

Central Administrative Tribunal  
Principal Bench: New Delhi

OA No. 759/96  
OA No. 1260/96

15

New Delhi this the 13th day of December 1999

Hon'ble Mr. Justice V. Rajagopala Reddy, VC (J)  
Hon'ble Mr. R.K. Ahooja, Member (A)

OA No. 759-96

Jagjit Singh,  
Sub-Inspector, D.1941,  
A-20, New Police Lines,  
Guru Teg Bahadur Nagar,  
New Delhi-110009.

Through: Ms. Raman Oberoi, Advocate ... Applicant

Vs.

1. Union of India through  
Secretary Ministry of Home Affairs,  
North Block,  
Central Secretariat,  
New Delhi.
2. NCT of Delhi  
through Chief Secretary,  
Old Secretariat,  
Delhi.
3. Commissioner of Police,  
Police Head Quarters,  
I.T.O., Delhi.
4. Sukhbir Singh, D623

( Service to Respondents from serial No.4 onwards  
to be effected through Respondent No. 3.)

- |                            |                                |
|----------------------------|--------------------------------|
| 5. Pushkal Sharma, D 1931  | 17. Rajbir Singh, D162         |
| 6. Ashwani Kumar, D 1912   | 18. Anand Kumar, D1926         |
| 7. Abhirup Banerji, D 72   | 19. Sadar Singh, D1896         |
| 8. Raj Kumar, D 31         | 20. Rajinder Parshad, D 213    |
| 9. Rajender Parshad , D569 | 21. Durga Parshad D 44         |
| 10. Om Daskash ; D 1894    | 22. Narender Singh<br>D 1890   |
| 11. Kailash Chander D 1927 | 23. Shahnoor Khan D130         |
| 12. Ravinder Kumar , D 166 | 24. Ganga Ram D1470            |
| 13. Umesh Singh D 1935     | 25. Narendera Chawla<br>D 1911 |
| 14. Kailash Chand, D 1915  | 26. Rajendra Prasad<br>D1937   |
| 15. Ramesh Chand, 620      | 27. Rajbir , D1923             |
| 16. Surender Pal D 1919    | 28. Dinesh Tiwari D106         |

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- 29 Jai Kishan D1901  
30 Laxmi Chand D 625  
31 Bhagwan Kumar D 85  
32 Avinash Chander  
D1927  
33 Rajender Kishore  
D 1903  
34 Yatinder Kumar  
D 628  
35 Har Surender Pal  
D 214  
36 Suresh Kumar D1889  
37 Bhrahma Dal D1907  
38 Radha Raman D 1908  
39 Ram Kumar D 109  
40 Rajesh Kumar D1895  
41 Satya Prakash D 1893  
42 Rajesh Kumar D 1924  
43 Santosh Kumar D 1938  
44 Naval Kishore D 34  
45 Ram Dal D 1920  
46 Niranjani Singh  
D1914  
47 Sanjeev Gupta D 505  
48 Satya Pal Singh  
D 1946  
49 Rajbir Sharma D 2038  
50 Mangah Singh D 1954  
51 Jhagran Singh D 1929  
52 Rajinder Singh D1917  
53 Kawal Kishore D367  
54 Chaman Lal D 1909  
55 Rajinder Pal D87  
56 Surender Kumar D 1876  
57 Paras Nath D 1950  
58 Narender Mohan D 1951  
59 Banwari Lal D 1953  
60 Lekh Raj D 1956  
61 Ram Mehar D336  
62 Ved Bhushan D2003  
63 Ved Singh D 2027  
64 Ram Phal D 2026  
65 Ashok Kumar D2004  
66 Ram Kumar D 2022  
67 Makhan Singh D 2001  
68 Lakhinder Singh D 2018  
69 Jagdish Yadav D 2020  
70 Abhay Singh D 2024  
71 Sukhvinder Singh D2008  
72 Sushil Tyagi D 2016  
73 Rajender Pal D 2017  
75 Raja Ram D2654  
76 Sher Singh D 1097  
77 Laxmi Chand D 2635  
78 Gnanan Singh D 2636  
79 Mohan Lal D 1487  
80 Azad Singh D 350  
81 Raj Kumar D 1873  
82 Rajinder Singh D 1582  
83 Saheb Ram D 1584  
84 Mahitab Singh D 1533  
85 Ranbir Singh D 1692  
86 Pratap Singh D 1723  
87 Hoshiair Singh D 1764  
88 Bharat Singh D 1785  
89 Vijay Rawal D 1767

