

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH,
NEW DELHI.

O.A.No.1951/90

New Delhi: ^{December 2nd} November 2, 1994.

HON'BLE MR. S.R.ADIGE, MEMBER (A),

HON'BLE MRS. LAKSHMI SWAMINATHAN, MEMBER (J)

1. Ved Prakash
S/o Shri Mauzi Ram
2. Mohd. Sayeed Khan
S/o Shri Khan Mohd. Khan
3. Shiv Nath
S/o Shri Achhanbhoy Lal
4. Sampuran Singh
S/o Shri Ranjit Singh
5. Dvinder Singh
S/o Sh. Daryao Singh
6. Ram Nath
S/o Sh. Jai Ram
7. Ranjan Lal
S/o Sh. Ram Swarup
8. Ramesh Chander
S/o Sh. Govind Ram
9. Thomas Mathai
S/o Sh. Mathai Fasow
10. Balwan Singh
S/o Sh. Daryao Singh
11. Surendar Kumar
S/o Shri Asutosh Kumar
12. Onkar Singh
S/o Shri Basant Ram
13. Sunny Abraham
S/o Sh. A.J. Abraham
14. Jai Parkash
S/o Sh. Attar Singh
15. Ram Kishan
S/o Sh. Partap Singh
16. Preet Pal Singh
S/o Late Sh. Kehar Singh
17. Baljit Singh
S/o Shri Harcharan Singh
18. Dash Rath Singh
S/o Shri Bhag Chand
19. Garessh Chand
S/o Sh. Kashul Datt

20. Rajendar Singh
S/o Shri Katar Singh
21. Sehdev Singh
S/o Sh. Sumer Singh
22. Jahan Singh
S/o Sh. Charan Singh
23. Shri Kiran Kumar
S/o Sh. J.P. Naik
24. Jaipal Singh
S/o Sh. Nathu Ram
25. Ghulam Mohd.
S/o Sh. K. Shabzada
26. Raj Singh
S/o Sh. Jagan Singh
27. Bihari Lal
S/o Late Sh. Kalidass
28. Jacob Abraham
S/o Shri N.C. Abraham
29. Harish Chander
S/o Sh. Narala Chand
30. Krishan Swaroop
S/o Sh. Mohan Singh
31. Hare Ram Singh
S/o Sh. Ram Jud Singh
32. A. Sethuramligm
S/o Sh. Arumujan
33. Mohan Lal Singh
S/o Sh. Manphool Singh
34. ~~Rik~~ Tirlok Chand
S/o Sh. Arjun Singh
35. Ram Chander
S/o Sh. Manohar Lal
36. Manoj Kumar
S/o N.C. Pramanik
37. Shri Narain
S/o Sh. Jeet Ram
38. Naresh Pal Singh
S/o Late Fateh Singh
39. Dharam Pal Singh
S/o Sh. Dal Chand

40. Ram Pal Singh
S/o Sh. Ram Het Singh
41. Bhopal Singh
S/o Chander Mal
42. Subhash Chander
S/o Jaban Singh
43. Sukhbir Singh
S/o Chotu Ram
44. Mahabir Singh
S/o Mathe Ram
45. Balbir Singh
S/o Sh. Amar Singh
46. Bhagwat Pd.
S/o Sh. Hari Nand
47. Ramesh Chand
S/o Sh. Prem Ram
48. Baldev Singh
S/o Sh. Gurbachan Singh
49. Ram Singh
S/o Sh. Ramhet Singh
50. Dinesh Chand
S/o Sh. Liladhar
51. Ram Kishan
S/o Sh. Badle Ram
52. Bijendar Singh
S/o Sh. Randhir Singh
53. Rattan Singh
S/o Jage Ram
54. Shankar Lal
S/o Sh. Bhagwan Dass

All the applicants are working as
Asstt. Wireless Operator (Head Constable)
under Commissioner of Police, Delhi

Shri S.K.Bisaria with Shri----- Applicants
Shri Sarvesh Bisaria, Advocate,
Versus

1. Union of India
through
Secretary, Ministry of Home Affairs
New Delhi
2. Lt. Governor
through
Chief Secretary, Delhi Administration
Delhi

3. Commissioner of Police
MSO Building
New Delhi

----- Respondents

By Advocate Mrs. Avnish Ahlawat.

JUDGMENT

By Hon'ble Mr. S.R. Adige, Member (A)

In this application, Shri Ved Prakash and 53 others, all Head Constables (Asstt. Wireless Operators) Delhi Police, seeking a direction to the respondents to provide the applicants with promotional opportunity for the post of Asstt. Sub-Inspectors/ Sub-Inspectors in the Wireless Unit.

