Hence on reinstatement in service they joined duties as Head Constable (Ex.) and as per their seniority/suitability. Respondents state that his request to grant him promotion with them was, therefore, not founded on facts and his representation was rejected and he was informed on 31.5.94.

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6. Thereupon applicant filed O.A. No. 2194/95 which was dismissed of by order dated 13.8.97 with the direction that in the event applicant gave a self-contained representation to respondents, specifically indicating what consequential benefits he was seeking and from which date, respondents were to examine the same in accordance with rules and instructions.

7. Pursuant thereof, applicant submitted his representation 13.8.97 and 16.9.97. He was given a personal hearing by the Commissioner of Police and thereupon his representations were rejected by order dated 10.10.97 (Annexure A-2) against which he has filed this O.A.

8. We have heard applicant's counsel shri U.S.Prasad and respondents' proxy counsel Shri Bhaskar Bhardwaj. Applicant has also filed written submissions which are taken on record. We have perused the materials on record and given the matter our careful consideration.

9. The main contentions advanced by applicant are that had he been reinstated in service in 1970 along with the other agitationists, he would have been able to acquire requisite qualifications for promotion to Head Constable (Ex.) in terms of List A and List B, which he has been deprived of, by

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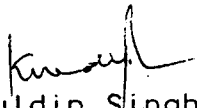
not reinstating him, and keeping him out of service till 1991. He contends that he ought to have been considered for promotion to the rank of Head Constable (Exe.) and subsequent promotions to the rank of Asst. Sub-Inspector and Sub-Inspector at par with his batchmates by dispensing with the requisite qualifications in List A & B as they are not applicable to him (he having been kept out of service illegally) and compares his case with that of S/Shri Bhopal Singh and Fateh Singh who were directly sent for upper course training, which was the requisite qualification for promotion to S.I.


10. The requisite qualifications prescribed for being brought onto Promotion Lists A & B are an integral part of the Delhi Police (Promotion & Confirmation) Rules and therefore cannot be dispensed with. Applicant also cannot compare his case with that of S/Shri Bhopal Singh and Fateh Singh who were holding the rank of Head Constables on the date of their dismissal, unlike applicant who was only a constable. What, however, can be done for applicant is that when respondents are considering bringing confirmed Head Constables who have put in a minimum of five years service in the rank onto promotion List D in accordance with their seniority as Head Constables subject to the availability of vacancies of Asst. Sub-Inspector, the case of applicant should also be considered in accordance with rules

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and instructions, by<sup>1</sup> giving him necessary age relaxation in view of the peculiar facts and circumstances of his case. We direct accordingly.

11. The O.A. is disposed of in terms of Paragraph 10 above. No costs.

  
(Kuldip Singh)  
Member (J)

  
(S.R. Adige)  
Vice Chairman (A)

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