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- 90 Ramesh Kumar D 1804  
91 Rai Singh D 1770  
92 Kishore Kumar D 1841  
93 Narender Kumar D 301  
94 Hari Singh D 1332  
95 Balram Solanki D 1763  
96 Arun Kumar D 1881  
97 Rajender Kumar D 167  
98 Tejpal Singh D 1816  
99 Virender Singh D 100  
100 Anil Kumar D 1947  
101 Surender Kumar D 1949  
102 Azad Singh D 2025  
103 Om Prakash D 705  
104 Rajinder Singh D 2042  
105 Sanjeev Kumar D 108  
106 Satya Pal D 517  
107 Rarender Singh D 135  
108 Ranjit Ekka D-126  
109 Samay Singh D 1775  
110 Om Prakash D-2011  
111 Karam Singh D 2723  
112 Kundan Singh D 2642  
113 Shyam Lal D 2650  
114 Bal Singh D 2652  
115 Hari Singh D 2654  
116 Daya Chand D 2659  
117 Sat Pal D 563

- 118 Banwari Lal D 2663  
119 Anand Sagar D 1866  
120 Bhupat Ram D 2651  
121 Khilari Singh D 2657  
122 Mahesh Kumar D 2050  
123 Lalit Mohan D 2052  
124 Har Kripal Singh D 2053  
125 Sanjeev Kumar D 2055  
126 Peeyush Kumar D 2056  
127 Abhay Kumar D 2057  
128 Rajender Singh D 2058  
129 Shahastra Bau D 2063  
130 Mir Singh D 2064  
131 Preet Singh D 2065  
132 Madan Gopal D 2087  
133 Ashok Kumar D 2068  
134 Rajinder Bhatia D 2070  
135 Krishan Pal D 2074  
136 Sunil Kumar D 2077  
137 Ganpat Ram D 2080  
138 Joginder Kumar D 2085  
139 Satish Kumar D 2086  
140 Jagdish Prasad Kumar D 2094  
141 Mool Chand D 2665  
142 Sardar Singh D 2290  
143 Murli Dhar D 2274  
144 Mangal Chand D 2473  
145 Shri Krishan D 2491

Through: - - - - -

11/11/2008  
11/11/2008  
11/11/2008

DA No. 1260/96

Vishnu Dev Madan,  
Sub-Inspector, D-1409  
13 A, Guru Angad Nagar Extension,  
Delhi-110092.

Through: Ms. Raman Oberoi, Advocate

....Applicant

Vs.

1. Union of India through  
Secretary, Ministry of Home Affairs  
North Block,  
Central secretariat,  
New Delhi
2. NCT of Delhi  
Through Chief secretary,  
Old secretariat,  
Delhi.
3. Commissioner of Police,  
Police Head Quarters,  
I.T.O., Delhi.
4. Om Prakash, D 1413  
(Service to Respondents from S.No.4 onwards to be  
effected through Respondent No.3)
5. Ram Swaroop, D 1418
6. Manohar Singh, D 1565
7. Rajesh Kumar, D 1583
8. Iqbal Mohd., D 1563
9. Iqbal Singh, D 1525
10. Ved Prakash, D 1540
11. Tilak Raj Mongia, D 1609
12. Najmus Saad, D 1534
13. Bhooop Singh, D 1520
14. Raj Singh, D 1536
15. Atinder Kumar, D 1516
16. Jai Kumar, D 1527
17. Satya Dev, D 1586
18. Virender Kumar, D 1592
19. Parkash Chander, D 1557
20. Subhash Tandon, D 1533
21. Harpal Singh, D 1524
22. Mahipal Singh, D 1531
23. Hira Lal, D 1603
24. Ram Phal, D 1604
25. Ashok Kumar, D 1602
26. Raj Kumar, D 1627
27. Warendar Kumar, D 1631
28. Hariish Kumar, D 1570
28. Ved Prakash, D 1634
30. Dharambir Singh, D 1638
29. Mohan Swaroop, D 1632
32. Sir Raj Singh, D 1545

