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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

O.A.NO.872/94

New Delhi, this the 9th day of November, 1994

Hon'ble Shri J.P. Sharma, Member(J)

Hon'ble Shri B.K. Singh, Member(A)

Sri Ram 22/L,
Assistant Sub-Inspector (Mounted),
Delhi Police Force,
Delhi.

... Applicant

By Advocate: Shri C.P. Saxena

Vs.

1. The Commissioner of Police,
MSO Building, Police Hqrs.,
Indraprastha Estate,
New Delhi.

2. The Deputy Commissioner of
Police, Hqrs.(I), Delhi,
Indraprastha Estate,
MSO Building,
New Delhi.

... Respondents

By Advocate: Shri O.N. Trishmal

ORDER

Hon'ble Shri J.P. Sharma, Member(J)

The applicant joined Delhi Police Force as a Constable (Mounted) in 1957 and was promoted as Head Constable in 1987 and as Assistant Sub Inspector (ASI) w.e.f. 1.10.92. The grievance of the applicant is that virtually complete stagnation exist in the cadre of Constable (Mounted) in Delhi Police. The applicant has also furnished a chart in para 4.3 which goes to show that there is only one post of Sub Inspector. Further it is also the grievance of the applicant that the respondents have called for applications and nominations from the various places in Delhi and out of Delhi from

Inspector General of Police for filling up the post of Sub Inspector(Mounted) by transfer on deputation basis from CPUs and State Police Force.

2. The relief claimed by the applicant is that the aforesaid notification dated 4.2.94 for filling up the post of Sub Inspector be quashed and the respondents be directed to promote the applicant to the post of Sub Inspector(Mounted) in Delhi Police.

3. The respondents contested the application and stated that the applicant has been promoted w.e.f. 19.4.93 as ASI(Mounted) by the order of even date on regular basis. Under Rule 16(ii) of Delhi Police (Promotion and Confirmation) Rule 1980, a confirmed ASI(Technical) who has put in a minimum of six years of service in his trade shall be eligible for promotion to the rank of Sub Inspector. Since the applicant could not be considered suitable for promotion to the post of ASI, the requisition has been sent to various I.G.Police, State Governments and other Central Police Organisation to sponsor the name of eligible candidates for filling the vacancies by transfer on deputation basis. Since the applicant is not ripe for promotion, so the post is being filled on deputation basis.

4. The applicant has also filed the rejoinder reiterating the facts already stated in the application.

5. We heard the learned counsel of the parties at length and perused the records.

6. Rule 16 of the Delhi Police (Appointment and Confirmation) Rules, 1980 provides:

"....Direct recruitment to the Mounted Police shall be made only in the rank of Constables. Vacancies in other ranks shall be filled by promotion from the lower ranks in the Mounted Police according to the rules governing promotions."

Sub-rule (2) of Rule 16 provides:

"Vacancies in the rank of Constables (Mounted) may also be filled in by transfer of men from the executive for which volunteers may be called for from all the Districts/Units from amongst Constables with at least 3 years of service....".

The learned counsel has also referred to Rule 17 of the Delhi Police (General Conditions of Service) Rules, 1980 which provides that the Commissioner of Police, Delhi may sanction permanent absorption in Delhi Police of upper and lower subordinates, except Inspectors from other States/Union Territories and Central Police Organisations with their consent and with the concurrence of Head of the Police Force of the State/Union Territory or the Central Police Organisation concerned...."

In fact the learned counsel has highlighted the fact that there are no chances of promotion and there is only one post of Sub Inspector and if that is filled by transfer on deputation basis and ultimately the deputationist is absorbed the chances of promotion of the applicant for all time to come will be mitigated. Another O.A. 2551/93 has been filed by one Shri Umed Singh of the Constable (Mounted) Police ventilating his grievance that there are no promotion

prospects in the cadre. This therefore goes to show that in case the solitary post of Sub Inspector is filled on deputation then the applicant will be deprived to be considered for promotion to the post.

7. We have gone through the provisions of Rule 16(ii) of Delhi Police (Promotion and Confirmation) Rules 1980, it only deals with technical/specialised staff. The applicant cannot be classified as ASI (Technical) in the category of technical staff. Rule 16(ii) only governs confirmation ASI (Technical). In view of this, the arguments of the learned counsel for the respondents that the applicant is not considered eligible as he has not yet put in six years of service cannot be accepted. The applicant has already put in more than 36 years of service. He has been promoted as ASI from 1.10.92. He has already completed 2 years of service in the grade. For the deputationists the age limit is restricted to 40 years and 5 years of service in Mounted Police as ASI. In view of this, the applicant did not qualify on the basis of standing ASI and as such he cannot have any claim for appointment to the post.

8. In any case the case of the applicant deserves a sympathetic consideration and it is expected that the respondents shall consider him at least for adhoc promotion also if he is otherwise suited for the job. The application is therefore dismissed with the above observation, leaving the parties to bear their own cost.


(B.K. SINGH)
MEMBER(A)


(J.P. SHARMA)
MEMBER(J)