

Central Administrative Tribunal
Principal Bench: New Delhi

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OA No.360/91

New Delhi, this the 21st day of July, ,1997

Hon'ble Dr. Jose P. Verghese, Vice-Chairman(J)
Hon'ble Shri S. P. Biswas, Member (A)

Inder Singh s/o Sh. Bhagwan Singh,
R/o K-18, New Police Lane,
Kingsway Camp, Delhi.Applicant

(By Advocate: Shri Shyam Babu)

-Versus-

1. Delhi Administration Delhi through
Chief Secretary,
5, Shyam Nath Marg,
Delhi.
2. Additional Commissioner of Police (CID),
Police Headquarter,
I.P.Estate,
New Delhi.
3. Deputy Commissioner of Police (C&R),
Police Headquarter,
I.P.Estate,
New Delhi.
4. Drig. Vijay Singh(296/Crime)
Head Constable (Dog Handler)
Service to be effected
through respondent no. 3) ..Respondents

(By Advocate: Shri Rajinder Pandita)

O R D E R (Oral)
[Dr. Jose P. Verghese, Vice-Chairman (J)]

The petitioner who was originally enlisted in B.S.F. in the year 1968 was later on absorbed in the Delhi Armed Police w.e.f. 1.4.1969 as temporary Constable. In the year 1978, he was assigned the duties of Contable (Dog handler) and he continued to remain on the job till 1990. Even though, in the meantime, there was three intervals of suspension during the pendency of criminal prosecution they all ultimately had come to conclusion in his favour.

(X)

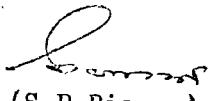
5. It was contended by the counsel for the petitioner that the training stated to be required for promotion to the post of Head Constable (Dog Handler), is not contained in the Rule 13(ii) of Delhi Police (Promotion & Confirmation) Rules, 1980 and at the most it could be under some instructions or any standing order and as such those standing orders could not have over-riding effect on the statutory rules. Whatever be the state-of-affairs, the fact remains that the petitioner even after 28 years is with the respondents as a Constable.

6. However, colourless be the career of the petitioner, it is an admitted fact, that he was fit enough to continue as Constable with the respondents all these years and one time consideration for promotion is always held to be a right of the petitioner and the respondents should consider him for promotion to the post of Head Constable in whatever manner provided under the Rules such as by way of 'in situ', before his retirement.

7. In view of the above observations, we would direct the respondents to consider the promotion of the petitioner after 20 years of service as Constable and grant him the grade of Head Constable on the basis that the petitioner has been fit enough to continue more than 20 years as Constable in the respondents' department. The appropriate orders in this regard shall be passed within three months from today and the petitioner will not be entitled to any back wages or any other benefit except a fresh order of promotion

with effect from the date of the order only. The purpose of issuing these directions is with a view to obtain a pay fixation in the cadre of Head Constable for the petitioner at the time of promotion as well as at the time of fixing the last pay drawn for the purpose of pension.

8. With these directions, this OA is disposed of with no order as to costs.


(S.P. Biswas)
Member(A)


(Dr. Jose P. Verghese)
Vice-Chairman (J)

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