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CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

O.A.No. 860/95

New Delhi: this the 16 day of September, 1999

HON'BLE MR. S. R. ADIGE, VICE CHAIRMAN (A).

HON'BLE MR. KULDIP SINGH, MEMBER (J).

Gurdev Singh (1345/D),

R/o 12-G, Police Colony,

Model Town-II,

Delhi,

working as S.I./Radio Technician

in Delhi Police.

..... Applicant.

(By Advocate: Shri Shyam Babu).

Versus

1. Commissioner of Police,
Delhi,
Police Headquarters,
I.P. Estate,
New Delhi-0002.

2. Addl. Commissioner of Police (Admn.),
Police Headquarters, I.P. Estate,
New Delhi -0002

..... Respondents.

(By Advocate: Shri Vijay Pandita).

ORDER

HON'BLE MR. S. R. ADIGE, VICE CHAIRMAN (A).

Applicant impugns respondents' order dated 13.1.95 (Annexure-A) and seeks being brought on Promotion List 'E' (Tech) for the post of S.I. (Supervisor Technical) in order dated 23.10.86 (Annexure-G) or w.e.f. 22.4.87, or with effect from any other suitable date.

2. During hearing applicant's counsel Shri Shyam Bau stated at the bar that he would be confining himself to the claim for inclusion in the Promotion List 'E' (Technical) dated 23.10.86.

3. Apart from the preliminary objection of limitation correctly raised by respondents to such a

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claim, we notice that when the DPC met on 16.10.86 to consider the case of applicant and others for promotion they were faced with the fact that applicant had been visited with 4 censures on 12.3.84; 12.3.84; 27.3.85 and 12.2.85. Moreover for the year 1.4.83 to 31.3.84 he had earned 'Just Average.'

4. Relying upon Police headquarter's Circular dated 15.12.94, a copy of which is taken on record, Shri Shyam Babu has argued that as per that circular officers who have been awarded censures during the last six months with no other punishments can be brought onto the promotion list, and he contends that the word 'can' must be read as 'shall'. He has also argued that in 1983-84 when applicant was graded as 'Just average' the CR forms did not contain the column for 'good' and under the circumstances the categorisation of 'Average' given to applicant for that year must be read as 'satisfactory'.

5. The Circular dated 15.12.94 relied upon by Shri Shyam Babu has no application to the DPC held on 16.10.86, more so as the circular itself states that it was to apply in future (emphasis supplied).

6. Even if the aforesaid circular was made applicable, we notice that para (ii) thereof states that the total record of the officer shall be taken into view and under the circumstance, if, after noticing that during the preceeding five years applicant had received 4 censures and atleast one 'Just Average', respondents found

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applicant not fit for inclusion in the promotion list dated 23.10.86, it cannot be said that they acted illegally or arbitrarily. It is settled law that a Govt. employee has only an enforceable legal right to be considered for promotion if he possesses the necessary eligibility and required qualifications for the post. He has no enforceable legal right to be promoted. In the instant case admittedly applicant was considered for promotion by respondents. It is also well settled that the Tribunal cannot substitute its own assessment for that of a duly constituted D.P.C. .

7. Under the circumstance, no judicial interference is warranted. The OA is dismissed. No costs.


(KULDEEP SINGH)
MEMBER(J).


(S.R. ADIGE)
VICE CHAIRMAN (A).

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