

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI

OA 248/1997

New Delhi this the 10th day of October, 1997.

**Hon'ble Smt. Lakshmi Swaminathan, Member(J)**

**Hon'ble Shri S.P. Biswas, Member(A)**

Shri Nand Ram, ASI L-77  
Mounted Cadre  
son of Shri Kanhaiya Lal,  
resident of Barrack No.11,  
Old Police Lines, Rajpur Road,  
Delhi.

(By Advocate Shri C.P. Saxena)

...Applicant

VS

1. Commissioner of Police, Delhi,  
I.P. Headquarters,  
MSO Building, I.P. Estate, N/Delhi-2

2. Shri S.S. Meena,  
Sub-Inspector(Mounted),  
Delhi Police Force,  
P. & L. Lines,  
Rajpur Road, Delhi

((By Advocate Sh. Arun Bhardwaj)

..Respondents

**O R D E R (ORAL)**

**Hon'ble Smt. Lakshmi Swaminathan, Member(J)**

The applicant is aggrieved by the promotion order dated 9.2.96 approving the deputation of Respondent 2 to the post of Sub-Inspector(Mounted) in the Mounted Cadre in pursuance of the Notification issued by the respondents dated 4.2.1994.

2 We have perused the records and have considered the submissions of the learned counsel for both the parties. Both the learned counsel have referred to the earlier decisions of this Tribunal in similar matters in OA 356/66(Mansa Ram Vs. Commissioner of Police and Ors) decided on 2.12.96 and OA 872/94(Sri Ram Vs. Commissioner of Police and Ors) decided on 9.11.94(Copies placed on record).

3. The brief facts of the case are that the applicant joined the Delhi Police Force as a Constable on 18.12.1962 and was later absorbed in the Mounted Cadre of the Delhi Police in 1965. Thereafter, he was promoted as Head Constable w.e.f. 14.5.91 and as Assistant Sub-Inspector (Mounted) on ad-hoc basis w.e.f. 17.10.95. He also submits that later vide Notification dated 20.10.95 the applicant was reverted to the rank of Head Constable w.e.f. 24.9.97 and again promoted as Assistant Sub-Inspector(Mounted) w.e.f. 25.9.97. (Copy placed on record). The applicant does not dispute these facts. (18)

4. Learned counsel for the applicant, however, submits that under Rule 16 of the Delhi Police (Appointment and Recruitment) Rules, 1980 the respondents ought to have promoted the applicant to the rank of Sub-Inspector(Mounted) instead of bringing<sup>a</sup> deputationist, as they have done by bringing Respondent 2 from BSF, which he submits is contrary to the Rules and principles of natural justice. He submits that under Rule 16(1) only direct recruitment to the Mounted Police shall be made in the rank of Constables. The vacancies in other ranks shall be filled by promotion from the lower ranks in the Mounted Police according to the rules governing promotion. Rule 16(ii) of these Rules is not relevant to ~~the~~ the present case. He also submits that under the power of relaxation, the applicant ought to have been considered for promotion to the rank of Sub Inspector(Mounted.).

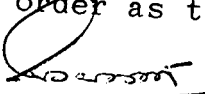
5. From the facts stated above, it is apparent that the applicant does not fulfill the eligibility condition

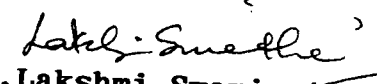
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as provided under the Delhi Police( Promotion and Confirmation) Rules, 1980 for promotion to the rank of Sub Inspector(Mounted). Rule 16 itself provides that the vacancies in other ranks which includes the rank of S.I.(Mounted), shall be filled by promotion from the lower rank. According to the rules governing promotion, since the applicant has been promoted as ASI only on <sup>25.9.97</sup>~~17.10.96~~ in terms of Rule 16 of the Promotion and Confirmation Rules, he does not fullfil the eligibility conditions. (19)

6. We have also seen the judgments in OAs 872/94 and 356/96. In both these applications reference has been made to the same Notification dated 4.2.94 by which the respondents had sought filling up the vacancies of SIs on transfer basis from CPOs and other State Police Force. In both these OAs, the Tribunal has held that the applicants were not eligible for the higher rank of SI(Mounted) at that time, requiring the respondents to take persons on deputation to fill up the posts. In the facts and circumstances of the case, we are in respectful agreement with the findings of the Tribunal in these OAs and find no good grounds to interfere in the present case also.

7. For the reasons given above, we find no merit in the OA and the same is accordingly dismissed. No order as to costs.

  
(S.P. Biswas)  
Member(A)

  
(Smt. Lakshmi Swaminathan)  
Member(J)