

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

OA No. 827/98

New Delhi, this the 18th day of August, 1998

HON'BLE SHRI T.N. BHAT, MEMBER (J)
HON'BLE SHRI S.P. BISWAS, MEMBER (A)

In the matter of:

W/A.S.I. Sujata No. 1913/D
d/o Sh. Ishwar Singh,
R/o 31-E, Police Colony,
Model Town, Delhi.

...Applicant

(By Advocate: Shri Shankar Raju)

Vs.

Union of India through

1. Secretary,
Ministry of Home Affairs,
North Block, New Delhi.
2. Dy. Commissioner of Police,
H.Q. (I), Police Head Quarters,
I.P. Estate, MSO Building,
New Delhi.
3. Dy. Commissioner of Police,
5th Bn. D.A.P.,
Kingsway Camp,
Delhi.

...Respondents

(By advocate: Shri Surat Singh)

O R D E R (ORAL)

Hon'ble Shri T.N. Bhat, Member (J)

Heard the learned counsel for the parties for
final disposal of the O.A. at the admission stage itself,
as the pleadings are already complete.

by
18.8.98

-5-

2. The applicant who is working as ASI in Delhi Police is aggrieved by the order dated 28.10.1997 passed by the Dy. Commissioner of Police, V Bn. DAP Delhi by which the name of the applicant has been removed from the secret list of persons of doubtful integrity but only w.c.f. 6.6.1997. The name of the applicant was entered in that list on 6.6.1994 and according to the applicant there was no justification for this entry as the disciplinary proceedings against her had not been initiated on or prior to the aforesaid date. At any rate, the disciplinary proceedings later came to be dropped by the orders of the Senior Additional Commissioner of Police dated 27.6.1996 as the Enquiry Officer had given the finding that no charge was made out against the applicant.

3. It appears that the applicant had earlier also filed an OA, being OA No. 1802/95, in which apart from claiming confirmation the applicant had also sought the relief of removal of her name from the secret list of persons of doubtful integrity but this relief was not granted by the Tribunal. However, the applicant was granted the liberty to file another O.A. claiming the relief regarding removal of her name from the secret list. Hence this O.A.

4. As already mentioned, the disciplinary authority, agreeing with the findings of the enquiry officer, has "closed the enquiry". That being so the

[Signature]

-6-

necessary consequence would be to remove the name of the applicant from the secret list from the very inception i.e. from the date when the name came to be included in the secret list. To remove the name of the applicant from a subsequent date, namely, 6.6.1997 cannot be justified on any ground, particularly so when in the meantime the applicant acquired the right to be considered for promotion and was infact considered for promotion, as admitted by the respondents, but could not make the grade simply for the reason that her name figured in the list of persons of doubtful integrity. Although the learned counsel has sought to make out that it was on consideration of service record of the applicant and the entries in her ACRs that she was found unfit for promotion w.e.f.27.10.1994, We find that the respondents have admitted in so many words in their counter that it was mainly due to the existence of the applicant's name in the secret list of officers of doubtful integrity that the applicant could not be found fit for promotion.

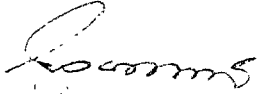
5. We find from a reading of standing order No. 265 that the existence of one's name in the secret list entails a number of disadvantages, more particularly consideration for promotion. The first result is that the certificate of integrity is withheld and an entry is made in the confidential service record of the official concerned in red ink. The promotion of the official is also withheld. There are similar other disadvantages also

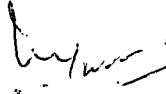
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which the person suffers. In the instant case, as already mentioned, the continuance of the applicant's name in the secret list despite her exoneration in the disciplinary proceedings could not be held to be justified.

6. In view of the above, we are convinced that the OA deserves to be allowed. We accordingly allow this OA and set aside the order dated 28.10.1997 by which the applicant's name has been removed from the secret list only w.e.f. 6.6.1997. We further direct that the applicant's name shall be deemed to have been removed from the secret list from the date of its inception i.e. 6.6.1994. It shall be open to the applicant to make necessary representation claiming consequential benefits flowing from this order.

7. With this order the OA is disposed of, leaving the parties to bear their own costs.


(S.P. Biswas)
Member (A)


(T.N. Bhat)
Member (J)

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