

**Central Administrative Tribunal
Principal Bench
New Delhi**

OA No.1428/2020

This the 17th day of December, 2020



**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Mohd. Jamshed, Member (A)**

Amar Singh Meena S/o Shri Bachchu Ram Meena,
R/o Qr. No.4-B, Type-III,
Police Colony Shakurpur,
Delhi-110092

Aged about 57 years (Group A)
Deputy Commissioner of Police (Communication)
Delhi Police.

... Applicant

(By Mr. Ajesh Luthra, Advocate)

Versus

1. Government of NCT of Delhi through
Chief Secretary, Govt. of NCT of Delhi,
Delhi Secretariat, IP Estate,
New Delhi.
2. Commissioner of Police,
Delhi Police Hdqrs. (New building),
Behind Parliament Street Police station,
New Delhi.
3. Deputy Commissioner of Police (Estt.),
Delhi Police Hdqrs. (Old building),
MSO Building, IP Estate,
New Delhi. ... Respondents

(By Ms. Esha Mazumdar, Advocate)

O R D E R

Justice L. Narasimha Reddy, Chairman :

The applicant joined the service of the Delhi Police as Assistant Sub Inspector (RT) in the year 1989. He was promoted as Sub Inspector Supervisor (Tech.) in the year 2000 and as Inspector in that branch, in the year 2007. He was promoted as ACP/ Communications (Ex-cadre) against a post, on 30.05.2012. He was granted non-functional scale in the year 2016 and was also extended periodical benefits. He filed OA.1117/2019 claiming the benefit of promotion to the post of DCP/Communications (PRO). The OA was disposed of on 06.01.2020, directing the respondents to complete the process within three months. CP.118/2020 was filed alleging that the respondents did not implement the order of the Tribunal. A DPC was constituted by the UPSC and on the basis of the recommendations made by it, the applicant was promoted to the post of DCP, through an order dated 25.08.2020.

2. On 15.08.2020, the applicant was assigned the duties of Additional DCP/Communications. This OA is filed challenging the said order.

3. The applicant contends that though the post held by him was, at no point of time, part of the DANICS, he was





shown as a DANICS officer. He further contends that there is no post of Additional DCP in his specialization and despite that he was entrusted with the duties vis-à-vis non existing duties. Other contentions are also urged.

4. Respondents filed a detailed reply. It is stated that the applicant was promoted to the post of DCP/Communication, which is a standalone post; and that he was assigned the duties pertaining to that very department. It is stated that the description of the applicant as part of DANICS is an inadvertent mistake and it has since been corrected. As regards the assignment of duties, the respondents placed reliance upon the provisions of Delhi Police Act and contend that it is competent to the Hon'ble Lt. Governor, to assign any kind of duties to the officers and that the applicant cannot take exception to such orders.

5. We heard Sh. Ajesh Luthra, learned counsel for the applicant and Ms. Esha Mazumdar, learned standing counsel for the respondents.

6. Even according to the applicant, the post of DCP Communication is not part of regular establishment of the Delhi Police. It is purely connected with the activities of the communications of the Police. Through the impugned order,



he was posted as Additional DCP Communications. It is not the case of the applicant that his pay structure was reviewed or that he was shifted to a post, unconnected with the Delhi Police establishment. Communication happens to be one of the most important wings of the Delhi Police. Much of their activities and planning would depend upon the type of inputs they get from the Communications/ AD. Many a time, sensitive informations are received and immediately planning has to be made to meet the situations. Even a small lapse in this behalf would prove to be fatal.

7. The applicant was promoted to the post of DCP just few days prior to the order of posting. It is not his case that in the establishment of Delhi Police, a post at the level of DCP remained vacant when he was promoted. A senior official, within the police establishment was handling it. Even while keeping the status and pay structure of the applicant intact, new duties were assigned to the applicant consequent upon his promotion. From the tone and tenor of the OA, one gains the impression that the applicant wants to ascend to the top level, at once. Such ambitions cannot be encouraged in sensitive organizations like police.



8. Unlike in civilian departments, the duties of officers in the police establishment cannot be compartmentalized. Depending on the exigencies, they are required to discharge functions of any kind whatever, assigned to them. Section 5 and 6 of the Delhi Police Act empowers the Lt. Governor to assign such duties. An officer can have grievance, if only his pay structure is reduced or if he is required to work under his junior. None of such complaints are made by the applicant.

9. We do not find any merit in this OA and the same is accordingly dismissed. There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

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