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CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH.

O.A. NO. 291/91

New Delhi this the 18th day of March, 1996.

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

Hon'ble Dr. A. Vedavalli, Member(J).

Lakhi Ram,
S/o Late Shri Samam Singh,
Quarter No.80, Type-II,
P.S. Civil Lines,
Delhi.

...Applicant.

By Advocate Ms. Sumedha Sharma, proxy for Shri A.S. Grewal.

Versus

1. Lt. Governor, through
Chief Secretary,
Delhi Administration,
Raj Niwas,
Delhi.
2. Commissioner of Police Delhi,
Delhi Police Headquarters,
MSO Building, IP Estate,
New Delhi.
3. Deputy Commissioner of Police,
Headquarters-I,
Delhi Police Headquarters,
MSO Building, IP Estate,
New Delhi.

...Respondents.

By Advocate Shri Arun Bhardwaj.

ORDER (ORAL)

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

In this application, Shri Lakhi Ram has sought promotion as Sub Inspector of Police, Delhi with effect from 1.11.1989, the date with effect from which his other colleagues were so promoted.

2. During the course of hearing, we have been informed by the respondents' counsel, and this fact has also not been denied by the applicant's counsel, that the

applicant was, on the ~~regular~~ list of persons of doubtful integrity from 23.9.1987 to 28.9.1989 and was on the secret list of persons of doubtful integrity from 29.9.1989 upto 12.6.1990. In the light of this fact, the respondents rightly were not in a position to promote him from ASI to SI, despite the fact that the applicant admittedly had displayed exceptional gallantry and devotion to duty on 4.8.1989 as ASI.

3. The applicant's counsel Ms. Sumedha Sharma during the hearing has prayed that the applicant should atleast have been considered for promotion after his name was removed from the above mentioned list on 12.6.1990.

4. We have seen the record and note that the applicant was considered for promotion as ASI on ad hoc basis in the DPC held on 27.12.1990. On that date, it appears that three persons were considered for promotion under the category of exceptional gallantry and devotion to duty, but the applicant apparently could not be promoted because of his rather indifferent service record, including two censures and forfeiture of approved service temporarily for one year. The applicant's counsel has stated that this temporary forfeiture of service for one year should not have been held against the applicant, in the background of Rule 8(2)(d) of Delhi Police (Punishment and Appeal) Rules, 1980. It is clear that under Rule 19(ii) of Delhi Police (Promotion and Confirmation) Rules, 5 per cent of the vacancies likely to fall vacant in a year are earmarked for outstanding sportsmen, marksmen and officers who have

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shown exceptional gallantry and devotion to duty. Such promotions are to be treated as ad hoc and are to be regularised when the persons so promoted have successfully completed the training course prescribed. Manifestly, these promotions are by way of exceptions to the general rules of promotions and are meant to encourage outstanding police officers who have shown exceptional gallantry and devotion to duty. This implies clearly that their records have to be without blemish and as these promotions are made against a certain pre-determined number of vacancies, i.e. 5 per cent of the vacancies likely to fall vacant in the given year, it would follow that those with better record of service would steal a march over those with records of service which are not as good.

5. Under the circumstances, we do not see any arbitrariness or illegality in the respondents not finding the applicant fit for ad hoc promotion in the DPC held on 27.12.1990.

6. We further note that the applicant was promoted as ASI in his own turn on ad hoc basis in October, 1991 and has subsequently been regularised as ASI on 30.3.1994.

7. Under the circumstances, this application calls for no interference. It is accordingly dismissed.

No costs.


(Dr. A. Vedavalli)
Member(J)


(S.R. Adige)
Member(A)