

(16)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.1378/95

New Delhi this the 6th day of February, 1997.

Hon'ble Dr José P. Verghese, Vice Chairman (J)
Hon'ble Shri S.P. Biswas, Member (A)

1. Shri R.C. Sharma (DL/587) S/o
Shri Sagli Ram
R/o I-346, Sarojni Nagar,
New Delhi.

Inspector (Ministerial)
O/o Dy Commissioner of Police,
West District Delhi.

2. Shri Sat Pal Dhawan (DL/588) S/o
Shri Bhagat Ram Dhawan
R/o Flat No.1-D, Type IV,
Police Colony,
Model Town, Delhi.

Inspector (Ministerial)
O/o Commissioner of Police,
Delhi. Applicants

(By Advocate : Shri Shyam Babu)

VERSUS

GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI,
THROUGH ITS ;

1. Chief Secretary,
5, Sham Nath Marg,
Delhi-110054.
2. Commissioner of Police, Delhi.
Police Headquarters; I.P. Estate,
New Delhi-110002.
- 2.A Addl Commissioner of Police (Admn.)
Police Headquarters
I.P. Estate, New Delhi.
3. Shri Rai Singh,
Inspector (Ministerial),
O/o Dy Commissioner of Police,
Special Branch, Police HQrs
New Delhi.
4. Shri Raj Kumar, Inspector (Ministerial),
Police Training School, Jaroda Kalan,
Delhi. Respondents

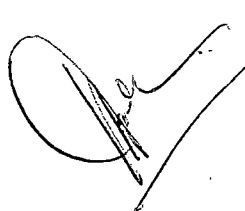
(By Advocate : Shri Vijay Pandita)

JUDGEMENT

(By Hon'ble Dr Jose P. Verghese, VC (J))

1. Both the applicants in this O.A. were appointed as civil stenographers in Delhi Police in the year 1963 and they were declared quasi permanent as stenographers on 28.7.1967 and 29.8.1966 respectively. In pursuance of the decision of the Government, in the year 1969 the respondents decided that stenographers of Delhi Police be enrolled under the Police Act of 1961, and existing pay scale of Rs.130-300 be retained. It was also decided that the rank of Sub Inspector may be conferred on stenographers as and when their pay reaches the stage of Rs.168/- i.e. minimum of Sub Inspectors pay. In accordance with the above decision, both the applicants who were drawing Rs.160/- were conferred the rank of Sub Inspectors as soon as they reached at the stage of pay of Rs.168/-.

2. The pay scales of stenographers and others were revised in 1973 and both the applicants were granted the pay scale of Rs.330-560 and the ranks of Sub Inspectors were to be conferred upon them after reaching the stage of Rs.416/-. Even though after the Third Pay Commission, the pay scales were revised and Sub Inspectors (Ministerial) were granted appropriate scale since the ranking concerned in the case of the applicants were already done, there was no need to review their case on reaching a stage of Rs.416/- (Rs. 168/- in the pre-revised scale) as both had reached that stage already before the Third Pay Commissions' recommendations became operative.



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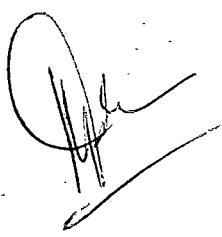
(3)

3. Both the applicants were granted selection grade as stenographers SI in the pay scale of Rs.425-600 w.e.f. 19-6-79.

4. Prior to the introduction of Delhi Police (Promotion and Confirmation) Rules 1980, there was no provision of stenographers for promotion to the post of Sub Inspector (Ministerial) and Inspector (Ministerial). However, both the applicants were considered for promotion in list 'E' (Ministerial) w.e.f. 20.7.1979.

5. Even though the applicants ranks were fixed as Sub Inspector (Stenographer) in reality what is conferred was only a designation of Sub Inspector, while in law and in substance they remained as Assistant Sub Inspectors (Steno). The applicants, therefore, are seeking a declaration that they are entitled to be promoted sub Inspector (Ministerial) w.e.f. 16.8.1970 and 29.8.1970 respectively when their pay reached the stage of Rs.168/- in the pay scale of Rs 130-300.

6. This Tribunal while dealing with almost an identical case but with reference to the deputationists steno from B.S.F. in the case of Baljit Singh Bawal & Ors had resolved the issue and had directed the respondents to absorb the similarly situated stenographers in Delhi Police to be placed on the rank of Sub Inspector (Ministerial) in Delhi Police w.e.f. respective dates on which they started drawing the pay of Rs.416/- in the revised scale of Rs.330-560 (which is the same as Rs.168/- in the scale of Rs.130-300). It was stated at the Bar that the decision has become final as





there was no appeal against the said order and the said orders are being almost fully implemented except in the case of about six stenographers including the applicants.

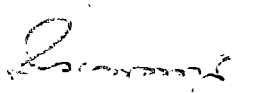
7. In the circumstances, it is appropriate to give similar directions in this O.A., as well, and this O.A. is disposed of with the following directions :-

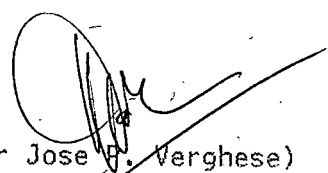
(a) The impugned order dated 12.5.1995 is hereby quashed.

(b) The seniority of the applicants and others similarly situated stenographers shall be determined and the seniority list of Sub Inspectors (Ministerial) shall be prepared after considering the applicants and those similarly situated, shall be deemed to have become Sub Inspector (Ministerial) in Delhi Police w.e.f. the respective dates on which they started drawing the pay of Rs.416/-. The reviewed promotion and consequential benefits flowing from the above directions shall also be granted to the applicants in the light of the seniority determined as per above directions and the applicants are also entitled to all consequential benefits.

(c) These directions shall be complied with as expeditiously as possible preferably within a period of six months from the date of receipt of a copy of this order.

(d) There is no order as to cost.


(S.P. Biswas)
Member (A)


(Dr Jose P. Verghese)
Vice Chairman (J)