

(13)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

Regn. No. OA 880/1991

Date of decision: 22-09-93

Shri Charan Singh

...Petitioner

Versus

Lt. Governor & Others

...Respondents

For the Petitioner

...Shri A.S. Grewal, Counsel

For the Respondents

...Ms. Geeta Luthra, Counsel

CORAM:

THE HON'BLE MR. JUSTICE S.K. DHAON, VICE CHAIRMAN
THE HON'BLE MR. S. R. ADIGE, ADMINISTRATIVE MEMBER

JUDGMENT
(of the Bench delivered by Hon'ble Mr.
Justice S.K. Dhaon, Vice-Chairman)

The petitioner, a Head Constable in the Delhi Police is aggrieved by the non-inclusion of his name in the promotion list D-I (Executive) issued by means of a Notification dated 18.1.1991. He has prayed that the direction may be issued that his name may be included in that list. He has also prayed that the respondents may be directed to depute him for training along with his other batchmates.

2. A counter-affidavit has been filed on behalf of the respondents. In it, the material averments are these:

The petitioner was appointed in the Delhi Police as a temporary Constable with effect from 17.05.1974. He was promoted as an officiating Head Constable with effect from 14.05.1982. His conduct was censured in August, 1985 for the default of July, 1985. In 1986, he was

Sug

considered for confirmation along with his counter-parts but he was passed over for confirmation for a period of six months for the reason that his conduct was censured. Later on, he was confirmed with effect from 22.05.1986, whereas his counter-parts who were found fit were confirmed with effect from 22.11.1985. The Departmental Promotion Committee (DPC) held on 9.1.1991 considered the cases of only those Head Constables for the inclusion of their names in List D (Executive) who had been confirmed upto 22.11.1985 and were promoted as Head Constables (Executive) till 19.12.1982. The DPC did not considered the case of the petitioner. His representation had been rejected after due consideration by the Addl. C.P.(A), Delhi.

3. The proceedings of the DPC have not been challenged before us. Cogent reasons have been given in the counter-affidavit for not including the name of the petitioner in the Notification issued on 18.01.1991.

4. A perusal of Rule 5 of the Delhi Police (Promotion and Confirmation) Rules, 1980, indicates that even after the expiry of the period of probation, an order of confirmation has to be passed. There is nothing like automatic confirmation in the scheme of the aforesaid Rules.

5. We find that on 16.04.1991 this Tribunal passed an interim order directing the respondents to depute the petitioner for training in the Intermediate School Course provisionally and subject to the outcome of the present application. The interim order is continuing to operate. The petitioner must have completed his training in the Intermediate School Course. We have no doubt that inspite of the dismissal of this O.A., the authority concerned

8u

will consider the case of the petitioner in view of the fact that he has undergone a training. We are making this observation under the impression that the petitioner underwent the training successfully.

6. There is no force in this application and it is dismissed. There shall be no order as to costs.

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

Sury
(S.K. DHAON)
VICE CHAIRMAN

RKS