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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

D.A. No. 1862 of 1995

New Delhi this the 15<sup>th</sup> day of January, 1996

Hon'ble Mr. Justice A.K. Chatterjee, Vice-Chairman

Hon'ble Mr. B.K. Singh, Administrative Member

ASI Sujata,  
D/o. Shri Ishwar Singh,  
R/o. 31 E Police Colony,  
Model Town, Delhi.

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Applicant

By Advocate : Mrs. Meera Chhibber

Versus

1. Union of India, through Secretary,  
Ministry of Home Affairs,  
North Block, New Delhi.

2. Commissioner of Police,  
Police Headquarters,  
M.S.O. Building,  
I.P. Estate, New Delhi.

3. Deputy Commissioner of Police  
Headquarters I, PNQ, M.S.O. Building,  
I.P. Estate, New Delhi.

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Respondents

By Advocate : Mr. Amresh Mathur

O R D E R

Hon'ble Mr. Justice A.K. Chatterjee, VC

The applicant was appointed as an Assistant Sub-Inspector of Police in Delhi Police in March, 1988 and although according to her, she satisfactorily completed the period of probation, no order was made confirming her to the post of Assistant Sub-Inspector of Police. On 28.3.94, however, an order was issued, whereby several Assistant Sub-Inspectors appointed on the same date as the applicant herself, were

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confirmed with effect from January, 1991, but no order was issued confirming her and it was indicated in the order dated 28.3.94 that her case would be decided later on as in the meantime, on 11.1.94, she was placed under suspension. The disciplinary proceeding was initiated only after she had put in a representation requesting her confirmation in the services and ultimately, on 18.6.95, the suspension was revoked and the disciplinary proceeding was also dropped on 27.6.95 and in due course, an order was made for treating the period of suspension as on duty. She again put in a representation on 30.6.95 for confirmation, which, however, was not done and on 24.8.95, she was informed orally that her confirmation has been held up as her name was placed in the secret list of officers of doubtful integrity. In such circumstances, the instant application has been filed for a direction upon the respondents to remove the name of the applicant from secret list and also to confirm her in service with effect from June, 1991 when her contemporaries were confirmed and other consequential benefits.

2. The respondents in their reply contend that the case of the petitioner for confirmation could not be taken up along with <sup>those</sup> ~~others~~ of her contemporaries as at the relevant time, she was under suspension. It has also been stated that the name of the petitioner was placed on the secret list of doubtful integrity with effect from 6.6.94 for a period of three years and as such it would be reviewed on 5.6.97. Later on, even though the departmental enquiry was closed by an order made on 27.6.95, still her name continued on the secret list of officers of doubtful integrity with effect from 6.6.94 for a period of

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five years and would be reviewed on 6.6.99.

3. The applicant has filed a rejoinder, inter alia, stating that the departmental enquiry having been dropped she could not have been placed on secret list. It was also stated that as per standing order 265, name of no officer can be included in the secret list, who has been acquitted honourably in a disciplinary or a court proceeding.

4. We have heard the Ld. counsel for both the parties and considered the application, the reply thereto and the rejoinder together with the annexures in all its bearing. Since the name of the applicant was placed in the secret list of officers of doubtful integrity, even before the disciplinary enquiry was dropped, there cannot be any manner of doubt that the standing order 265 on which reliance has been placed by the Ld. counsel for the applicant to show that her name cannot be included in the secret list, is not relevant at all. However, the Ld. counsel for the applicant has stated at the time of the hearing that for the present she does not press the first relief, which she has prayed in this O.A. namely a direction upon the respondents to remove her name from the secret list. She wanted liberty to file a separate O.A. <sup>for</sup> ~~having~~ this relief, which we are disposed to grant as it appears to us that direction for removal of her name from secret list can be based on a distinct and separate cause of action and cannot be clubbed in the same O.A. along with the relief regarding confirmation of the applicant in the rank of A.S.I.

5. Regarding the confirmation, the Ld. counsel for the applicant has drawn our attention to Rule 18 of Delhi Police (Promotion & Confirmation) Rules, 1980, as amended, by which

confirmation has been delinked from the availability of the permanent vacancy and an officer, who was successfully completed the period of probation may be considered for confirmation. Our attention was also drawn to the relevant provision of Delhi Police (Appointment & Recruitment) Rules, 1980, which lays down that in no case, the period of probation can extend beyond three years from the date of appointment. This position has not been controverted on behalf of the respondents and it is, therefore clear that at the time of confirmation of an officer, only his or her performance for three years can be looked into. Therefore, although the stand taken by the respondents that the case of the applicant for her confirmation could not be considered when the order was issued on 28.3.94 confirming some of her contemporaries, because of her suspension, cannot be assailed, there is no ground to postpone consideration of her case for confirmation any further after the disciplinary enquiry was dropped on 27.6.95. As according to the respondents themselves, the name of the applicant was put on a secret list only on 6.6.94 i.e. to say long after the expiry of three years from the date of initial appointment of the applicant, the fact that her name has been placed on the said list, ought not to stand in the way of confirmation to the rank of A.S.I. of Police. We, therefore, propose to give a direction upon the respondents to decide the question of confirmation of the applicant in accordance with the provision of Rule 18(iv) of the Delhi Police (Promotion & Confirmation) Rules, 1980.

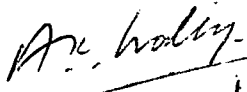
6. On the aforesaid premises, the respondents are directed to decide the question of confirmation of the applicant in the rank of A.S.I. of Police in accordance with the procedure laid

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down in Rule 18(iv) of the Delhi Police(Promotion & Confirmation) Rules, 1980 within 2(two) months from the date of communication of this order. The applicant shall also be given all consequential benefits in the event of her confirmation in the rank of A.S.I. of Police.

7. No other relief is granted. We, however, give liberty to the applicant to file another application, if not otherwise barred, claiming a relief regarding removal of her name from the secret list. No order is made as to costs.

  
( B.K. Singh )  
Member(A)

  
15.1.86  
(A.K. Chatterjee )  
Vice-Chairman