

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

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O.A./~~xxx~~ No. 231 of 1996

Decided on: 1-9-98

Shri Roshan LalApplicant(s)

(By Shri Shyam Babu Advocate)

Versus

The Commissioner ofRespondent(s)
Police & Another
(By Shri Rajinder Advocate)
Pandita

CORAM:

THE HON'BLE ~~SHRI~~ MRS. LAKSHMI SWAMINATHAN, MEMBER(J)

THE HON'BLE SHRI K. MUTHUKUMAR, MEMBER (A)

1. Whether to be referred to the Reporter or not?
2. Whether to be circulated to the other Benches of the Tribunal?


(K. MUTHUKUMAR)
MEMBER (A)

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

O.A. No. 231 of 1996

New Delhi this the 18th day of ~~August~~ ^{September}, 1998

HON'BLE MRS. LAKSHMI SWAMINATHAN, MEMBER (J)
HON'BLE MR. K. MUTHUKUMAR, MEMBER (A)

Shri Roshan Lal
R/o House No. 12 Gali No.2,
Extension 2, Nangloi,
Delhi.

...Applicant

By Advocate Shri Shyam Babu.

Versus

1. The Commissioner of Police Delhi,
Police Headquarters,
I.P. Estate,
New Delhi.
2. The Deputy Commissioner of Police,
1st Battalion,
Delhi Armed Police,
Kingsway Camp,
Delhi.

...Respondents

By Advocate Shri Rajinder Pandita.

ORDER

Hon'ble Mr. K. Muthukumar, Member (A)

The short point involved in this application is the question of reckoning the ad hoc temporary service of the applicant as Assistant Sub-Inspector (MT Fitter Grade-I) for the purpose of qualifying service for promotion as Sub Inspector (MT)(Technical). Applicant was promoted to officiate as Assistant Sub Inspector (MT Fitter Grade-I) on purely ad hoc and temporary basis with effect from 15.2.1982. He was regularly promoted to officiate in the said post w.e.f. 3.3.1988. After successful completion of probation w.e.f. 3.3.1990, he was deemed to have been confirmed under the Delhi Police Rules. As per Rule 16(ii) of the Delhi Police (Promotion & Confirmation) Rules, 1980 read with Rule 17(A)(iv) of

the Delhi Police (Appointment & Recruitment) (Amendment) Rules, 1986, promotion to the rank of SI (MT) (Technical) List 'E' will be made from confirmed Assistant Sub Inspectors (MT Fitter Grade-I) having six years service in the grade and should be capable of organising routine maintenance of vehicle and having current driving licence of Heavy Motor Vehicle. The applicant's case is that he had the requisite qualification and experience for promotion to the rank of SI (MT) (Technical) even when the respondents promoted him on 22.11.90 as SI (MT) (Technical) on temporary ad hoc basis as he has been promoted as ASI w.e.f. 22.2.82 from the rank of Head Constable.

2. The respondents on the other hand contend that the applicant's promotion as Sub Inspector on 22.11.90 was only on ad hoc temporary basis and it was made clear to him that he would not be entitled to claim any regular appointment as he had had not the requisite service as confirmed ASI. Even when his junior one Shri Babu Singh was promoted on 12.12.1989 as Sub Inspector (MT)(Technical) on ad hoc basis, the applicant was also considered at that time for such ad hoc promotion, but as he was facing departmental enquiry, he was not granted ad hoc promotion. In any case, he could not have been considered for regular promotion before he completed his six years of service as confirmed ASI, as required under the rules. In view of this, the respondents have said that the applicant has no case for reckoning his ad hoc service as ASI.

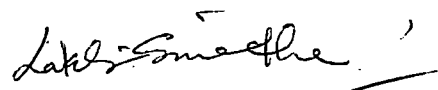
3. We have seen the pleadings and heard the learned counsel for the parties.

It is an admitted position that the applicant successfully completed his probation on 3.3.1990 as ASI (MT Fitter Grade-I) as per the orders of the respondents, Annexure VII to the counter reply. In terms of Rules as aforesaid, the applicant's service as confirmed Assistant Sub Inspector (MT Fitter Grade-I) has to be reckoned only from 3.3.90 and, therefore, the question of reckoning the service rendered prior to 1990 in ad hoc and temporary capacity does not arise. Therefore, his prayer for regularising him as Sub Inspector from the date when the vacancy in the grade of Sub Inspector (MT)(Technical) arose, has no merit and is rejected.

5. The applicant has also claimed consequential reliefs on account of seniority and promotion. We find that the respondents have rightly considered his case for promotion as Sub Inspector (MT)(Technical) in the DPC held on 21.5.1996 and later on in the Review DPC and he was granted promotion w.e.f. 22.4.97 and was also given proforma promotion from 30.5.96 to 21.4.97., as per the DPC Proceedings and orders thereon filed by the respondents.

6. In the circumstances, this application has no merit and is accordingly rejected. There shall be no order as to costs.


(K. MUTHUKUMAR)
MEMBER (A)


(MRS. LAKSHMI SWAMINATHAN)
MEMBER (J)

Rakesh