2. The case of the applicant is that they initially joined the Delhi Police Service after being selected as Constables. The respondents invited applications for the posts of Asstt. Wireless Operators (AWOs) from amongst the Constables having minimum qualification of Matriculation with Science, and the applicants applied for the said post and were duly selected for the same and they were sent for six months technical training and after successfully completing the same, they were promoted as Head Constables (Technical)/ AWOs and have been working as such since 1973. They state that in the Delhi Police, the cadre of Head Constable is divided into i) Executive; ii) Ministerial; and iii) Wireless Operators, but the grade of Rs. 975/-1500/- is applicable to all the three wings. They allege

that the promotional avenues on the executive side are far more than in respect of Ministerial or the Wireless Operators, as a result of which they are facing considerable stagnation and frustration. In this connection, it is alleged that while the persons belonging to Head Constable (Executive) have been promoted as ASIs and SIs respectively upto the recruitment year 1984 and the applicants who had been promoted as HCs/AWCs in 1973, are still stagnating.

3. The respondents have contested the O.A. and point out that the Delhi Police is divided into three branches; viz.i)Executive; ii) Ministerial; and iii) Technical. The Communication Unit is one of the Units in the Technical branch of the Delhi Police and is itself sub-divided into three cadres; viz. Operational, Technical and Stores , and all the applicants are borne on the operational cadre with its own sanctioned strength, as well as the channel of appointments and promotions. It is stated in the reply that the sanctioned strength of the Operational Cadre was 1453 Head Constables including 17 posts of Telephone Operators, 260 Asstt. Sub-Inspectors, 40 Sub-Inspectors and 15 Inspectors. Similarly, the Executive and Ministerial Wings of the Delhi Police have their own channel of promotions and each member of the subordinate rank in the two wings are entitled to earn promotion in their own cadre in accordance with the rules applicable to their cadre. The promotional avenues in the Executive, Ministerial and Communication are different in each other which are based on number

of sanctioned posts in each Wing.

4. We have heard Shri S.K.Bisaria, learned counsel for the applicant and Mrs. A.Ahlawat, learned counsel for the respondents.

5. During hearing Mrs. Ahlawat stated that consequent to the efforts made by the respondents after the O.A. had been filed, 148 promotion posts of ASIs and 30 promotion posts of SIs have been created. She stated that the problem was not so much that of inadequacy in the promotion post, but the fact that the persons in the feeder cadre at different levels did not possess the necessary qualifications to ensure that all the promotion posts at different levels were filled up, with the result that some of the promotion posts at different levels were still vacant.

6. Shri Bisaria, on the other hand, emphasised that the promotion posts were wholly inadequate and in this connection refers to the rulings in Reghunath Prasad vs. State of Bihar-1988(1)SIR 347 as well Dina Nath Dogra Vs. UOI- 1991(7) SIR 607 and B.K.Pandey Vs. UOI -1993(4) SIR 452 in support of his prayer for additional promotion opportunities.

7. In this connection, he also stated that by the order dated 21.4.89 (Annexure-1), the Asstt. Sub-Inspectors (Ministerial) had been promoted as Sub-Inspectors (Ministerial) against the posts of Sub-Inspectors (Executive) and in view of the acute

stagnation in the Communication side, a direction could be issued to the respondents to enlarge the promotion opportunities in the Communication side on the posts of Executive and Ministerial sides.

8. We have given our anxious consideration to this matter. It is well recognised that every Govt. servant looks forward to promotion opportunities as a measure of career advancement, and adequate promotion opportunities are amongst the recognised methods of improving morale and increasing efficiency, and heightening performance because it is only when a person feels that his work will be recognised, and promotion is one of the well-tested methods of recognition, that he will give of his best of the job which is assigned to him. It is nobody's case that there should not be adequate promotion opportunities, and clearly it is only because of this well-recognised fact, that these additional posts have been created after the O.A. was filed. Whether the existing number of posts as of date are adequate or not, of course depends upon the totality of the circumstances, including the financial and other constraints. No hard and fast direction can be given in this regard save to note that the respondents appear to be aware of the problem, and it is because of this awareness that they had created the additional posts referred to above. Whether some promotion opportunities could be afforded to the Communication Unit, by temporarily making promotions against the equivalent posts in the Executive and Ministerial

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cadres on the lines of the office order dated 21.4.89, is again a matter entirely for the respondents to examine having regard to the availability of promotion posts in those cadres, the aspirations of the lower police personnel in those cadres, the administrative requirements, the financial constraints, if any, as well as all the other ~~all~~ surrounding circumstances. We express no opinion on this score.

9. With the above observations, this O.A. is disposed of. No costs.

Lakshmi Swaminathan

(LAKSHMI SWAMINATHAN)
MEMBER (J)

S.R. Adige

(S.R. ADIGE)
MEMBER (A)

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