

(5)

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI

OA NO. 885/88

DATE OF DECISION: 5.10.93.

SHRI ZILE SINGH

...PETITIONER

VERSUS

UNION OF INDIA & OTHERS

...RESPONDENTS

CORAM:- THE HON'BLE MR. N.V. KRISHNAN, VICE-CHAIRMAN  
THE HON'BLE MR. B.S. HEGDE, MEMBER (J)

FOR THE PETITIONER

SHRI A.S. GREWAL, COUNSEL.

FOR THE RESPONDENTS

SHRI D.N. GOBURDHUN, COUNSEL.

JUDGEMENT (ORAL)

The applicant is a retired Inspector (Ministerial) belonging to the Delhi Police. He is aggrieved by the delayed promotion given to him as Inspector (Ministerial) and he has filed this application for seeking the following reliefs:-

- "i) Notification Nos.7701/CB-I dated 12.2.86 and Notification Nos.44519/CB-I dated 28.8.86, be quashed being violative of rule 17 (3) of the Delhi Police (Promotion & Confirmation) Rules, 1980.
- ii) The order of C.P. Delhi rejecting the representation of the applicant as communicated vide No.51839/CB-I dated 24.8.87 be also quashed.
- iii) The applicant be deemed to have been promoted with effect from 1.8.86 and paid the pay and allowance and his pension, leave encashment and gratuity be revised."

The respondents have filed a reply contending that the applicant is not entitled to any of the reliefs prayed for.

2. When this O.A. came up for final hearing today, the learned counsel for the applicant submitted that he does not press for the reliefs sought at serial Nos. i) and ii) above. Therefore, what remains for consideration is only the relief sought at serial No.iii).

K

6

3. The promotion of Sub-Inspectors (Ministerial) to the rank of Inspectors (Ministerial) is considered in terms of Rule 17 (3) of the Delhi Police (Promotion and Confirmation) Rules, 1980. That rule reads as follows:-

"17.(iii) List-F (Ministerial)--Confirmed Sub-Inspectors (Ministerial) haveing 6 years service in the rank of Sub-Inspectors (Ministerial) shall be eligible. The selection shall be made on the recommendations of the Departmental Promotion Committee. The names of Sub-Inspectors (Ministerial) so selected, shall be brought on List-F (Ministerial) in order of their respective seniority, keeping in view the number of vacancies likely to occur in the following one year, and promotions made to the rank of Inspector (Min.) from this list as and when vacancies become available."

It is stated that the service particulars of 44 Sub-Inspectors (Ministerial) were called for by Annexure-F memorandum dated 15.10.1985 for the purpose of considering the Sub-Inspectors for inclusion in the promotion list-F (Ministerial). Thereafter, the Annexure-A promotion list dated 12.2.1986 was issued by the Commissioner of Police, which includes the names of 23 general candidates and two scheduled caste candidates. Admittedly, all the 23 general category candidates are senior to the applicant, who is also a general category candidate, the applicnt figuring at serial No.44 in the Annexure-F list of Sub-Inspectors considered for inclusion in the promotion list, while the last general category person Chander Prakash, included in the Annexure-A promotion list, is at serial No.27.

Q

5) Subsequently, on 28.8.1986, the name of Sri Chand was also included in the Annexure-A at serial No.4A. Further, four more names were included in the promotion list from 28.8.86 (Annexure-B). The last person is Guru Dutt, who is also senior to the applicant by one place.

6. The learned counsel for the applicant submits that the list is prepared for promotion against the vacancies in a year. When the promotion list was expanded on 28.8.1986 by the inclusion of four more names, including Guru Dutt, he contends that the applicant could also have been considered and included in the list, in which case he would, perhaps, have got promotion in February, 1987. At present, he has been promoted as Inspector (Ministerial) from May, 1987 and he retired on 31.8.1987. He submits that if the promotion list has been prepared in time, he would have got promotion from a slightly earlier date.

7) The prayer at serial No.iii) is somewhat different. It seeks promotion from 1.8.1986 with all consequential benefits.

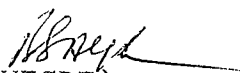
8) The learned counsel for the applicant was unable to substantiate the basis for this prayer. He admitted that all the general category persons included in the Annexure-A promotion list as well as in the Annexure-B promotion list are his seniors. None junior to him in the Annexure-F list has been promoted earlier than him.


R

8

9) Obviously, the vacancy ~~which arose~~ <sup>arose</sup> for which he could be considered ~~was~~ only in February, 1987. Hence, the promotion list must have been prepared subsequently. It is as a result of the consideration of his name when the vacancy arose in February, 1987 that he was ultimately promoted in May, 1987. Merely because the vacancy arose in February, 1987 it does not give him any right for promotion until he had been duly selected.

10) We find that, on the basis of the averments made in this O.A., the applicant has no right to get promotion from 1.8.1986. In the circumstances we find no merit in the O.A., which is accordingly dismissed. No costs.

  
(B.S. HEGDE)  
MEMBER (J)  
San.

  
5.1.83  
(N.V. KRISHNAN)  
VICE-CHAIRMAN