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Central Administrative Tribunal, Principal Bench

O.A.No.318/97

Hon'ble Shri Justice K.M.Agarwal, Chairman
Hon'ble Shri R.K.Ahooja, Member(A)

New Delhi, this 11th day of February, 1997

Narain Singh(D 723)
s/o Shri Ram Prasad
r/o RZ-173, Old Roshanpur
Najafgarh, Delhi. ... Applicant

(By Shri Shyam Babu, Advocate)

Vs.

1. Commissioner of Police, Delhi
Police Headquarter
I.P.Estate, New Delhi.
2. Govt. of India through
Chief Secretary
Govt. of NCT Delhi
5, Shyam Nath Marg
Delhi.
3. Shri Ram Singh
Asst. Commissioner of Police
3rd Bataillon, DAP
Delhi (Service to be effected
through Respondent No.1). ... Respondents

O R D E R(Oral)

Hon'ble Shri Justice K.M.Agarwal, Chairman

Heard the learned counsel for the applicant on admission.

2. The applicant was a Sub-Inspector of Police. He was facing certain criminal cases and therefore after considering his case for promotion in the year 1978 the result of consideration of his candidature was kept in a sealed cover. Ultimately, all the criminal cases against the applicant were terminated and he was acquitted. There upon the applicant approached the authorities concerned for giving him promotion by filing representation or representations before them. In pursuance of those representations it appears that the impugned order of promotion dated 9.12.1996 was passed in

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favour of the applicant. The applicant does not appear to be aggrieved by the order of promotion but he is aggrieved by the date from which the promotion had been granted to him. According to the impugned order, the promotion given to the applicant is with effect from 16.2.1987, whereas according to the applicant he ought to have been given promotion atleast with effect from 1977. We have gone through the various papers and representations. We do not find that any claim before the authorities was made by the applicant that he should be given promotion w.e.f. 1977. Even after the impugned order no representation was made, pointing out the alleged mistake to the authorities concerned. Under these circumstances we are not inclined to admit the Petition at this stage. However, we also do not want to deprive the applicant of his right to make representation against the impugned order. Accordingly, this application is hereby summarily rejected but the applicant is given liberty to prefer representation before the authorities concerned for giving him promotion from 1977 as alleged within a period of one month.

3. We hope, if any representation is made by the applicant in pursuance of the directions as aforesaid, the authorities concerned will dispose of the same within a period of three months from the date of receipt of such a representation.

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4. If the applicant feels aggrieved by the ultimate order that may be passed on his representation so made against the impugned order, he shall be at liberty to move this Tribunal with a fresh application within time in a proper manner.

John
(K.M. AGARWAL)
CHAIRMAN

R. K. Ahooja
(R.K. AHOOJA)
MEMBER (A)

/rao/