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CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

OA No. 1147/97

New Delhi: this the 8th day of September, 2000.

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)

HON'BLE MR. KULDIP SINGH, MEMBER (J)

Inspector Harpal Singh,
No. D-I/718, Police Training School,
Jharodakalan,
New Delhi-72

.....Applicant

(None appeared)

Versus

1. The Hon'ble Lt. Governor,
Govt. of NCT, Delhi,
Raj Niwas, Delhi-54

2. The Commissioner of Police,
Police Headquarters, MSO
Building,
I.P.Estate,
New Delhi-2

3. The Senior Addl. Commissioner of
Police (Admn),
Police Headquarters, MSO Building,
I.P.Estate,
New Delhi-2

4. The Deputy Commissioner of Police
(Hq.I),
Police Headquarters,
MSO Building,
I.P.Estate,
New Delhi-2

.....Respondents.

(By Advocate- Shri Harvir Singh)

ON ORDER

Mr. S.R. Adige, VC (A)

Applicant impugns various orders of respondents referred to in para 8(i) of the OA and seeks confirmation as Sub-Inspector of Police w.e.f. 26.7.82 instead of 26.1.83; placement on promotion list 'F' (Ex.) w.e.f. 26.8.92 instead of 11.11.93 and promotion w.e.f. 6.5.93

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instead of 28.3.94 with all consequential benefits.

2. Respondents in their reply do not deny that a permanent post was available for applicant w.e.f. 25.10.80, and as his immediate senior SI (Ex.) was confirmed w.e.f. 26.7.82, he was also due for confirmation along with his counterparts, but his confirmation was postponed for 6 months due to censure dated 24.9.84 for a default of 19.8.81 which fell within the vital period as per Circular dated 19.4.80 (Annexure-R1). Respondents state that applicant was therefore confirmed w.e.f. 26.1.83.

3. Respondents state that applicant made a very belated application on 14.12.88 for antedating his confirmation which was rejected after due consideration on 17.2.89. It is stated that as per Rule 8(c) Delhi Police (General Conditions of Service) Rules, 80 and Rule 22 Delhi Police (Appointment & Recruitment) Rules, 1980, seniority is finally settled from date of confirmation, and as applicant's confirmation was delayed by 6 months, he lost his original position. It is stated that on 8.6.90 an integrated seniority list of all confirmed S.I.s (Ex) was published in which it was specifically mentioned that representation, if any, should be sent to Hq. within one month but applicant did not represent against the same. It is stated that after a gap of 2 years he made a representation, which was rejected by Memo dated 8.6.94. As no reasons were given for late submission, he was eventually admitted to Promotion List 'F' w.e.f. 11.11.93 and was promoted as Inspector w.e.f. 28.3.94.

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(12)

4. It is further stated that on 7.3.95 he made another representation addressed to L.G. Delhi which was rejected by order dated 2.2.96 communicated on 15.5.96 against which applicant has filed this OA.

5. Heard both sides.

6. as respondents themselves had entertained applicant's representation dated 7.3.97 and communicated rejection of the same on 15.5.96, and as this OA has been filed on 13.5.97, the OA is within the period of limitation reckoned from 15.5.96 and the plea of limitation raised by respondent is therefore rejected.

7. Coming to the merits of the case, respondents have relied upon Circular dated 19.4.80, but this circular was issued under the Punjab Police Rules. There is merit in applicant's contention that after coming into force of the Delhi Police Act, 1978; and the Delhi Police (Promotion & Confirmation) Rules 1980 notified on 29.12.80, it is this Act and Rules which will hold the field and not the Punjab Police Rules.

8. It is also well settled in a catena of judgments that an order inflicting a punishment of censure ceases to have effect beyond a period of 6 months, and in the present circumstances, if the order of censure dated 24.9.84 was for a default of 19.8.81, that order would cease to have force beyond 18.2.82, well before 26.7.82 on which date applicant seeks confirmation.

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9. In the result this OA succeeds, and is allowed to the extent that having regard to what has been stated in para 8^{and 9} of the OA, respondents are directed to consider applicant's claim for confirmation, placement in Promotion List 'F' (Executive) and promotion as per dates set out in para 1 of the OA in accordance with the provisions of the Delhi Police Act, and the Rules and instructions framed/ issued thereunder, with all consequential benefits including arrears of salary and allowances and seniority. These directions should be implemented within 3 months from the date of receipt of a copy of this order.

No costs.


(KULDIP SINGH)
MEMBER (J)


(S.R. ADIGE)
VICE CHAIRMAN (A).

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