

10

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI.

OA 592/98

New Delhi this the 10th day of August, 2000

Hon'ble Smt. Lakshmi Swaminathan, Member (J)  
Hon'ble Shri V.K. Majotra, Member (A)

Shri Ved Prakash Meena,  
S/O Shri Shugan Singh  
Resident of R-3/2540/28,  
Tuglakabad Extn., New Delhi  
Asstt. Commissioner of Police  
posted at PCR Police Headquarters  
New Delhi.

.. Applicant

(None for the applicant )

Versus

1. Lt. Governor Govt. of National  
Capital Territory of Delhi,  
New Delhi through Deputy  
Secretary (Home), 5, Sham Nath  
Marg, Delhi-110054.

2. Commissioner of Police, Police  
Headquarters, M.S.O. Bldg., New Delhi.

.. Respondents

(By Advocate Shri Rajan Sharma, learned  
counsel through proxy counsel Shri  
Ashwini Bhardwaj )

O R D E R (ORAL)

(Hon'ble Smt. Lakshmi Swaminathan, Member (J)

The applicant has filed this application impugning  
the validity of the order dated (nil) received by the  
applicant on 6.3.1998, discontinuing him in the post of  
Assistant Commissioner of Police (ACP) <sup>and</sup> reverting <sup>him</sup> to the  
substantive post of Inspector, Delhi Police.

2. None has appeared for the applicant even on the  
second call. We note that none had appeared for the applicant  
even on the previous date when the case was listed for hearing  
on 2.8.2000. This case was listed at Serial No. 3 in today's  
cause list under regular matters and either the applicant or

18/

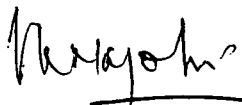
his counsel should have been present. Accordingly we have carefully perused the pleadings and heard Sh. Ashwini Bhardwaj, learned proxy counsel for the respondents.

3. The applicant was promoted to the post of ACP under Rule 24(i) of the DANIPS Rules on purely ad hoc basis for a period of one year or till ~~those~~<sup>the</sup> posts against which he had been promoted ~~were~~<sup>are</sup> filled on regular basis. One of the main contentions taken by the applicant in the O.A. is that the impugned order is arbitrary and illegal because no show cause notice had ever been issued to him and no opportunity to give reply was given to him. He has, therefore, contended that the impugned order is illegal and arbitrary and also against the principle of natural justice. He has, therefore, prayed that the reversion order passed against him, reverting <sup>him</sup> to his substantive post of Inspector, Delhi Police, should be quashed and set aside retrospectively.

4. From the reply filed by the respondents and the annexures thereto, it is noticed that the applicant had been given copies of alleged mis-conduct, during the period he was promoted on ad hoc basis, on 14.8.95, 31.1.96 and again conveyed adverse remarks in his ACR for the period from 1.4.95 to 14.1.96 by order dated 3.12.1996. According to the learned proxy counsel for the respondents, <sup>that</sup> the applicant did not give any reply to these notices at any time. It is also relevant to note that the applicant has not filed any rejoinder to controvert the averments made by the respondents.

5. In the above facts and circumstances of the case, we are, therefore, unable to agree with the contentions<sup>1</sup> of the applicant that the aforesaid reversion order reverting him from the post of ACP, which he had held on ad hoc basis w.e.f. 10.10.1994, has been done in violation of the principle of natural justice. We also find that the applicant had chosen not to give any reply to the various notices issued by the respondents regarding his conduct and discharge of duties by the orders mentioned above. This being<sup>13</sup> the case, we do not find that the impugned reversion order received by him on 6.3.1998 is either arbitrary or illegal justifying any interference in the matter.

6. In the result for the reasons given above, we find no merit in this OA. The same is accordingly dismissed. No order as to costs.



(V.K. Majotra )  
Member (A)



(Smt. Lakshmi Swaminathan )  
Member (J)

sk