

CENTRAL ADMINISTRATIVE TRIBUNAL:PRINCIPAL BENCH

OA.No.2557 of 1998

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New Delhi, this 5th day of January 2001

HON'BLE SHRI V.K. MAJOTRA, MEMBER(A)  
HON'BLE SHRI SHANKAR RAJU, MEMBER(J)

Girish Chand Joshi  
S/o Late Shri K.D. Joshi  
R/o Qtr.No.154 Police Colony  
Vikas Puri  
New Delhi-110018

... Applicant

(By Advocate:Shri S.K.Gupta)

versus

1. Govt. of NCT of Delhi  
Through its Chief Secretary  
5 Sham Nath Marg  
Delhi-110054
  2. The Addl. Commissioner of Police(Admn.)  
Police Headquarters  
I.P. Estate  
New Delhi
  3. Deputy Commissioner of Police  
(P.C.R.) West Zone  
Vikas Puri  
New Delhi
  4. Deputy Commissioner of Police(Hqrs)  
I.P. Estate, Police Headquarters  
New Delhi
- ... Respondents

(By Advocate: Shri Rajinder Pandita)

ORDER(Oral)

By Shri Shanker Raju

Applicant, an Assistant Sub-Inspector in Delhi Police, has challenged order dated 3.12.1998 whereby a number of ASIs (Ex.) working in Delhi Police have been admitted to Promotion List E-I(Ex.) with effect from 2.12.1998 and were further being deputed to training to Upper School

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Course. The applicant challenges his non-admission to Promotion List E-I. As per applicant he has a good record without major or minor penalty. According to the applicant he falls within the eligibility criteria as laid down in the circular issued by the respondents. According to the applicant, he was superseded as his juniors have been admitted to Promotion List E-I (Ex.) and the respondents arbitrarily without following the relevant rules found him unfit for being admitted to Promotion List E-I (Ex.).

2. The respondents, on the other hand, have contended that the applicant was not found fit as he failed to fulfill eligibility criteria laid down by the DPC as he has failed to achieve the benchmark of 3 'good' or more ACRs and as such he was rightly found unfit for being admitted to Promotion List E-I (Ex.).

3. We have heard both the learned counsel and perused the relevant DPC records as well as the ACRs of the applicant for the relevant period. From the DPC records it is transpired that the applicant has been found unfit as he failed to get the benchmark of 3 'good' ACRs during the period 1992-1997. The applicant was graded 'average' in the ACRs for the years 1992-93, 1993-94 and 1994-95. The remaining two ACRs for the years 1995-96 and 1996-97 are graded 'very good' respectively. As such, the applicant has

failed to achieve the benchmark as he has only two 'very good' ACRs and the remaining three are 'average'. To become eligible for empanelment one has to have three 'good' ACRs as per the guidelines formulated by the respondents for holding the DPC, we feel that the applicant has been rightly declared unfit for being admitted to the Promotion List E-I (Ex.). The learned counsel for the applicant has also failed to show that any instructions or rule has been violated by the DPC or the action was either malafide or arbitrary. The Tribunal would not sit over the decision of the DPC as a selection committee. In this view of ours, we are also fortified by a judgement delivered by this Tribunal in OA.2657/99 Ramesh Chand Vs. UOI & Ors. decided on 2.1.2000 where relying upon the same ratio, the claim of the applicant has been rejected.

4. In view of the above discussion, we find no fault in the decision taken by the DPC to declare the applicant unfit for admission to Promotion List E-I Ex.). The OA fails and is dismissed with no order as to costs.

S. Raju  
(Shankar Raju)  
Member(J)

V. K. Majotra  
(V. K. Majotra)  
Member(A)