

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA No.408/94.

New Delhi, this the 24th day of May, 1994.

SHRI J.P. SHARMA, MEMBER(J).

SHRI B.K. SINGH, MEMBER(A).

Constable Suraj Bhan No.10372/DAP,
son of Shri Sheo Chand, aged about 38 years,
presently posted in 9th BN. DAP,
R/o RZ-248, Raj Kumar Palam Colony,
New Delhi-110045.

...Applicant

By advocate : Shri Shankar Raju.

VERSUS

1. THE LT. GOVERNOR,
GOVT. OF N.C.T.D.,
(through the Commissioner of Police),
Police Headquarters, M.S.O. Building,
I.P. Estate, New Delhi.
2. THE DY. COMMISSIONER OF POLICE,
(Police Headquarters), M.S.O. Building,
I.P. Estate, New Delhi.

...Respondents

By advocate : None.

(A.S.I. Kunwar Singh present on behalf of the respondents)

O R D E R (ORAL)

SHRI J.P.SHARMA:

The applicant who has been working as a Constable filed this application in February, 1994 and he prays that a direction be issued to the respondents to convene a review DPC for considering the case of the applicant for promotion to the rank of Head Constable wef 15-10-93 and to consider him for grant of notional promotion wef 30-10-89 with all benefits of seniority, pay fixation etc. He has also prayed for quashing of the order dated 8-11-93 and order dated 20-10-93. He has also prayed for grant of E.B. wef 1-10-93. It is also prayed to remove his name

(X)

from the secret-list.

2. A notice was issued to the respondents. The respondents did not contest this application. At the time of hearing, the departmental representative filed a copy of the notification dated 4-5-94. The said notification is reproduced below :-

"X X X X X X X X X X X X X X X X

" Notification No.9007/P.Br. (SI-II): ADMISSION OF NAME TO PROMOTION LIST 'B'(EX.):- The name of Const. Suraj Bhan No.10372/DAP who passed the lower school course in the term ending August, 1993, is hereby admitted to promotion list 'B' (Ex.) w.e.f. 30.10.89.

Notification No.9008/P.Br. (SI-III): PROMOTION :- Constable Suraj Bhan No.10372/DAP whose name exists on promotion list 'B'(Ex.) is hereby promoted as officiating Head Constable (Ex.) w.e.f. 30.10.89, but he is granted proforma promotion for the period from 30.10.89 to 27.4.94, for which he will not be entitled to draw any arrear of pay. This period will otherwise be counted towards fixation of pay, increments and seniority etc. He will draw the regular pay and allowances of the rank of HC (Ex.) w.e.f. 28.4.94.

X X X X X X X X X X X X X X X X "

3. A perusal of the above will show that the applicant has been promoted as officiating Head Constable w.e.f. 30-10-89 by giving him proforma promotion for the period from 30-10-89 to 27-4-1994. He has also been given the full benefits of seniority fixation of pay and other allowances of the rank of Head Constable w.e.f. 28-4-94. While despatching the copy of this order, it was also directed to review the EB case.

4. We heard the Shri Shankar Raju for the applicant and he prayed for sometime to have consultation with the applicant but we are not inclined to grant any time because the relief prayed for

↓

(5)

in the original application in para 8 stands substantially allowed by the respondents by the respondents in the administrative side. They are not contesting this application. A copy of the order has been given to the applicant's counsel and a copy has also been sent by the administration to the applicant. Nothing survives in this O.A. A copy of the said order is taken on record and placed on 'A' part of the file. The O.A., therefore, is dismissed as infructuous. Costs on parties.

(B.K.SINGH)
MEMBER(A)

J. P. Sharma
(J.P.SHARMA)
MEMBER(J)

'KALRA'