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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A. No. 1384/88

Dated: 8.10.1993

Vijender Kumar

Applicant

vs.

Union of India, C.P.F.C.

Respondents

Present: None for the applicant

Shri Pawan Behl on behalf of the counsel for
the Respondents, Shri G.C. Lalwani.

CORAM: Hon'ble Mr. J.P. Sharma, Member (J)
Hon'ble Mr. B.K. Singh, Member (A)

JUDGMENT (ORAL)

(Delivered by Hon'ble Mr. J.P. Sharma, Member (J)

The applicant is Inspector in Delhi Police. Aggrieved by
non inclusion of his name in Promotion List 'F' (Executive) for the
post of Inspector ^{for} by his consideration in November 1985 and also
subsequently in 1986 and 1987, though finally by the order of
Commissioner of Police dated 23.5.86 (Annexure B-13) his name may
have been included in the promotion list 'F' w.e.f. February 1987
in terms of Rule 17 (1) of Delhi Police (Promotion & Confirmation)
Rules 1980.

2. Relief claimed by the applicant is as follows:

(i) That the name of the applicant be declared to be included
in the promotion list 'F' (Executive) w.e.f. 8.11.85 which
was published vide office order No. 38951/CP-I dated 11.11.85
passed by the respondent No. 1. The name of the applicant
may be placed in the promotion list as per his seniority and be
ordered to consequent promotion with retrospective effect
and non-inclusion of the name of the applicant to promotion
list w.e.f. 8.11.85 and consequent non-promotion to the rank
of Inspector (Executive) be declared illegal, unconstitutional,
null and void and inoperative.

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ii. In alternative to relief No. (i), above, the applicant may be declared to be admitted to the promotion list 'F' (Executive) with effect from 28.8.86 as per his seniority and consequent promotion to the rank of Inspector (Exe.) accordingly with retrospective effect with all service benefits and in ignorance/non-inclusion of the name of the applicant to the promotion list dated 28.8.86 issued by the order of the respondent No.1 be declared illegal, arbitrary, malafide, unconstitutional violating Art.14 and 16 of the Constitution and Delhi Police (Promotion and Confirmation) Rules.

iii. That further as an alternative relief to the reliefs No. (i) and (ii) above, the applicant be declared to be admitted to the promotion list 'F' (Exe.) with effect from 16.2.87 as per his seniority and consequent promotion to the rank of Inspector (Exe.) with retrospective effect with all service benefits and non-inclusion of the name of the applicant in promotion list 'F' (Exe.) published by respondent No.1 vide order dated 16.2.87 be declared illegal, arbitrary, malafide and unconstitutional violative of Art.14 and 16 of the Constitution and Police Rules.

iv. Any other relief as deemed fit by the Tribunal.

3. A notice was issued to the respondent who contested the application and filed their reply opposing the grant of reliefs.

4. None is present on behalf of the applicant. Shri Pawan Behl appears for the respondents. Since this is an old matter, we have perused the pleadings of the parties including the various annexures annexed with the pleadings as well as rejoinder filed by the applicant.

5. The main grievance of the applicant is that as he has already been exonerated in the departmental inquiry in February 1986 when he was entitled to be considered and included in the promotion List 'F' (Executive) for promotion to the rank of Inspector.

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It is however, admitted in the application that the applicant was awarded a punishment in January 1984 on the basis of his alleged absence from duty by which punishment of forfeiture permanent of two years service was imposed. However, this punishment subsequently was set aside on the representation of the applicant to the Lt Governor, Delhi Administration, and reduced to 'censure' by the order dated 27.5.87 which was received by the applicant on 11.6.87.

6. We have considered the grievance of the applicant and we find that the applicant was duly considered by the Departmental Promotion Committee as is evident by the order dated 7.10.86 (annexure P-4). He was further considered by the D.P.C. in 1986 and 1987 as is evident by the order dated 22.7.87 (annexure P-12).

7. The respondents in their reply have categorically stated that the applicant was considered in the D.P.C. in 1985, 86 and 87 but each time the DPC did not recommend him as fit for inclusion in the Promotion List 'F'. The applicant ultimately was given the benefit on the recommendation of the D.P.C. in 1988 w.e.f. 27.5.88.

8. In the rejoinder the applicant has denied his averment in the counter but this rebuttal has not been substantiated by and the fact on the record now it is placed before us. In view of these facts and circumstances we dismiss this D.A. as devoid of any merit leaving the parties to bear their own costs.


(B.N. Singh)
Member (A)


(J.P. Sharma)
Member (J)