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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

O.A. NO.2941/1991

New Delhi, this the 1st May of 1996

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

Hon'ble Mrs. Lakshmi Swaminathan, Member(J)

Mrs. Manju Lata No.613/D,
W/A.S.I.,
w/o Shri R.K. Mishra,
R/o C-45, New Police Lines,
Kingsway Camp,
Delhi.

... Applicant

By Advocate: Shri Shankar Raju

Vs.

1. The Lt. Governor of Delhi,
Rajniwas Marg,
5, Alipur Road, Delhi.

2. The Commissioner of Police,
Police Hqrs.
MSO Building,
I.P. Estate,
New Delhi.

3. The Dy. Commissioner of Police,
Headquarters-I, Police Hqrs.,
MSO Building,
I.P. Estate,
New Delhi.

... Respondents

By Advocate: Shri Surat Singh

O R D E R (ORAL)

Hon'ble Smt. Lakshmi Swaminathan, Member(J)

The Grievance of the applicant in this case is that under the order dated 26.11.90 (Ann.A-5) issued by the Deputy Commissioner of Police her request for out of turn promotion to the rank of Women S.I. in accordance with S.O. No.4 dated 19.10.89 (Ann.A-8) has not been agreed to by the Selection Committee.

2. We have heard Shri Shankar Raju, learned counsel for the applicant and Shri Surat Singh, learned counsel for the respondents.

3. The brief facts of the case are that the applicant was appointed as Head Constable (Ministerial) on 6.1.83. She had earned her promotion to the rank of A.S.I. (Ministerial) on her performance in sports while serving the Delhi Police. She claims that she won four gold medals consecutively in the All India Police Games held in the years 1987, 1988, 1989 and 1990. According to the applicant, having regard to the provisions of S.O.No.4 as well as Rule 19 of the Delhi Police (Promotion & Confirmation) Rules, 1980, she on her individual performance, after winning two gold medals in the All India Police Games was to be considered for promotion to the rank of S.I. (Ministerial).

4. The reason given in the impugned order dated 26.11.90 is that the Addl. Commissioner of Police (AP) who was the Chairman of the Selection Committee had observed that since the Woman A.S.I. had already been given an out of turn promotion on sports basis earlier, she cannot be given another out of turn promotion. In this regard he observed that the S.O. No.4 was defective and the same should be got amended suitably with a provision that out of turn promotion be given only once and not repeatedly.

5. Shri Surat Singh, learned counsel for the respondents has stated that the S.O. No.4 has been subsequently amended in accordance with the recommendations made by the Chairman of the Selection Committee. He, however, confirmed the fact that on the relevant date when the applicant's case was considered by the Selection Committee the applicant had won four gold medals in the All India Police Games, as against two gold medals required under para 5(a)(ii) of the S.O.No.4 dated 19.10.89.

(VA)

6. Therefore, having regard to the facts and circumstances of the case and the provisions of S.O. No.4 dated 19.10.89, this O.A. is entitled to succeed. The case of the applicant should be considered for out of turn promotion in accordance with the unamended Standing Order No.4 as applicable on the relevant date and not in accordance with the observations of the Chairman of the Selection Board. To this extent the impugned order dated 26.11.90 (Annexure A-5) is quashed and set aside. The impugned order dated 28.2.91 (Annexure A-6) is also quashed and set aside. It is not necessary to express any views here on the amendment to S.O. No.4 after 26.11.90.

7. In the result the O.A. is partly allowed. The respondents are directed to consider the case of the applicant for out of turn promotion as Woman S.I.(Ministerial) with effect from 1989 in accordance with the unamended S.O. No.4 dated 19.10.89 and give her consequential benefits in accordance with law, provided she fulfils all other conditions. The above directions shall be complied with within three months from the date of receipt of a copy of this order. No order as to costs.

Lakshmi Swaminathan
(SMT. LAKSHMI SWAMINATHAN)
MEMBER(J)

Adige
(S.R. ADIGE)
MEMBER(A)

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