

CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH

Original Application No.1443 of 2000

New Delhi, this the 14<sup>th</sup> day of March, 2001

HON'BLE MR.KULDIP SINGH, MEMBER(JUDL)  
HON'BLE MR. M.P. SINGH, MEMBER (A)

Shri Rishi Pal Singh (Ex.No.199/NE-HC)  
S/o Shri Ram Chander Singh  
R/o H.No. 52 Gali No.27,  
Vijay Park, Maujpur,  
Delhi-110 053.

-APPLICANT

(By Advocate: Shri M. Mohsin Issraily)

Versus

1. State of Delhi through  
Lt. Governor, Raj Niwas,  
Delhi.
2. The Commissioner of Police,  
Police Headquarters,  
MSO Building,  
I.P. Estate, New Delhi.
3. The Deputy Commissioner of Police,  
North East District,  
Seelampur,  
Delhi.
4. ASI Suresh Pal (Ex.No.77/NE)  
Now posted in Special Branch,  
Police Headquarters,  
MSO Building, IP Estate,  
New Delhi.
5. ASI Satbir (Ex.HC No.191/East)  
Now posted in  
Teen Murthi Traffic Lines,  
New Delhi. ....Respondents

(By Advocate: Shri Ram Kanwar)

O R D E R

By Hon'ble Mr.Kuldip Singh, Member(Judl)

The applicant in this case is aggrieved of an order No.1362 dated 30.5.2000 which is being challenged by him. Vide impugned order the applicant had been granted the Asadharan Karya Purasakar for arresting 63 Proclaimed Offenders (POs for short) but his claim for out of turn promotion had been rejected on the ground

that there is no claim for the same.

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2. Facts in brief are that the applicant who is working as Head Constable under the Delhi Police, claims to have taken keen interest in arresting the POs. Respondents-Department has also issued a circular whereby they have introduced a scheme giving incentives/reward to different subordinate police officials for their outstanding/extra-ordinary performance and have accordingly offered out of turn promotion to officer who apprehends:-

(i) More than 75 POs in one year; or

(ii) More than 125 POs in two years; or

(iii) More than 250 POs in five years.

3. The applicant had also taken a keen interest in apprehending the POs even prior to the declaration of the Scheme and besides attending to his normal routine duties, he multiplied his efforts and succeeded in procuring the particulars of large number of such POs from different courts and physically arrested 63 POs. Applicant has also been able to detect the particulars of 10 such POs who had already been arrested in some other cases and were in judicial custody and obtained their production warrant and also in tracing 8 cases of POs who had died. Thus he has worked out more than 75 cases in

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one year and submits that he should be granted out of turn promotion.

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4. The applicant also submitted that there were a large number of police officials including respondent Nos.4 and 5 who had been given the benefit of arrest effective by those officers as well as for tracing the POs as dead besides the actual/physical arrest, so it is submitted that he is being discriminated while other members of the subordinate police officials have been granted out of turn promotion whereas in his case he has not been given promotion but only cash award had been granted to him so he has prayed for setting aside the impugned order and prays that he should also be given out of turn promotion.

5. Respondents are contesting the OA and admitted that a circular introducing incentive scheme and rewards has been issued by them. They also admitted that out of turn promotion can be given to an officer who had apprehended more than 75 POs in one year.

6. Respondents further submitted that the case of the applicant was examined and it was found that his claim for out of turn promotion was not justified and was also contrary to the said circular and on screening it was found that the applicant had arrested only 63 POs physically and he verified cases of 3 POs who were not alive and he had submitted their death report to the

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court concerned and had also traced the cases of 10 POs who were in judicial custody. The number of cases of 10 POs who were in judicial custody and 8 POs who were dead are not to be counted for grant of out of turn promotion, as such his case was not considered for out of turn promotion.

7. As regards the discrimination is concerned, the respondents submit that the matter was examined in detail and found that there were so many cases like arrest of POs who were in judicial custody in another case or dead and shown arrested by the officer through production warrant or traced were recommended for out of turn promotion. The POs shown arrested on production warrant or traced as dead were not found to be considered in the purview of "apprehension" of POs as such those cases were not included in the number of POs shown arrested in the credit of the concerned officer.

8. As regards promotion to S/Shri Suresh Pal and Satbir Singh are concerned, it is stated that their promotion was also based on the facts that certain number of POs have been shown to be arrested through judicial custody but somehow their cases could not be reviewed for cancellation/withdrawal for the sake of justice but it was decided not to count such type of cases for out of turn promotion and necessary instructions in this regard were also issued to all the concerned. Since the case of the applicant is also that which includes 8 dead persons

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and 10 apprehended through judicial custody and physically arrested persons were 63, so he should be given out of turn promotion and he had been granted award of Asadharan Karya Pursakar as per the scheme itself, so it is submitted that the OA should be dismissed.

9. We have heard the learned counsel for the parties and have gone through the records of the case.

10. Shri M.Mohsin Israili, Counsel appearing for the applicant submits that the circular A-1 which has been annexed with the OA does not clarify whether the number of those POs who are dead and those who have been apprehended by proclaiming production of arrest warrant through judicial custody were to be included for counting the number for granting out of turn promotion or not. Merely some of the officers have been wrongly given out of turn promotion that does not mean that the applicant is also entitled to grant of out of turn promotion when he has succeeded only in physically arresting 63 POs and not 83, as claimed by him. The counsel for the applicant has simply submitted that since he is being discriminated as his other colleagues have been granted out of turn promotion so he is also entitled for grant of out of turn promotion. We have gone through the circular Annexure A-1, which reads as under:-

"Sub: Reward for arresting  
proclaimed offenders.

It has been noticed that a number  
of subordinate officers have taken interest

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in arresting proclaimed offenders. Some of these officials have been arrested as many as 200 proclaimed offenders which act is indeed commendable....."

11. A perusal of the opening of the note of the Circular says that the scheme had been introduced to reward/grant out of turn promotion for arresting proclaimed offenders. The manner in which the words arresting/arrested have been used in this circular will go to show that this circular would be rewarding those officers who have physically arrested proclaimed offenders. The arresting POs by means of a production warrant from a court and then getting them produced through the jail will not amount to arrest a PO because in that case the PO is already in custody and is not at large, so no special efforts are made for arresting those POs and further claiming to trace a case of proclaimed dead offender, by no imagination can be said to have arrested that particular dead PO. Thus the department has rightly excluded the number of those POs which have been shown as considered who are either dead or who have been got produced by production of warrant from the courts and getting them produced in the judicial courts. Thus we are satisfied that no case for grant of out of turn promotion for the applicant has been made out.

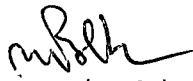
12. As far as the grievance of the applicant regarding discrimination is concerned, since the department has admitted that those persons who have been enlisted in this OA and some other persons might have


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been given out of turn promotion but the department admits that those persons have been erroneously granted promotion and they were held as not entitled for promotion and as such it is for the department to see what to do, but merely on the basis of some wrong we cannot direct the respondents to commit another wrong by allowing this OA.

13. In view of the above discussion, nothing survives in the OA. which is accordingly dismissed. No costs.

  
(M.P. Singh)  
Member (A)

  
(Kuldip Singh)  
Member (J)

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