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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH,
NEW DELHI.

O.A.NO.1005/91

New Delhi: August 11, 1995

HON'BLE MR. S.R.ADIGE, MEMBER(A)

HON'BLE DR. A.VEDAVALLI, MEMBER(J)

Shri Karan Singh,
s/o Sh. Chandgi Ram,
r/o Vill. P.O. Dundahera,
Distt. Gurgaon,
Haryana

.....Applicant.

By Advocate Shri C.L. Dhawan.

Versus

1. Delhi Administration,
through Lt. Governor,
Raj Niwas, Delhi.

2. Commissioner of Police,
I.P. Estate,
Police Head Quarters,
New Delhi.

3. Deputy Commissioner of Police,
Ist. Battalion/DAP,
Kingsway Camp,
Delhi

.....Respondents.

By Advocate Shri O.N. Trishal with departmental
representative Shri Krishan Chander.

.....Respondents.

JUDGMENT

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

In this application, Shri Karan Singh, Constable (Driver) Delhi Police has impugned the respondents' Memo dated 18.4.90 (Annexure-A7) informing him that he cannot be promoted without passing the prescribed Trade Test and interview, and has prayed for his promotion as Assistant Sub-Inspector

2. Admittedly, the applicant was appointed as a Constable (Driver) in the Delhi Police on 1.8.72 and was confirmed on that post in 1976. On 13.5.76, while driving a Govt. Vehicle on duty, he met with a serious accident resulting in grievous injuries

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and 40% permanent disability. He remained on medical leave till 27.1.78 and upon his return from leave, was assigned light duties in the Motor Transport Workshop as he was not in a position to drive a vehicle. It is also admitted that the applicant did appear in the test for promotion as Head Constable (Driver), along with others in March, 1989, but could not qualify in trade test and interview for promotion as prescribed under Rules and hence could not be promoted.

3. We have heard applicant's counsel Shri Dhawan and respondents' counsel Shri Trishal and we have also perused the materials on record. Shri Trishal stated very fairly and justly that the respondents were themselves prepared to promote the applicant to the next level i.e. Head Constable if the rules permitted, but the rules could not be relaxed for a single individual. We agree with this statement. We ourselves have gone carefully through the provisions of the Delhi Police (Appointment & Recruitment) Rules as well as the Delhi Police (Promotion & Confirmation) Rules, but upon our making queries from the applicant who was present in court during hearing, it came to our notice that not only was he overaged, but he was a non-matric and also did not possess any technical skills which could facilitate his consideration under any of these sets of rules. Applicant's counsel Shri Dhawan was also unable to cite any rule or instruction on the basis of which a direction could be issued to the respondents to relax the promotion rules in respect of the applicant in view of his physical disability. Shri Dhawan no doubt cited a Delhi High Court Ruling in Hoshiar Singh Vs. Management of Delhi Transport Corporation & others-1994 II AD(Delhi)112, but

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in that case where the petitioner was declared unfit for employment on account of a medical report, a direction was issued to the respondents to prepare a time bound scheme for offering alternative employment, and if in the petitioner's case that was not possible, to consider payment of compensation to him. Hoshiar Singh's case (Supra) has no bearing on the facts of the present case, because what the applicant is seeking in the present O.A., is not alternative employment but promotion.

4. In the result, we find ourselves unable to grant the relief prayed for by the applicant. This application is dismissed. No costs.

A. Vedavalli

(DR. A. VEDAVALLI)
MEMBER (J)

S. R. Adige

(S. R. ADIGE)
MEMBER (A)

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