

(2) CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O. A. NO. 2199/1997

(20)

New Delhi this the 25th day of September, 2000.

HON'BLE SHRI JUSTICE ASHOK AGARWAL, CHAIRMAN

HON'BLE SHRI M. P. SINGH, MEMBER (A)

Om Prakash Meena S/O Ram Sahay Meena,
R/O House No. 137, Pocket-20,
Block-E, Sector-3, Rohini,
New Delhi-110085.

... Applicant

(By Shri S.K.Gupta, Advocate)

-versus-

1. Union of India through
Secretary, Ministry of Home Affairs,
North Block, New Delhi.
2. Commissioner of Police,
Delhi Police, Police Headquarters,
Near I.T.O.,
New Delhi-110002. ... Respondents

(By Shri Harvir Singh, Advocate)

O R D E R (ORAL)

Shri M. P. Singh, AM :

The applicant is aggrieved by rejection of his representation dated 19.7.1996 for promotion to the rank of Inspector.

2. Brief facts of the case are that the applicant was appointed as a Sub Inspector (Executive) in Delhi Police w.e.f. 30.6.1979 as a Scheduled Tribe candidate. He was due for confirmation in his appointment in the year 1983. Since he was facing a criminal case FIR No. 41/84 under Sections 325/34 IPC, his confirmation was deferred till the finalisation of the said criminal case. The said criminal case was, however, culminated into acquittal of the applicant vide judgment and order dated 10.5.1995.



3. After having been acquitted in the criminal case, the applicant was declared to have been confirmed in his appointment w.e.f. 26.7.1983, the date on which his counter-parts were so confirmed. After confirmation in the grade of Sub Inspector, the applicant was required to be considered for empanelment to promotion list 'F' (Executive) w.e.f. 23.5.1988, 20.2.1989, 11.2.1991, 26.8.1992, 11.11.1993 and 12.8.1994, because the regular DPCs which met on all these occasions could not consider his name due to his non- confirmation on his appointment. (2)

4. A review DPC met on 1.6.1996 to adjudge the merit and suitability of the applicant for empanelment to promotion list 'F' (Ex.) with effect from the aforesaid dates. The review DPC after evaluation and restricting the scrutiny to the relevant confidential reports, service record and criterion as adopted by the respective regular DPCs, came to the conclusion that the applicant was not fit for promotion to the rank of Inspector (Ex.). As such the review DPC did not recommend his name for empanelment to the said promotion list on any of the above dates. The applicant was accordingly informed vide letter dated 10.6.1996. Thereafter the applicant filed a representation dated 2.7.1996. The said representation was considered at length in the Police Headquarters and rejected being found devoid of merit and substance.

5. We have heard the learned counsel appearing for the rival contesting parties and perused the record. According to the guidelines, five preceding



confidential reports are to be assessed by the DPC for recommending the names of candidates for empanelment to promotion list 'F'. As per the selection criteria reproduced in paragraph 2 of the order dated 11.4.1997 passed in OA-481/1997 (Principal Bench), the officers having at least three good or above reports out of five, without any adverse report during the last five years were recommended in general category. However, SC/ST candidates were adjudged separately amongst themselves, as required under the brochure on reservation for SCs/STs. For SC candidates two good or above reports out of five and for ST candidates overall satisfactory service was regarded as benchmark.

6. We have perused the confidential reports of the applicant and we find that in the reports of the applicant from 1.4.1984 onwards, the overall grading is satisfactory/average. From the DPC proceedings placed before us, we find that the DPC while assessing the applicant has taken into account at least three good or above reports without any below average or adverse report. This criteria, as per the DPC guidelines, is to be followed in the case of general candidates.

7. With these facts in view, we find that the DPC while assessing the confidential reports of the applicant has not assessed the reports as required under the guidelines for ST candidates, i.e., the overall average/satisfactory grading, for considering him for inclusion in promotion list 'F' (Ex.), and hence, the DPC proceedings by which the applicant has

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not been promoted on the basis of overall satisfactory service are liable to be quashed.

8. In the light of the above discussion, the OA is allowed and the respondents are directed to hold a review DPC and consider the applicant for empanelment to promotion list 'F' (Ex.) on 23.5.1988, 20.2.1989, 11.2.1991, 26.8.1992, 11.11.1993 and 12.8.1994. If the applicant is found fit for promotion to the post of Inspector on any of the aforesaid dates, he will be promoted and will be granted all consequential benefits within a period of six months from the date of receipt of a copy of this order.

9. The OA is allowed in the aforesated terms. There shall be no order as to costs.

(M. P. Singh)
Member(A)

(Ashok Agarwal)
Chairman

/as/