

Central Administrative Tribunal  
Principal Bench: New Delhi

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

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. Narendra Singh 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. Narendra Chawla D 1911
14. Kailash Chand, D 1915	26. Rajendra Prasad D1937
15. Ramesh Chand, 620	27. Rajbir ,D1923
16. Surender Pal D 1919	28. Dinesh Tiwari D106

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 Bal 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 Niranjan Singh D1914  
47 Sanjeev Gupta D 505  
48 Satya Pal Singh D 1946  
49 Rajbir Sharma D 2038  
50 Mangan 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 Narendra 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 Hoshiar Singh D 1764  
88 Bharat Singh D 1785  
89 Vijay Rawal D 1767

19

-3-

90 Ramesh Kumar D 1804	118 Banwari Lal D 2663
91 Rai Singh D 1770	119 Anand Sagar D 1866
92 Kishore Kumar D 1841	120 Bhupat Ram D 2651
93 Narender Kumar D 301	121 Khilari Singh D 2657
94 Hari Singh D 1332	122 Mahesh Kumar D 2050
95 Balram Solanki D 1763	123 Lalit Mohan D 2052
96 Arun Kumar D 1881	124 Har Kripal Singh D 2053
97 Rajender Kumar D 167	125 Sanjeev Kumar D 2055
98 Tejpal Singh D 1816	126 Peeyush Kumar D 2056
99 Virender Singh D 100	127 Abhay Kumar D 2057
100 Anil Kumar D 1947	128 Rajender Singh D 2058
101 Surender Kumar D 1949	129 Shahastra Bau D 2063
102 Azad Singh D 2025	130 Mir Singh D 2064
103 Om Prakash D 705	131 Preet Singh D 2065
104 Rajinder Singh D 2042	132 Madan Gopal D 2087
105 Sanjeev Kumar D 108	133 Ashok Kumar D 2068
106 Satya Pal D 517	134 Rajinder Bhatia D 2070
107 Rarender Singh D 135	135 Krishan Pal D 2074
108 Ranjit Ekka D-126	136 Sunil Kumar D 2077
109 Samay Singh D 1775	137 Ganpat Ram D 2080
110 Om Prakash D-2011	138 Joginder Kumar D 2085
111 Karam Singh D 2723	139 Satish Kumar D 2086
112 Kundan Singh D 2642	140 Jagdish Kumar D 2094
113 Shyam Lal D 2650	Prasad
114 Dal Singh D 2652	
115 Hari Singh D 2654	
116 Daya Chand D 2659	
117 Sat Pal D 563	

(20)

-4-

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. Nazmus Saad, D 1534
13. Bhoop 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. Narendra Kumar, D 1631
28. Harish Kumar, D 1570
28. Ved Prakash, D 1634
30. Dharambir Singh, D 1638
29. Mohan Swaroop, D 1632
32. Sir Raj Singh, D 1545

contd....2/-

33. Hanuman Dass, D 1546  
 35. Krishan Kumar, D 1629  
 37. Chamel Singh, D 1571  
 39. Jaspal Singh, D 1611  
 41. Yad Ram, D 1543  
 43. Subhash Chander, D 1637  
 45. Ramesh Chander, D 1695  
 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 Nindhi, 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  
 73. Ram Kumar, D 1649  
 75. Murari Lal, D 1722  
 77. Surinder Singh, D 1724  
 79. Manohar Lal, D 1674  
 81. Bani Singh, D 1666  
 83. Laxmi Narayan, D 1759  
 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. Niyampal 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  
 42. Satish Kumar, D 1642  
 44. Virender Kumar, D 1669  
 46. Sarabjit Singh, D 1698  
 48. Rajender Sharma D 1714  
 50. Mahabir Singh, D 1816  
 52. Ashok Kumar, D 1705  
 54. Vinod Kumar, D 1680  
 56. Ram Singh, D 1700  
 58. Anjani Kumar, D 1663  
 60. Ranbir Singh, D 1660  
 62. Satish Chander, D 1643  
 64. Balwant Singh, D 1653  
 66. Baljit Singh, D 1656  
 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. Bholu 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

