

33

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW DELHI
CCP No. 200/89 in
O.A. No. 581/88
T.A. No.

198

DATE OF DECISION 10.1.90

Charan Singh & Ors.

Applicant (s)

Shri Shyam Babu

Advocate for the Applicant (s)

Versus
Deputy Commissioner of
Police & Anr.

Respondent (s)

Advocat for the Respondent (s)

CORAM :

The Hon'ble Mr. T.S. Oberoi, Member (J)

The Hon'ble Mr. I.K. Rasgotra, Member (A)

1. Whether Reporters of local papers may be allowed to see the Judgement ? Yes
2. To be referred to the Reporter or not ? No
3. Whether their Lordships wish to see the fair copy of the Judgement ? No
4. To be circulated to all Benches of the Tribunal ? No

JUDGEMENT

(delivered by Hon'ble Mr.T.S. Oberoi, Member)

This C.C.P. is directed against the respondents, for violating an order dated 1.6.1989, passed by another Bench of this Tribunal (comprising one of us, namely, T.S. Oberoi), on M.P. No. 1048/89 in O.A. No. 581/88. The operative portion of the said order reads as under:-

"Considering the circumstances of the case, we do not consider it necessary to restrain the respondents from holding the DPC for consideration of promotions, but any promotion made as a result of the D.P.C. shall be subject to final outcome of the decision of this O.A. and also subject to the respondents meeting the requirements of all relevant Recruitment and Promotion Rules".

2. Precisely, the plea of the learned counsel for the petitioners is that the order dated 1.6.1989, extracted above, had permitted the respondents to make promotions, which would be subject to the final outcome of O.A. No. 581/88, and also subject to the requirements of complying with the relevant Recruitment and Promotion Rules. But, on a perusal of the order dated 25th July, 1989 (Annexure 'D' to

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the present CCP), it is apparent that respondent No. 1 has promoted the same respondents to the next higher rank of A.S.I./M.T. Fitter Grade I, with effect from 21st July, 1989, ignoring the Recruitment Rules (Appendix III to the CCP), particularly Rule 12 laying down the conditions of eligibility, for promotion, which stipulates five years service in the grade of confirmed M.T. Fitter grade II (Head Constable). The learned counsel for the petitioners elaborated, that none of the respondents, who have been promoted vide order dated 25.7.1989, has so far put in five years service in the said grade, as they were promoted as Head Constable/M.T. Fitter Grade II, with effect from 8.8.1985 vide order at Annexure 'A' and their promotion, even on ad hoc basis, contrary to the Recruitment Rules, would amount to negating the Recruitment Rules. The learned counsel also pleaded that the petitioners, being senior to the respondents mentioned at serial Nos. 2 to 11, in any case, deserve to be considered for promotion before the promotion of respondents 2 to 11, to the next higher grade of ASI/MT fitter Grade I.

3. We have carefully considered the contentions put forth by the learned counsel for the petitioners. We have also perused the relevant Recruitment Rules, referred to by the learned counsel for the petitioners, and also the provisions contained in Section 19 (i) of the Delhi Police Act, 1978. The latter may be extracted, for benefit:-

"19. Ad-hoc promotions-(i) In special circumstances when there are no approved names on promotion lists, and vacancies exist, the Commissioner of Police, may promote suitable officers in order of seniority to next higher rank temporarily. Such promotions shall not entitle the concerned officers to claim any right for regular appointment or seniority or for appointment to such or any other equivalent post and shall be liable to reversion without notice as soon as qualified men become available".

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4. A perusal of the order dated 25.7.1989 (Annexure 'D') shows that the same has been passed in terms of Section 19 (i) *ibid* and specifically mentions that the promotions of respondents 1 to 11, mentioned therein, to the M.T. Fitter Grade I (A.S.I.) with effect from 21.7.1989, are/purely temporary and ad hoc basis and the incumbents mentioned therein shall not be entitled to claim any right for regular appointment or seniority or for appointment to such or any other equivalent post and shall be liable for reversion at any time without assigning any reason.

5. After careful consideration of the order dated 25.7.1989, in the light of the provisions mentioned in Section 19 (i) of the Delhi Police Act, we have no hesitation in concluding that the ad-hoc promotions made vide order dated 25.7.1989 are within the contingencies mentioned in Section 19 (i) of the Act ibid and that the term 'suitable' mentioned in this Rule, may not necessarily be co-terminus with 'eligible', as per requirement of the Recruitment Rules. Therefore, in our view, no violation of the orders dated 1.6.1989, passed by a Bench of this Tribunal, is involved.

6. As a result of the foregoing, we find no merit in the present CCP and the same is hereby rejected. Nothing expressed herein shall, however, have any bearing on the ultimate decision of O.A. No. 581/88.

(P.C. Jain)
10/11/90
(P.C. Jain)
Member (A)

(T.S. Oberoi)
10/1.90
(T.S. Oberoi)
Member (J)