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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

OA.No.957 of 1997

New Delhi, this 19th day of September, 1997

HON'BLE DR JOSE P. VERGHESE, VICE CHAIRMAN(J)  
HON'BLE MR K. MUTHUKUMAR, MEMBER(A)

Kamal Prasad,  
S/o Shri Ganga Prasad  
R/o 19A Police Station Meharauli  
NEW DELHI-30. ... APPLICANT

By Applicant in person.

versus

1. N.C. T. of Delhi, through  
Chief Secretary  
Old Secretariat  
DELHI.
2. The Commissioner of Police  
Police Headquarters  
I. P. Estate  
NEW DELHI. ... RESPONDENTS

By Advocate: Shri Rajinder Pandita

O R D E R (ORAL)

DR JOSE P. VERGHESE, VC(J)

It was stated by the respondents that they have no objection in hearing the matter.

2. The applicant's case is that he has not been considered alongwith others for inclusion of his name in the list for promotion to the post of Inspectors. His case was not considered for the reason that there was no confidential report written in the case of the applicant, since those three relevant years there happened to be an aborted disciplinary proceedings and punishment order passed

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against him. subsequently, the order was set aside by this court by an order dated 5.3.93 with liberty granted to the respondents to start proceedings against the applicant. Subsequently, on certain reasons the proceedings were abandoned and dropped. Thereafter his case was considered by a Review DPC in the year 1995.

3. It was stated in the reply of the respondents that during the Review DPC the case of the applicant was considered in the absence of three ACRs of the period referred to above and on the basis of the available record. The complaint of the applicant is that his case should have been considered in accordance with the same criteria which were prescribed by the respondents themselves and adopted while considering the case of three other similarly placed persons who were colleagues and juniors of the applicant.

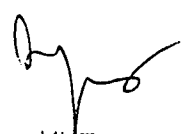
4. It is stated on behalf of the respondents that the the said order of this Court, on the basis of which Review DPC was held in all cases of revising the promotion list, is under appeal to the High Court and the interim stay has been passed. After the stay against the said order order is modified or lifted, or after the case pending in the High Court is completed, the case of the applicant shall also be considered alongwith the other similarly placed Inspectors in accordance with the same criteria prescribed by the respondents, to the


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extent ordered and as that would be modified by the order of the High Court while disposing of the case pending before the High Court.

5. Since three relevant ACRs reported in the case of the applicant are not available, otherwise to be considered as in the case of other Inspectors, the ACRs to be considered in the case of the applicant would be in accordance with the rules, namely either those prior to three years which were written or written after reinstatement of the applicant; and it also goes without saying that the respondents shall take into consideration of the fact that the adverse remark entered in the ACRs of the applicant for the period 1.4.88 to 7.7.88 had been expunged by an order of this Court as the same were entered on the basis of the alleged misconduct, the subject matter of the order of this Court dated 5.3.93.

6. With this, the OA is disposed of. No order as to costs.

  
(K. MUTHUKUMAR)  
MEMBER(A)

  
(DR JOSE P. VERGHESE)  
VICE CHAIRMAN(J)

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