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33. Hanuman Dass, D 1546
35. Krishan Kumar, D 1629
37. Chamel singh, D 1571
39. Jaspal singh, D 1611
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43. Subhash Chander, D 1637
45. Ramesh Chander, D 1693
47. Om Prakash D 1671
49. Ram singh, D 1661
51. Jitender Kumar, D 1708
53. Mohinder singh, D 1675
55. Suresh Kumar, D 1712
57. Sheel Ninchi, D 1673
59. Raj Kumar singh, D 1664
61. Mohinder singh, D 1704
63. Roshan Lal, D 1688
65. Budhi Parkash, D 1701
67. Satya Dev, D 1658
69. Satyavir singh, D 1657
71. Brahm Parkash, D 1645
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75. Murari Lal, D 1722
77. Surinder singh, D 1724
79. Manohar Lal, D 1674
81. Bani singh, D 1666
83. Laxmi Narayan, D 1739
85. Harcharan Verma, D 1762
87. Balbir singh, D 1773
89. Dharamvir singh, D 1772
91. Ashok Kumar, D 1792
93. Rajiv Bhatnagar, D 1778
95. Ram Kumar, D 1758
97. Radhey shyam, D 1780
99. Ishwar singh, D 1650
101. Satyavir singh, D 1802
103. Miyampal singh, D 1760
105. Inder singh, D 1783(SC)

34. Karan singh, D 1697
36. Surender Kumar, D 1573
38. Ajay Kumar, D 1589
40. Om Prakash, D 422
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44. Virender Kumar, D 1669
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56. Ram singh, D-1700
58. Anjani Kumar, D 1663
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62. Satish Chander, D 1643
64. Balwant singh, D 1653
66. Baljit singh, D 1636
68. Satpal, D 1668
70. Jagbir singh, D 1648
72. Rajender singh, D 1644
74. Raja Ram, D 1728
76. Bhim sain, D 1752
78. Bhole Ram, D 1613
80. Ran singh, D 1612
82. Surya Parkash, D 1777
84. Harsh Mittar, D 1601
86. Balbir singh, D 1773
88. Vimal Kumar, D 1803
90. Mahipal singh, D 1809
92. Balraj singh, D 1768
94. Ram Chander, D 1765
96. Laxmi Narain, D 1766
98. Rajiv Rattan, D 1729
100. Has Mohd., D 1785
102. Satish Chander, D 1805
104. Inder singh, D 1817 (SC)
106. Anil Kapoor, D 1785

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  115. Satya Pal, D 1827
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  121. Papinder Pal Singh, D 1842
  123. Rohtash Dhindwal, D 1822
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  127. Surat Singh, D 659
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  135. Ran Singh, D 798
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  147. Sajjan Kumar, D 1750
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  151. Virender Singh, D 1093
  153. Suresh Kumar, D 21
  155. Om Bir Singh, D 1005
  157. Jagjit Singh, D 193
  159. Om Dutt, D 319
  161. Gurnir Kumar, D 1090
  163. Pardeep Kumar, D 1006
  165. Virender Dutt, D 663
  167. Ranchir Singh, D 1626
  169. Kali Ram, D-1715
  171. Mohinder Singh, D 1360
  173. Shiv Dayal, D 1017
  175. Ram Singh, D 1719
  177. Harjinder Singh, D 1375
  179. Ram Chander, D 514
  181. Ramesh Chander, D 1685

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  120. Parvinder Singh, D 1825
  122. Suresh Chander, D 1829
  124. Dhawal Singh, D 543
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  132. Roop Ram, D 2377
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  140. Surinder Kumar, D 996
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  158. Sher Singh, D 714
  160. Jagdish Prashad, D 521
  162. Surjit Kumar, D 108
  164. Pukhtiar Singh, D 938
  166. Ranbir Singh, D 1717
  168. Rajender Parshad, D 1875
  170. Narender Singh, D 1872
  172. Bishan Mohan, D 710
  174. Om Parkash, D 1606
  176. Dal Chand, D 1663
  178. Ranjit Kumar, D 241
  180. Umed Singh, D 1064
  182. Sadanand Rai, D 438

