

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

O.A. NO.2641/1996

New Delhi, this the 29th day of May, 2000. (6)

HON'BLE SHRI JUSTICE ASHOK AGARWAL, CHAIRMAN  
HON'BLE SMT. SHANTA SHAstry, MEMBER (A)

Balwant Singh, Inspector (D1/683),  
Police Station, Okhla Delhi,  
R/O Qr. No.173, Police Colony,  
Hauz Khas,  
New Delhi-110016.

... Applicant

( None present )

-versus-

1. The Lt. Governor,  
Raj Niwas, Delhi.
2. Commissioner of Police,  
Police Headquarters,  
I.P.Estate, New Delhi.

... Respondents

( By Shri Vijay Pandita, Advocate )

O R D E R (ORAL)

Shri Justice Ashok Agarwal :

Applicant was promoted to List-F (Executive) with effect from 11.11.1993. By the present O.A., he claims promotion with retrospective effect from 12.2.1991 when his juniors were promoted. Aforesaid promotion to List-F (Executive) is on the basis of selection and not on the basis of seniority. As far as applicant is concerned, his claim for promotion was considered by the DPC on 11.2.1991 when he was declared unfit. His claim was once again considered by the DPC on 26.8.1992 when again he was declared unfit. When his claim was considered for a third time on 11.11.1993, he was declared fit. He was accordingly, promoted by an order dated 2.1.1995 with effect from 11.11.1993. In view of the fact that he was earlier considered for promotion on 11.2.1991 and 26.8.1992 when he was considered unfit by the DPC, no case can be said to have been made out for granting

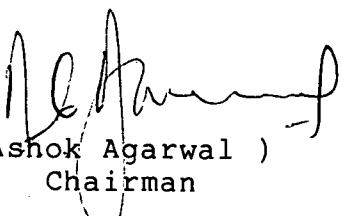
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earlier promotion as claimed. As far as applicant is concerned, he had made a similar claim by filing O.A. No.398/1992. Pending hearing of the aforesaid O.A., a copy of the order dated 2.1.1995 promoting the applicant with effect from 11.11.1993 was placed on record. Based on the said order, applicant withdrew the aforesaid O.A. No.398/1992.

2. In view of the withdrawal of O.A. No.398/1992, we do not find that the claim made by applicant can legitimately be agitated by filing the present O.A. Present O.A., in the circumstances, we find, is devoid of merit. The same is accordingly dismissed, without any order as to costs.

Shanta Shastray  
( Shanta Shastray )  
Member (A)

  
( Ashok Agarwal )  
Chairman

/as/