107. Om Parkash, D 1814 (SC)  
 109. Rajesh Kumar, D 1833  
 111. Vipin Kumar, D 1856  
 113. Suresh Chander, D 1851  
 115. Satya Pal, D 1827  
 117. Ram Pal Singh, D 1830  
 119. Sher Singh, D 1834  
 121. Papinder Pal Singh, D 1842  
 123. Rohtash Bhindwal, D 1822  
 125. Atta Singh, D 1848  
 127. Surat Singh, D 659  
 129. Jagpal Singh, D 664  
 131. Joginder Pal, D 2368  
 133. Biri Singh, D 2410  
 135. Ran Singh, D 798  
 137. Jai Kishan, D 429  
 139. Suresh Kumar, D 359  
 141. Swantantr Singh, D 257  
 143. Safdar Ali, D 14  
 145. Gixish Kumar, D 151  
 147. Sajjan Kumar, D 1750  
 149. Jagdish Chander, D 627  
 151. Virender Singh, D 1093  
 153. Suresh Kumar, D 21  
 155. Om Bir Singh, D 1005  
 158. Jagjit Singh, D 193  
 159. Om Dutt, D 319  
 161. Sudhir Kumar, D 1090  
 163. Pardeep Kumar, D 1006  
 165. Virender Dutt, D 663  
 167. Randhir 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  
 108. Kanta Parshad, D 1838  
 110. Chander Kant, D 1852  
 112. Ram Kishan, D 1856  
 114. Raj Kumar, D 1826  
 116. Rajinder Singh, D 1854  
 118. Veer Singh, D 1847  
 120. Parvinder Singh, D 1825  
 122. Suresh Chander, D 1829  
 124. Dhawal Singh, D 543  
 126. Bhim Singh, D 483  
 128. Ram Parkash, D 660  
 130. Ram Singh, D 272  
 132. Roop Ram, D 2377  
 134. Mohd. Iqbal, D 59  
 136. Apil Kumar, D 494  
 138. Rajiv Kumar, D 424  
 140. Surinder Kumar, D 996  
 142. Balwan Singh, D 721  
 144. Raj Singh, D 91  
 146. Ranesh Kumar, D 232  
 148. Kulbhushan, D 348  
 150. Mahesh Kumar, D 123  
 152. Jai Singh, D 903  
 154. Shiv Parshad, D 877  
 156. Ved Parkash, D 430  
 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. Narendra 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

7  
4  
23

183. Ishwar Singh, D 547  
 185. Sarup Singh, D 2108  
 187. Gajraj Singh, D 168  
 189. Vinod Kumar, D 1877  
 191. Gurya 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. Shancor Khan, D 130  
 215. Narendra Chawla, D 19  
 217. Rajbir S D 1923  
 219. Jai Kishan, D 1901  
 221. Bhagwan Kumar, D 85  
 223. Rajender Kishore, D 1903  
 225. Har Surender Pal, D 214  
 228. Bhrahma 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. Narendra 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 Ram, 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. Mangan Singh, D 1954  
 242. Rajinder Singh, D 1917  
 244. Chaman Lal, D 1909  
 246. Surender Kumar, D 1876  
 248. Narendra Mohan, D 1951  
 250. Lekh Raj, D 1956  
 252. Ved Bhushan, D 2003  
 254. Ram Phal, D 2026  
 256. Ram Kumar, D 2022

23

A  
or

94

8  
5  
8

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 2785  
 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, D 2053  
 315. Pseyush Kumar, D 2056  
 317. Rajender Singh, D 2058  
 319. Mir Singh, D 2064  
 321. Madan Gopal, D 2087  
 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. Hoshiar Singh, D 1764  
 278. Vijay Rawal, D 1767  
 280. Rai Singh, D 1770  
 282. Narendra 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. Narendra Singh, D 135  
 298. Samay Singh, D 1775  
 300. Karan 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. Shahastra Bau, D 2063  
 320. Preet Singh, D 2065  
 322. Ashok Kumar, D 2063  
 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

On

(By Advocate: Shri Rajinder潘德)

Respondents

98

ORDER (Oral)

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

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

QW

(28)

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

Ar

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.

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-dradation/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

On

98

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.

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

99

'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 ~~and 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".

(b)

(3)

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.

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 or 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 ACRs 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

De

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 ~~deserves~~ <sup>mean</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'.

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.

(33)

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

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.

On

34

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.A.  
(R.K. Aheoja)  
Member (A)

cc.

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