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183. Ishwar Singh, D 547  
185. Sarup Singh, D 2108  
187. Gajraj Singh, D 168  
189. Vinod Kumar, D 1877  
191. Surya Kant, D 725  
193. Rajbir Singh, D 321  
195. Pushkal Sharma, D 1931  
197. Abhirup Banerji, D 72  
199. Rajender Parshad, D 569  
201. Kailash Chander, D 1927  
203. Umesh Singh, D 1935  
205. Ramesh Chand, D 620  
207. Rajbir Singh, D 162  
209. Sadar Singh, D 1896  
211. Durga Parshad, D 44  
213. Shanoor Khan, D 130  
215. Narender Chawla, D 19  
217. Rajbir S D 1923  
219. Jai Kishan, D 1901  
221. Bhagwan Kumar, D 88  
223. Rajender Kishore, D 1903  
225. Har Surender Pal, D 214  
227. Eshraha Pal, D 1907  
229. Ram Kumar, D 109  
231. Satya Parkash, D 1893  
233. Santosh Kumar, D 1936  
235. Ram Dal, D 1920  
237. Sanjeev Gupta, D 505  
239. Rajbir Sharma, D 2038  
241. Jhagram Singh, D 1929  
243. Kawal Kishore, D 367  
245. Rajinder Pal, D 87  
247. Paras Nath, D 1950  
249. Banwari Lal, D 1953  
251. Ram Mehar, D 336  
253. Ved Singh, D 2027  
255. Ashok Kumar, D 2004  
184. Hari Ram, D 76  
186. Grijinder Pal Singh, D 1898  
188. Sunil Kumar, D 215  
190. Randhir Singh, D 624  
192. Vinod Kumar, D 1932  
194. Sukhbir Singh, D 623  
196. Ashwani Kumar, D 1912  
198. Raj Kumar, D 31  
200. Om Parkash, D 1894  
202. Ravinder Kumar, D 166  
204. Kailash Chand, D 1915  
206. Surender Pal, D 1919  
208. Anand Kumar, D 1926  
210. Rajinder Parshad, D 213  
212. Narender Singh, D 1690  
214. Ganga Ram, D 1470  
216. Rajender Prasad, D 1937  
218. Dinesh Tiwari, D 106  
220. Laxmi Chand, D 625  
222. Avinash Chander, D 1927  
224. Yatinder Kumar, D 626  
226. Suresh Kumar, D 1389  
228. Radha Raman, D 1906  
230. Rajesh Kumar, D 1895  
232. Rajesh Kumar, D 1924  
234. Nawal Kishore, D 34  
236. Niranjan Singh, D 1914  
238. Satya Pal Singh, D 1946  
240. Mangam Singh, D 1954  
242. Rajinder Singh, D 1917  
244. Chaman Lal, D 1909  
246. Surender Kumar, D 1876  
248. Narender Mohan, D 1951  
250. Lakh Raj, D 1956  
252. Ved Bhushan, D 2003  
254. Ram Phal, D 2026  
256. Ram Kumar, D 2022

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257. Makhan Singh, D 2001  
259. Jagdish Yadav, D 2020  
261. Sukhvinder Singh, D 2008  
263. Rajender Pal, D 2017  
265. Sher Singh, D 1097  
267. Gnanan Singh, D 2636  
269. Azad Singh, D 350  
271. Rajinder Singh, D-1582  
273. Mahitab Singh, D 1533  
275. Pratap Singh, D 1723  
277. Bharat Singh, D 1785  
279. Ramesh Kumar, D 1804  
281. Kishore Kumar, D 1841  
283. Hari Singh, D 1332  
285. Arun Kumar, D 1881  
287. Tejpal Singh, D 1818  
289. Anil Kumar, D 1847  
291. Azad Singh, D 2025  
293. Rajinder Singh, D 2042  
295. Satya Pal, D 517  
297. Ranjit Ekka, D 126  
299. Om Parkash, D 2011  
301. Kundan Singh, D 2642  
303. Dal Singh, D 2652  
305. Daya Chand, D 2659  
307. Banwari Lal, D  
309. Bhupat Ram, D 2851  
311. Mahesh Kumar, D 2050  
313. Har Kirpal Singh, D2053  
315. Peeyush Kumar, D 2056  
317. Rajender Singh, D 2058  
319. Mir Singh, D 2064  
321. Madan Gopal, D2087  
323. Rajender Bhatia, D 2070  
325. Sunil Kumar, D 2077  
327. Joginder Kumar, D 2065  
329. Jagdish Prasad, D 2094  
331. Sardar Singh, D 2290  
333. Mangal Chand, D 2473

