

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

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O.A.NO.2562/91

Hon'ble Shri A.V.Haridasan, Vice-Chairman(J)
Hon'ble Shri R.K.AHooja, Member(A)

New Delhi, this 6th day of December, 1996

Rohtash Singh
s/o Late Shri Raj Singh
r/o D-3/1 Mahavir Enclave
Tomar House, Main Palam, Janak Puri Road
NEW DELHI
Inspector in Delhi Police No.D-1/315. Applicant

(By Shri Shankar Raju, Advocate)

Vs.

1. Union of India through
Lt. Governor of Delhi, Raj Niwas
Delhi.
2. Commissioner of Police, Delhi,
MSO Building, I.P.Estate
NEW DELHI.
3. Deputy Commissioner of Police(Vig.)
PHQ, MSO Building, I.P.Estate
NEW DELHI.
4. Addl. C.P.(CPS), PHQ, MSC Building
I.P.Estate, NEW DELHI.
5. Deputy Commissioner of Police,
Control Room, PHQ, MSO Building
I.P.Estate, NEW DELHI.

... Respondents

(By Shri Girish Kathpalia, Advocate)

O R D E R(Oral)

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

The applicant who was working as Sub Inspector of Police was placed under suspension in the year 1984 and a departmental enquiry was ordered against him. However, pursuant to the decision of this Tribunal in OA No.1607/90 and OA No.1551/89 filed by Balkishan Vs. Commissioner of Police Delhi and Ramesh Singh Rana Vs. Union of India & Another respectively, the departmental enquiry which was ordered earlier against the applicant was dropped and it was decided that the entire period during which the applicant was kept under suspension should be treated as spent on duty for all purposes. The applicant was

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accordingly reinstated in service and paid back-wages. The grievance of the applicant is that he has not been considered for promotion as Assistant Commissioner of Police on ad-hoc basis while his juniors were promoted in the year 1991-92. Therefore, the applicant has filed this Original Application for a direction to respondents to promote him on adhoc basis as Assistant Commissioner of Police with effect from the date on which his juniors were promoted, with consequential benefits.

2. Respondents admitted that the period for which the applicant was kept under suspension has been treated as spent on duty for all purposes and that he would be eligible for promotion with effect from the dates on which his juniors were considered for promotion. However, they contend that the applicant was not promoted at the time his juniors were promoted only because the disciplinary proceedings were under contemplation against him at that relevant period.

3. We are informed that the applicant has since been promoted on adhoc basis by order dated 06.06.1995. Since the juniors of the applicant were promoted on adhoc basis as Assistant Commissioner of Police on different dates in the years ~~1991-92~~ ^{1990 to 1992} and as the respondents in their reply have conceded that the applicant would be entitled to be considered for promotion with effect from the dates on which his juniors were promoted, the application can now be disposed of with a direction to respondents to consider the applicant for promotion from the date on which his juniors were promoted and antedate his adhoc promotion if he is found ~~not~~ ^{un-} suitable for such promotion on the relevant date, however without the monetary benefits of the arrears of pay and allowances.

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4. In the above circumstances, we ~~are~~ ^{are} directing the respondents to consider the adhoc promotion of the applicant as Assistant Commissioner of Police from the date on which his juniors were promoted and to antedate his adhoc promotion, if he is found eligible and suitable for such promotion and ~~on that account~~ to refix his pay and seniority accordingly. It is made clear that though the applicant would be entitled ^{new} for fixation of pay and allowances, no arrears of pay and ^{even} allowances would be paid if his adhoc promotion is antedated. The above exercise should be completed by the respondents within three months from the date of a receipt of a copy of this order. No costs.

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(R.K.AHOOJA)
MEMBER(A)

(A.V.HARIDASAN)
VICE-CHAIRMAN(J)

/rao/