

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

R.A.No.174/99 in
O.A.NO.1646/95

Hon'ble Shri Justice V.Rajagopala Reddy, VC(J)
Hon'ble Shri R.K.Ahooja, Member(A)

New Delhi, this the 7th day of October, 1999

Head Const. Chand Singh No.42/NW.. Review Applicant
Vs.
Union of India & Others. .. Review respondents

O R D E R (By Circulation)

Hon'ble Shri R.K.Ahooja, Member(A)

The review petitioner/applicant had filed OA No.1646/95 aggrieved by his non-selection for the post of Assistant Sub Inspector in Delhi Police. The applicant's case was that he had been over looked on account of a censure awarded to him by an order dated 13.10.1994 which could have barred him from promotion only for a period of six months. The OA was dismissed on the ground that while censure may not act as bar on promotion, it nevertheless could not be over looked while assessing the suitability of a police officers for promotion to the higher grade.

2. The petitioner submits that the Tribunal fell into an error in concluding that he had not challenged the final order of the censure. The applicant submits that he came to know of this order only when the respondents had filed a reply to the OA. The applicant also submits that the Tribunal did not take note of the fact that he had been given discriminatory treatment as compared to that of Sub-Inspector Braham Prakash.

On


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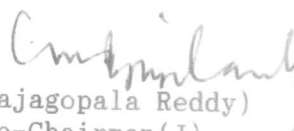
3. We have considered the above submissions carefully. The applicant had, in the OA itself, in para 4.10 spoken of a censure awarded by the respondents in 1993 and another censure awarded to him on 13.10.1994. His plea was that by 30.3.1995 the effect to the censure awarded on 13.10.1995 had already lapsed on the expiry of a period of six months. A copy of the order dated 13.10.1994 is also at Annexure-E to the OA.

4. In view of this position, we are unable to understand the submission of the applicant that he came to know of the final order of censure only from the reply of the respondents and hence could not challenge it and speaking thereby that the Tribunal was misplaced.

5. As regards the allegation of discriminatory treatment vis-a-vis Sub Inspector Braham Prakash. The final finding of this Tribunal was rightly on the basis of the merits of the applicant's own case.

6. In the result, finding no merit in the RA, the same is hereby summarily dismissed.


(R.K. Ahooja)
Member(A)


(V. Rajagopala Reddy)
Vice-Chairman(J)

/rao/