

Central Administrative Tribunal
Principal Bench, New Delhi

New Delhi : 10.7.1995.

OA No.1344/91

Hon'ble Mr A.V.Haridasan, Vice Chairman (J)
Hon'ble Mr B.K.Singh, Member (A)

Babu Lal
R/o Police Station
New Kotwali
Delhi.

...Applicant

(By Advocate: Shri A.S.Grewal)

Versus

1. Lt. Governor of Delhi through Chief Secretary
Delhi Administration
Delhi.

2. Commissioner of Police
Delhi Headquarters
M.S.O.Building
I.P.Estate
New Delhi.

3. Deputy Commissioner of Police
Headquarters-I) Delhi,
Delhi Police Headquarters
M.S.O.Building
I.P.Estate
New Delhi.

...Respondents.

(None)

O R D E R (Oral)

Hon'ble Mr A.V.Haridasan, Vice Chairman (J)

Head Constable Babu Lal, the applicant in this application, is aggrieved by the fact that his name has not been brought on the Dl List for promotion to the post of ASI while, according to him, he was in all respects, eligible for such inclusion. He has stated in the application that Head Constable Mukhtiar Singh and Jaswant Singh who had also bad service records, have been brought on the list and promoted and that the action of the DPC in not clearing his case of inclusion in the Dl list on the ground that he was awarded punishment of forfeiture of 2 years service, is discriminatory and for that reason the applicant prays that the respondents may be directed to include the applicant's name in the promotion list Dl (Executive) w.e.f. 18.1.1991 and he be deputed for training along with his batchmates.

2. The respondents in the reply have stated that the applicant was duly considered by the DPC and that his name was not included in the promotion list of D1 on account of his bad service records, for, he was awarded censures several times, as also penalty of forfeiture of past services.

3. We have heard learned counsel for the applicant. We do not have the privilege of hearing the respondents as none appears for the respondents.

4. No employee has a right to claim ~~for~~ promotion. He has only a right to be considered for promotion. The applicant has been duly considered for inclusion of his name in the promotion list of D1, but the DPC, considering his overall services, ^{records} decided not to include his name. No allegation of malafide against the DPC or against any member of the DPC has been made in the application. The only case of the ^{which} ~~which~~ ^{whose} ~~whose~~ record applicant was on the ground that as two other Head Constables have been brought on the promotion list of D1, the action of the DPC in not including his name in the list can be said to be biased. This is only a presumption of the applicant. No reason for any malafide on the part of the DPC or any of the members of the DPC has been specifically alleged. ^{A bold} The basis of the allegation of ~~that~~ bias without any specific ~~instructions~~ ^{instance} cannot be contended. It is for the DPC to assess the service records of the persons who are in the zone of consideration to come to their own conclusion. Unless there is ^{any} ~~suspicion~~ about the bonafide of the DPC, the Tribunal will not interfere. In this case, we are convinced that there is no reason for the Tribunal to interfere in the ^{Civil} ~~judicious~~ decision taken by the DPC, taking into account the overall service records of the applicant.

5. From what is stated above, we find no merit in the application. Hence the application is dismissed.

There is no order as to costs.

(B.K.Singh)
Member (A)

(A.V.Haridasan)
Vice Chairman(J)