258. Lakhinder Singh, D 2018  
260. Abhay Singh, D 2024  
262. Sushil Tyagi, D 2016  
264. Raja Ram, D 2654  
266. Laxmi Chand, D 2635  
268. Mohan Lal, D 1487  
270. Raj Kumar, D 1873  
272. Saheb Ram, D 1584  
274. Rabbir Singh, D-1692  
276. Hoshier Singh, D 1764  
278. Vijay BRawal, D 1767  
280. Rai Singh, D 1770  
282. Narender Kumar, D 301  
284. Balram Solanki, D 1763  
286. Rajinder Kumar, D 167  
288. Virender Singh, D 100  
290. Surender Kumar, D 1049  
292. Om Prakash, D 705  
294. Sanjeev Kumar, D 108  
296. Narender Singh, D 135  
298. Samay Singh, D 1775  
300. Karam Singh, D 2723  
302. Shyam Lal, D 2650  
304. Hari Singh, D 2654  
306. Sat Pal, D-563  
308. Anand Sagar, D 18886  
310. Khilari Singh, D 2657  
312. Lalit Mohan, D 2052  
314. Sanjeev, D 2055  
316. Abhay Kumar, D 2057  
318. Shahastar Bau, D 2063  
320. Preet Singh, D 2065  
322. Ashok Kumar, D2063  
324. Krishan Pal, D 2074  
326. Ganpat Ram, D 2080  
328. Satish Kumar, D 2086  
330. Mool Chand, D-2665  
332. Murli Dhar, D 2274  
334. Shri Kishan, D 2491

(By Advocate:- Shri Rajinder Panolita)

Respondents



ORDER (Oral)

By Mr. R.K. Ahooja, Member (A)

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Both the OAs arise out of the decision of the Departmental Promotion Committee on promotion from the rank of Sub-Inspector to Inspector in Delhi Police. Since both OAs raise similar issues for consideration, these are being disposed of by this common order.

2. The applicants in both the OAs are working as Sub-Inspector and are eligible on the basis of the seniority, for admission to list 'F' (Exe.) and subsequently to be promoted as Inspector. The Govt. of India sanctioned the upgradation of posts at various levels from Constable to Assistant Commission of Police by an order dated 1.6.94. A total of 337 vacancies of Inspectors thereby became available. A DPC was held to consider the cases of the eligible Sub Inspectors on 12.8.94. Both the applicants herein were, however, not approved for promotion.

3. The case of the applicants is firstly that the said posts of Inspectors for which the DPC was held were the result of upgradation which was undertaken, on the admission of the respondents themselves, in order to remove long standing stagnation in the rank of Sub-Inspectors. In view of this position the newly created posts were to be filled up on the basis of seniority and not on the basis of the normal rules of promotion of Delhi Police. The second contention of the applicants is that the DPC did not consider the cases of the applicants in terms of their

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own guidelines' which were determined by a Circular dated 23.9.92. It is contended on behalf of the applicants that the first guideline required that officers having atleast three 'Good' reports and without any 'below average' or adverse remarks during the last five years were to be promoted. On the other hand the format provided for recording the annual assessment of the officers had no provision for the grading of 'Good'. Therefore, the case of the applicants herein was not properly considered and there was no proper application of mind on the part of the DPC. Thirdly, it has been contended that a number of other Sub-Inspectors with bad records and certainly inferior record than those of the applicants have been declared fit for promotion ignoring the claims of the applicants. The fourth contention on behalf of the applicants is that the DPC has taken into account certain minor punishments of Censure even though such a minor punishment is not a bar to promotion. Lastly, it has been contended that even in regard to promotion made on adhoc basis, the respondents having not followed the criteria of seniority.

4. The respondents have on the other hand stated that the cases of the applicants were considered in accordance with the rules. They point out that the Govt. of India while upgrading the posts had included a stipulation that the newly created posts would be filled up in accordance with the regular promotion rules. They also state that the cases of the applicants were duly and properly considered by the DPC and they were not found fit for promotion. They also refute the allegation that persons with inferior

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records have been promoted. In regard to adhoc promotions they submit that only those persons have been given adhoc promotions who were approved for regular promotion by the DPC.

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5. We have heard the counsel at great length. In regard to the first question raised by the learned counsel for the applicant viz; that the new vacancies were really a matter of upgradation, we are unable to find any merit therein. Normally, if a modified procedure is to be followed then the scheme for upgradation itself provides for a modified form of selection. In the present case the Presidential order conveying the creation of the new vacancies dated 22.6.94 provides as follows:-

"In pursuance of this cadre review, the up-gradation/abolition of posts may effected and the posts in Higher grade be filled in accordance with Recruitment Rules".

