

(1)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A. 749/86

Munshi Ram Applicant
Vs.
Union of India & Others Respondents

ORDER :

Shri J.P.S. Sirohi, counsel for applicant present. The applicant has made grievance that his name has not been included in the list of the persons for being promoted as A.S.I. We heard Mr. Sirohi and we find that there is no merit in the application. The reasons are as follows :

The applicant entered service as Police Constable on 17.12.1967. He was promoted on ad-hoc basis to Head Constable during 1972 and confirmed during 1976. In the year 1986, the concerned authorities prepared a list of Head Constables' who are found fit for being promoted as A.S.I. The name of the applicant/~~was~~ was not included in the list and the applicant's grievance is that it should be so included. The applicant has made a representation against such non-inclusion on 31.3.1986. The reply has been given to him in the following words; "The name of H.C. Munshi Ram No. 401/SB was not approved by the DPC due to his unsatisfactory

record of service. His representation has been rejected after due consideration by Commissioner of Police, Delhi."

It was contended by the learned advocate Shri Sirohi that there was only one small punishment inflicted during 1978 and that such punishment should not have come/~~in~~ the way of the applicant in getting promotion as ASI. In our opinion, it may be very difficult to make an assessment/~~of~~ the eligibility of the applicant for promotion on such contention. The Departmental Promotion Committee (DPC) is an appropriate forum who has to go into service records of various applicants and take decision. As mentioned above, the service records of the applicant has been unsatisfactory and it is on this count, that the DPC did not include the name of the applicant in the select list.

It was contended by Shri Sirohi that there are certain other HCs who should not have been included in the select list, but DPC has found them fit. It was therefore, a sort of discriminatory treatment to the applicant. We are afraid that the principle of discriminatory and arbitrariness cannot be construed and stretched in this manner. If certain other persons are not eligible for promotion as alleged by the applicant that it should not give right to the applicant to get the promotion, if the DPC has found him unsuitable. The result is that the application is liable to be rejected summarily and accordingly disposed of.

S. P. Mukerji
(S. P. MUKERJI)
ADMINISTRATIVE MEMBER

B. C. Gadgil
(B. C. GADGIL)
VICE-CHAIRMAN (JUDICIAL)