

Central Administrative Tribunal
Principal Bench: New Delhi

OA No. 958/96

New Delhi this the 10th day of January 2000

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

Shri Vijendra Pal
S/o Shri Ram Richhpal Sharma,
R/o Vill. Arthala,
P.O. Mohan Nagar,
Distt. Gaziabad (U.P.)

...Applicant

(By Advocate: Shri Shankar Raju)

Versus

1. Commissioner of Police
Delhi Police, Police Hqrs,
M.S.O. Building, I.P. Estate,
New Delhi-2.

2. Dy. Commissioner of Police (HQ-I)
Delhi Police, Police Hqrs,
M.S.O. Building, I.P. Estate,
New Delhi-2.

3. Union of India,
Ministry of Home Affairs,
Government of India, North Block,
New Delhi (through its Secretary)

....Respondents

(By Advocate: Shri Vijay Pandita)

ORDER (Oral)

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

The applicant, a Sub-Inspector in the Delhi Police, is aggrieved by the order of his non admission to the List 'F' (Exe) and consequent promotion to the rank of Inspector communicated to him by letter dated 4.10.95 (Annexure P-I).

2. The case of the applicant is that he has been declared unfit for promotion as his name had been placed in the 'Secret List' of persons of doubtful integrity. This was on the basis that a criminal case against him had been initiated against ~~him~~ under Sections 7/13 of Prevention of Corruption

On

10

Act, 1988 vide FIR No. 19/93. The applicant submits that he has been discharged in the criminal case on the basis of an application made by the prosecution that subsequent investigation revealed that the applicant was not involved in the transaction. The respondents, however, removed his name from the Secret List w.e.f. 31.7.95 as per the Confidential Memorandum dated 24.1.96 (copy at Appexure P-2). The applicant states that the effective date of removing his name from the Secret List should be 23.4.93 and that his case should be re-considered for promotion on that basis.

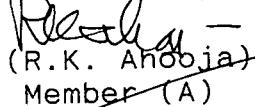
3. We have heard the counsel. It appears from the reply filed by the respondents that the name of applicant was included in the Secret List of persons of doubtful integrity because he was facing a criminal case and also because a departmental enquiry was pending against him. We find that, as stated by the applicant, the criminal case has been dropped. The department have also, as per their reply decided to drop the disciplinary proceedings against the applicant. In other words, neither the criminal case nor the departmental proceedings now survive. It was because of this that the applicant's name has been taken out of the secret list as per order Annexure P-2. Since the name of the applicant had been placed on the secret list only because of the criminal case and the departmental enquiry, we are in agreement with the learned counsel for the applicant that the removal of the applicant's name from the Secret List should be with retrospective date of 23.4.93.

JK

11

4. We notice, however, that the case of the applicant was considered by the DPC but was placed in a sealed cover. On opening the sealed cover he was found to have been graded as 'Unfit'. It is the contention of the applicant that the declaration of the applicant as unfit was solely because of the fact that his name had been included in the Secret List. This may or may not be so but certainly the fact that his name was on the Secret List would be one of the relevant considerations for the DPC.

5. In view of the aforesaid discussion, we allow the OA. Respondents are directed to reconsider the case of the applicant for admission to List-F (Exe) and the consequent promotion to the rank of Inspector on the basis that his name had been removed from the Secret list of persons of doubtful integrity w.e.f. 23.4.93. In case the applicant is found fit he will also be entitled to all the consequential benefits. The case will be considered by the review DPC within a period of four months from the date of receipt of a copy of this order. There shall be no order as to costs.


(R.K. Ahuja)
Member (A)

cc.


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