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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.No.417/89

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

Shri Ombir Singh, S/o Shri Raghunath Singh,
R/o Quarter No.H-30, P.S. Kalkaji,
New Delhi. New Delhi.

...Applicant

Advocate : None

VERSUS

1. Lt Governor of Delhi, through
Chief Secretary,
Delhi Administration,
DELHI.
 2. Commissioner of Police Delhi
Police Headquarters
MSO Building, IP Estate,
NEW DELHI.
 3. Dy Commissioner of Police,
Headquarter I, Delhi Police Headquarters
M.S.O. Building,
I.P. Estate, New Delhi
- ...Respondents

Advocate : None

ORDER (ORAL)

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

The applicant was promoted as Head Constable on 24.06.1974 and was confirmed in his appointment w.e.f. 02.01.1979. Under Rule 15(1) of the Delhi Police (Promotion and Confirmation) Rules, 1980 a list D-I is drawn of the candidates to be sent for training in the intermediate School Course. According to the applicant, he was eligible to be included in the list in the year 1987 but his name was not shown in the list while others junior to the Head Constable have been enlisted. Same thing happened in the year 1988 and the Junior Head constables were sent for training. He filed the application under

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Section 19 Administrative Tribunal Act, 1985 on 24.02.1988 and he prayed that the name of the applicant be included in the promotion list w.e.f. 7.12.1988, the date from which the names of his juniors have been so brought on the list and deputed for training in the Intermediate School Course along with his juniors. He has also prayed the rule 15(1) of the Delhi Police (Promotion and Confirmation) Rules, 1980 be struck down as violative of Article 16 of the Constitution.

2. The respondents in their reply opposed a grant of the relief stating that the conduct of the applicant has been censured six times during the span of his service and also 2 years approved service was forfeited permanently by the order dated 28.01.1985. ACR of the year 1981-82 and 1983-84 are also adverse. The applicant was duly considered by DPC for appointment of his name in List D.I w.e.f. 1986, 1987 and 1988 but did not recommend his case. The representation is also rejected by the Commission of Police by the Order dated 21st February, 1989.

3. Rule 15(1) of the Rules provide that List -D, shall be list of confirmation of Head Constables considered suitable for promotion to the rank of Assistant Sub-Inspector. Selection has to be done on the basis of recommendation of the DPC on the basis of evaluation system based on i) Service record (ii) Seniority (iii) A.C.R. (iv) Profession test comprising of physical training and parade etc etc after qualifying Intermediate Course to which they are sent. After recommendation of the D.P.C., their

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names have been brought on list D.II and promotions are ordered according to their seniority. We do not find any arbitrariness in the impugned rule. The applicant along with others is considered by duly constituted D.P.C. There is a procedure prescribed which is justifiable on the ground that the best among the lot are selected on the norms laid down in the rule itself. Rule therefore is not discriminatory or arbitrary. Several Head Constable who have been confirmed in their appoint is considered on the basis of their length of service in the grade. This, therefore, cannot be said to be in any way against equality. All equals are treated alike. Therefore, there is no violation of Article 16 of Constitution of India.


4. The respondents have placed before us the service record and antecedents of the length of service and pointed out that the applicant has already been punished in 1985 by imposing a penalty of forfeiture of 2 year's service permanently and that he has also been censured six times during the short period of service. Though, the applicant has filed rejoinder also wherein he has not specifically denied the punishment imposed upon him. It is only averred that selection could not be made by D.P.C. because it is not on promotion. However, it is not so. When a person is first listed in D.I then subsequently, he is sent for Intermediate School Training and thereafter having been successfully completed that training, he is placed on List D.II and posting to the post of Assistant Sub Inspector, thereafter.

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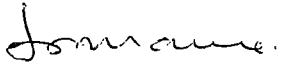
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5. Merely because the applicant has become due for promotion would not automatically make the applicant's name appear in the list D.I. The D.P.C. has to recommend his name as envisaged by Rule 15(1).

6. We do not find any merit in this application. The same is, therefore dismissed, leaving the parties to bear their own costs.


(B.K. SINGH)
MEMBER (A)

14-2-94


(J.P. SHARMA)
MEMBER (J)

14-2-94

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