6. Clearly, the available vacancies were to be filled up in accordance with the Recruitment Rules and not by seniority alone.

7. As regards the contention of the learned counsel for the applicant that persons with much inferior record have been promoted reliance has been placed on the decision of the Tribunal in OA No. 1652/94 decided on 20.5.99 Bhim Singh Vs. Secretary, Ministry of Home Affairs. We have perused that decision. After considering the case of those who were alleged to have been promoted despite inferior records the Tribunal decided that the cases of the applicants in that OA deserves to be reviewed by the DPC. We find

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that the order of the Tribunal has been stayed by the High Court of Delhi. Even otherwise we do not consider that merely because other persons have been found fit by the DPC does not mean by itself that the applicants herein even though otherwise unsuitable for promotion in terms of the promotion rules should still be considered fit for promotion.

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8. In regard to the plea that in respect of adhoc promotions the criteria of seniority has not been followed, we find that the adhoc promotions were ordered because these related to vacancies which are of a consequential nature inasmuch as they would have become available only after the officers of Inspector rank were promoted to the rank of Asstt. Commissioner of Police. In these circumstances, we are unable to find any fault with the action of the respondents in filling up the adhoc vacancies from amongst those Sub-Inspectors who had been found fit for regular promotion by the DPC.

9. We need re-produce only the guideline relevant to the purpose of this OA, which reads as follows:-

"Officers having atleast 3 ;Good or above' reports during the last 5 years were recommended in general category. However, SC/ST candidates were adjudged separately amongst themselves, as required under the brochure for SCs/STs".

10. We have examined the ACR Dossiers of the two applicants and we find that the relevant period for consideration was 88-89 to 93-94. The ACRs format for 88-89 had a classification titled "Class of report

'A', 'B' and 'C'. Although the provision of Punjab Police Rules describing this classification has not been produced before us, learned counsel for respondents on instructions explains that classification 'A' stands for 'Very Good', 'B' stands for 'Satisfactory to Good' and 'C' is 'Average and Below Average'. From 1991 to 1992 the format of the ACR was changed and the provisions were made for overall grading as follows:-

Outstanding/Very Good/ Average/Below Average.

11. It is clear that neither in the format in use prior to 1991-92 nor ~~are~~<sup>and</sup> they introduced in 1991-92 there was a specific grading known as 'Good'. In view of this the classification 'B' in the earlier ACR Format and 'Average' in the later format could not by itself mean a grading below 'Good'. This point was also dealt with by this Tribunal in OA-481/97 decided on 11.4.97. On the perusal of the record of the applicants in that case the Tribunal came to the following conclusion:-

"Had there been a category of 'good', the petitioner would have been graded 'good' for all the three years, where his grading has been shown as 'average'; therefore the average seems to be equivalent to 'good'.

12. A similar view has been taken by the Tribunal in other related cases also. Therefore, as to whether the grading of 'average' is to be recorded as 'good' or otherwise would depend upon the overall ACRs.

13. We now come to the last contention of the learned counsel for the applicant viz; that the award of a minor punishment of 'Censure' cannot stand in the way of promotion. We are entirely in-agreement with the learned counsel that as per the Standing orders of the Delhi Police the minor punishment of 'Censure' cannot be a bar to promotion after a period of six months. This has also been recognised in the guidelines for promotion in the Commissioner of Police Circular dated 23.9.92 which reads as follows:-

"Officers who have been awarded censures during the last six months with no other punishment may also be allowed to be brought on promotion list provided they do not have any other major punishment. However, the effect of censure by debarring the official for promotion by six months shall continue".

14. While we agree that the penalty of the censure cannot be a bar to promotion after six months, it does not mean that this penalty cannot be taken into account for consideration for determining the suitability of the officer for promotion. This point had also earlier come up before the Tribunal in the case of SI Sajjan Kumar Vs. Secretary, Ministry of Home Affairs and Others. The Tribunal had therein held as follows:-

" While it is true that censure is a minor penalty and does not stand as a bar against promotion after six months, nevertheless it is part of the permanent record of an officer and is a relevant factor for considering his suitability and fitness. Censure as any other adverse remarks in the service records will be relevant at the time of consideration for promotion".

