

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

Regn. No OA 510/1986

Date of decision: 10.07.1992.

Shri Harbir Singh

Applicant

Vs.

Union of India & Others

Respondents

For the Applicant

None

For the Respondents

Mrs. Avnish Ahlawat,
Counsel

CORAM:

The Hon'ble Mr.P.K. Kartha, Vice Chairman(J)

The Hon'ble Mr.B.N. Dhoundiyal, Administrative Member

1. Whether Reporters of local papers may be allowed
to see the Judgment? *Yes*

2. To be referred to the Reporters or not? *No*

JUDGMENT

(of the Bench delivered by Hon'ble
Shri P.K. Kartha, Vice Chairman(J))

The grievance of the applicant relates to his non-promotion
to the post of Assistant Sub Inspector (Executive) in the Delhi
Police. He has prayed in this application for a declaration to
include his name in promotion list D-I (Executive) with effect from
16.01.1986, i.e., the date from which the names of his juniors
were so admitted with all consequential benefits and to direct the
respondents to depute him for training in Intermediate School Course
in his turn. *O*

2. This case had appeared in the cause list as one of the cases ~~peremptorily~~ fixed for final hearing. When the case was called on 01.07.92, none appeared for the applicant. Mrs. Aynish Ahlawat, the learned counsel appeared for the respondents. After hearing the learned counsel for the respondents, the counsel for the applicant was given time upto 09.07.92 to file written submissions, if any. He has ^{not} ~~submitted~~ written submissions during ^{this} ~~period~~. We have also heard the learned counsel for the respondents.

3. The applicant became a Constable in the Delhi Police in 1964. He was promoted as Head Constable in 1975 and confirmed in the said post in 1979. His name was considered by the Departmental Promotion Committee for promotion to the next higher grade. The DPC after carefully considering the overall service records of the candidates including the applicant did not approve his name for admission to promotion list D-I (Executive). The respondents have stated in their counter-affidavit that as per the service records, the applicant was awarded punishment of forfeiture of one year approved service on 10.11.1985. His two years approved service was also forfeited temporarily for a period of 2 years on 29.11.1984. These two punishments were awarded after duly following the requisite procedures. The name of the applicant was, therefore, not approved by the DPC as he failed to make the grade due to his unsatisfactory service record.

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4. The contention of the applicant that he possesses an unblemished record is disproved by the averments made by the respondents in their counter-affidavit.

5. The only ground alleged by the applicant in support of his case for promotion is that persons with worse records than that of the applicant had been promoted. He has mentioned the names of Head Constable Ranjit Singh, ~~and Head Constable Randhir Singh &~~ ~~Head Constable Raj Singh~~ in this context. The respondents have stated in their counter-affidavit that Head Constable Ranjit Singh was initially awarded a punishment of forfeiture of service but on appeal the said punishment was reduced to that of censure on 28.07.1984. As regards Head Constable Raj Singh, he was placed under suspension on 4.1.1986 but his name was to be considered by the DPC and was found fit. He was reinstated on 13.1.1986 and the period spent under suspension was treated as spent on duty. Head Constable Randhir Singh was awarded only one punishment of forfeiture of one year approved service in 1975 which does not fall within the last 5 years of service records considered by the DPC for the purpose of suitability for promotion.

6. The admitted position is that the promotion from one rank to another in the Delhi Police is governed by the provisions of the Delhi Police (Promotion and Confirmation) Rules, 1980. The rules provide that promotion shall be made by selection tempered by seniority. Efficiency and

honesty shall be the main factors governing selection. In the instant case, the applicant was also considered by the DPC for promotion to the next higher grade in accordance with the rules and he was not found suitable for promotion. A Government servant has only a right to be considered for promotion. As he did not make the grade, we are of the opinion that he is not entitled to the reliefs sought by him. The application is, therefore, accordingly dismissed, leaving the parties to bear their respective costs.

B. N. Dholi
10.07.1992
(B.N. DHOUNDI YAL)

MEMBER (A)
10.07.1992

Carried
10/7/92
(P.K. KARTHA)
VICE CHAIRMAN (J)
10.07.1992

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