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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.2145/98

New Delhi this the 21<sup>st</sup> day of September, 2000.

Hon'ble Mr. Justice V. Rajagopala Reddy; Vice-Chairman(J)  
Hon'ble Mr. Govindan S. Tampi, Member (Admnv)

Smt. Sonia Taneja,  
W/o Sh. Rajeev Taneja,  
15/48, Subhash Nagar,  
New Delhi.

...Applicant

(By Advocate Shri V.S.R. Krishna)

-Versus-

1. The Commissioner of Police,  
IP Estate,  
New Delhi.
2. The Deputy Commissioner of Police,  
Headquarters, (I),  
IP Estate,  
New Delhi.

...Respondents

(By Advocate Sh. R.K. Singh, proxy for Sh. A.K. Gupta,  
Advocate)

O R D E R

By Justice V. Rajagopala Reddy, Vice-Chairman

The short question that arises in this case is whether the guidelines issued by the Commissioner of Police for the purpose of consideration by the DPC have been properly followed?

2. To state the facts in brief, the applicant was working as a Head Constable in the Delhi Police. Her next promotion was to the post of Assistant Sub Inspector (ASI) and all Head Constables with five years experience are eligible for consideration for promotion and the applicant was fully eligible for promotion. The promotion was by way of "selection tempered by seniority". The DPC held on 16.3.98 for consideration of candidates for promotion to the rank of ASI for the vacancies of 1997-98, instead of following strictly the guidelines issued by the Commissioner

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adopted its own arbitrary method and thereby the applicant could not be recommended for promotion. The applicant understands that she had obtained one 'A' grading and four 'B' gradings in the last five years of the ACRs. The DPC, however, instead of considering the final grading took into account the remarks given in column 24 of the ACR as the final grading and gave its recommendations, thus resulting in an illegal and irregular procedure.

3. It is the stand of the respondents that the officers having at least three 'Good or above reports' during the last five years were recommended for promotion in the general category. The total record of the officers in the rank of Head Constable was also taken into account paying special attention to the nature and number of punishments received during the entire service career. It is specifically averred that the applicant could not make the benchmark of three 'Good' out of the five, as such the DPC recommended her unfit for promotion and the representation made by her was rejected.

4. Thus the only question that falls for consideration is whether the scrutiny of the applicant's ACRs was in accordance with the guidelines issued to the DPC for consideration. The above pleadings indicate that the gradings obtained by the applicant was the only criterion for consideration. Out of five reports the benchmark of three 'Good' gradings in the reports was taken as the criterion. It is not disputed that the applicant had obtained one 'A' gradings and four 'B' gradings in the last five years of ACRs. It appears that the practice obtaining for the earlier period was giving the gradings of 'Very

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Good', 'Good', 'Satisfactory' etc. but the same has been altered to giving the gradings of 'A', 'B' or 'C'. In these circumstances, in the absence of the gradings of 'Good' what is the procedure to be adopted has been considered by a coordinate Bench of the Tribunal in Head Constable Randhir Singh v. Union of India & Others, OA No.1337/99 decided on 10.9.1999, in which one of us (Justice V. Rajagopala Reddy, V.C. (J)) is a member, where it was considered whether the grading 'B' was equivalent to 'Very Good'. Relying upon Home Department's letter dated 9.7.96, it was held that grade 'B' should be treated as equivalent to 'Very Good'.

5. In view of the above decision it has to be held that grading 'B' obtained by the applicant should be taken as 'Very Good' and on that basis, as she had four 'B' gradings she was entitled to be considered for promotion to the rank of ASI and the action of the DPC in not recommending her only on the ground that she did not obtain three 'good' gradings is wholly erroneous.

6. In the circumstances, the OA succeeds and the respondents are directed to convene a review DPC to consider the case of the applicant for promotion in the light of the above observations <sup>CL</sup> ~~for promotion~~ to place her in list 'D', with effect from the date her 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 O.A. is accordingly allowed. No costs.

(Govindan S. Tampi)  
Member (Admnv)

'San.'

(V. Rajagopala Reddy)  
Vice-Chairman (J)