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15. This observation has also been endorsed by the latest decision of this Tribunal in OA No. 1789/94 decided on 18.11.99. We are also respectfully agree with this conclusion and hold that while censure is not a bar to the promotion as such, it is still a relevant factor for considering the suitability of the officer for promotion.

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16. In the light of the above discussion, we find that the cases of the applicants have to be considered on the basis of their record for determining whether their average entries indicate a 'good' grading. We, therefore, called for the record of the applicants as well as the DPC proceedings. On the basis of our examination of these records we find the position as follows:-

S.I. Jagjit Singh (applicant in OA-759/96)

We find that SI Jagjit Singh No. D-1941 in the ACR for the period 16.7.89 to 31.3.90 has been given 'A' classification which means at least a grading of 'very good'. For the period from 1.4.90 to 31.12.90 he has been given 'A' classification. For the period 30.11.90 to 31.3.91 he has been given 'B' classification. The concluding remarks are that 'he is loyal and sincere worker. Takes interest in the Government job. He is also hard working work. Work and conduct remained very good'.

In view of this position the 'B' classification cannot be recorded as 'average' or 'below average' grading. For the period 1991-92, under the new format his overall grading is 'Average'. He has, however, been shown as impartial and objective, devoted to official work and duty. His overall work and conduct has been described as satisfactory. As regards this ACR, we consider that since an assessment in either way is possible, the matter can be decided by the DPC. For the period 1992-93 the officer has been certified as having Very good moral

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character, Impartial, Helpful, Sincere Worker, Good in Organising capacity, Good in Personality, Good in Power of Command. The overall assessment shows that 'his work and conduct is good'. Therefore, an average grading really <sup>deserves</sup> that he has been graded as 'good'. For the period 1992-93 he has been given average grading but overall assessment shows that 'his work and conduct is good'.

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17. It appears to us, therefore, that the DPC has not given proper consideration to the case and has only gone by the overall grading of 'average'. Considering that there was no provision for the 'good', grading there should have been an overall assessment of the various entries in the ACR of that years. We are, therefore, of the opinion that the case of the officer deserves a review.

18. SI Vishnu Dev Madan (OA 1260/96)

We have seen the proceedings of the DPC and also the ACR records of officer. The officer had been given punishments as follows:-

"1) Censured in 1983 for unnecessarily arresting a person.

2) Censured in 1985 for delaying the registration of case FIR No. 420/85 PS Defence Colony.

3) One year approved service forfeited in 1987 for failing to take action on a complaint. (D.O.O. 15.10.87)

4) One year approved service forfeited on 6.6.88 for arresting and unnecessary beaten the accused.

5) Censured in 1992 for failed to arrerst the accused in case FIR No. 191/91 PS Geeta Colony.

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6) Censured in 1992 for not arresting the accused in case FIR No. 303/91 PS Krishna Nagar".

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19. It has been contended before us by the learned counsel for the applicant that the punishment of Censure awarded to the applicant for the year 1992 has been set aside on account of the cancellation of the cases. Even if that were so, we find that there is a censure against the officer in 1985 and a punishment of stoppage of increment in 1987. He was also censured in 1988. There was also a punishment of forfeiture of one year approved service in 1994 which was reduced to censure on appeal. As we have stated the imposition of penalty of censure can be taken into account for assessing the suitability of the applicant for promotion. The applicant has a good record otherwise. However, in view of the punishments imposed on him, it cannot be said that the case of the applicant has not been properly considered when the DPC determined him to be unfit for promotion. The contention of the learned counsel that ignoring him for promotion on the basis of these punishment constitutes double jeopardy is in our view not correct. While on one hand the punishment<sup>are</sup> for acts of omission or commission, they also are indicative of the applicant's suitability for promotion. The punishment of censure has necessarily to be taken into account in the same manner as any adverse remark which may otherwise be recorded.

20. For the aforesaid reasons, we do not consider it that any interference is called for in this case.

or

21. In the light of the above discussion, we allow the OA-759/96. Respondents are directed to consider his case for being brought onto promotion list 'F' with effect from the date of his immediate junior was brought onto that list by means of a detailed and reasoned order.

22. OA No. 1260/96 is dismissed. No costs.

(R.K. Aheoja)  
Member (A)

(V. Rajagopala Reddy)  
Vice-Chairman (J)

cc.

*Attended*  
*G. V. Srinivasan*  
*G. V. Srinivasan*  
*C. D. Chinn*