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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

O.A. No.121/89

New Delhi this the 10th day of February, 1994.

HON'BLE SHRI J.P. SHARMA, MEMBER (J)  
HON'BLE SHRI B.K. SINGH, MEMBER (A)

Shri Chandra Prakash  
S/o Late Shri Kirori Mal,  
Dy Commissioner of Police,  
III Bn. DAP. DELHI. ....Applicant

(Advocate : None)

VERSUS

1. Union of India through  
Secretary to the Govt of India  
Ministry of Home Affairs  
North Block, New Delhi.
2. State of Mizoram, through  
The Chief Secretary,  
State of Mizoram,  
Aizawl, Mizoram.
3. Shri C. Dothanga, D.T.G. (Training)  
Mizoram,  
C/o the Chief Secretary,  
Mizoram, Aizawl,  
MIZORAM
4. Shri C. Khenglwat, D.T.G., (CID)  
Mizoram, C/o the  
Chief Secretary, Mizoram,  
Aizawl, Mizoram
5. Delhi Administration,  
through the  
Chief Secretary,  
Delhi Administration,  
Delhi. ....Respondents

(Advocate : None)

ORDER (ORAL)

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

The applicant is a Member of Indian Police Service and at the time of filing this application in January, 1989 was posted as Dy Commissioner of Police, III Bn. DAP, Delhi. The applicant is aggrieved

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by the Orders dt 17th Feb., 1988 promoting Shri C. Dhonga, IPS and Shri C. Khenglawt to the post of DIG, and the Order dt 8th September, 1988 promotion of Shri Seva Dass and Shri R. Tiwari to the rank of DJG. The relief claimed by the applicant is that he should have deemed to be promoted to the rank of DIG, and Additional Commissioner of Police w.e.f. 17.02.1988 i.e. the date from which Officers junior to the applicant were first promoted to the rank of DIG in the Union Territory Cadare in Mizoram and he should be given all consequential benefits on that account.

2. The applicant had made representation on 12.12.88. It is stated that the Union Territory Cadare IPS Officer has year 1971 as the year of allotment. The post in the rank of DIG/Additional Commissioner of Police, according to the applicant have been lying vacant and since the IPS Officers' Seniority <sup>with</sup> <sub>of</sub> 1971 are yet to be promoted in the Union Territory Cadare. The junior IPS Officers with 1973, 1975 as years of allotment have been promoted and holding the rank of D.I.G. After filing this application the applicant has also sought amendment by adding another relief that orders for the posting of the applicant in the post of DIG/Additional Commissioner of Police in the Cadare on deputation be issued by the respondents in accordance with the guidelines laid down by the Government. By an order of 11.07.90 <sup>by way of amendment sought that</sup> the applicant brought the name of respondents No. 5 & 6 deleted from the arena of respondents.

3. The respondents in their reply stated that no Officer Junior to the applicant was promoted

before him on a Cadare post. In fact, one Officer senior to the applicant Shri Gurcharan Singh was awaiting the posting since 1st June, 1988, as DIG. The grievance of the applicant against the posting of certain Officers as DIG does not relate to the Cadre as the State Governments had appointed those Officers under their own powers and those posts have never been added to the Cadre. Shri Sewa Dass & Shri R. Tiwari have been reverted to the post of DIG on their transfer to the Cadre post. The posts of DIG were ex-Cadre posts and Central Government normally does not interfere with the appointments made by the State Governments which are not on Cadre post. Shri C. Dhonga and Shri C. Khenglawat do not belong to AGMG Cadre. The Central Government has repeatedly advised the State Government to discontinue the ad hoc appointments in the Grade of DIG in ex-Cadre post. Since the posts were under the control of the State Governments, Ministry could not terminate the appointments ordered by the State Governments. The O.M. referred to by the applicant of 24th December, 1980 and 23rd June, 1982 do not apply to all India Service Officers. The applicant's name was considered in the meeting of the Screening Committee of 30th September, 1988. The applicant was not promoted to the rank of DIG though post was available as Shri Gurcharan Singh, senior to the applicant was available for posting. Smt Bedi has never been promoted to the rank of DIG. The applicant had no right for appointment against the post not included in the I.P.S. Cadre. The appointment of locally available officers by the State Governments

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do not give a legal claim to the Government for appointment to DIG grade with effect from 17.02.1988.

4. The applicant has also reiterated the same fact in the rejoinder. He has highlighted certain posts lying vacant in Delhi Police, ~~that~~ the post of Additional Commissioner (Armed Police) and another post was created in the later half of 1988.

5. None appears on either side. We have gone through the pleadings of the parties. We find in the rejoinder itself that the applicant has been promoted to the rank of DIG in January, 1989 and he was posted on ex-cadre post of DIG in the State of Arunachal Pradesh.

6. Going through the relief claimed by the applicant, we find that the applicant has already been given posting to the post of DIG ~~of~~ ex-cadre post. Regarding retrospective promotion of the applicant to the post of DIG w.e.f. 17.02.1988, there is no basis. Indian Police Service is an All India Service only in name. In fact, the Officers are posted to the State. If certain ex-cadre posts are created in the State and they happen to be junior who are posted in other places of the Union Territory, they cannot have any grievance. In view of the stand taken by the respondents that ex-cadre posts are not included in the cadre and it is just like a person serving on a deputation post. The moment such an Officer comes to the cadre post, he will be given the same berth and status as he commands in his original seniority on the basis of year of allotment in I.P.S.

7. We do not find any substance in this application and the same is, therefore, dismissed. Cost on parties.

(B.K. SINGH)  
MEMBER (A)

J.P. SHARMA  
MEMBER (J)