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Central Administrative Tribunal, Principal Bench, New Delhi

O.A.No.2488/2004

Hon'ble Mr.Justice V.S. Aggarwal, Chairman
Hon'ble Mr.S.A. Singh, Member(A)

New Delhi, this the 16th day of May, 2005

Shri Banke Bihari,
ASI (Exe.), No.4781/D,
S/o late Shri Lachhman Singh,
R/o Qr.No.65, PTS Colony,
Malviya Nagar, New Delhi

....Applicant

(By Advocate: Shri Sachin Chauhan)

Versus

1. Union of India,
Through the Secretary,
Ministry of Home Affairs,
North Block, New Delhi

2. Govt. of NCT of Delhi,
Through its Chief Secretary,
Delhi Secretariat, 5th Level, 'C' Wing,
I.P. Estate, New Delhi

3. Commissioner of Police,
Delhi Police,
Delhi Police Hdqrs.
MSO Building, I.P. Estate,
New Delhi

4. Deputy Commissioner of Police,
Hdqrs. (Estt.),
Delhi Police Hdqrs.
MSO Building, I.P. Estate,
New Delhi

....Respondents

(By Advocate: Mrs.Sumedha Sharma)

Order(Oral)

Justice V.S. Aggarwal, Chairman

By virtue of the present application, Shri Banke Bihari seeks a direction to the respondents to consider and grant ad-hoc promotion to him to the rank of Sub-Inspector from 1.1.2004 at par with persons immediately junior to him. He also seeks consequential benefits flowing from the ad-hoc promotion from 1.1.2004.

2. Most of the facts are not in dispute and, therefore, can conveniently be delineated.

3. The applicant joined Delhi Police on 13.1.1970. He earned his due promotions and suffice to say that he was promoted as Assistant Sub-Inspector on 4.4.1994. The next promotion from Assistant Sub-Inspector is that of Sub-Inspector.


4. The applicant's grievance is that from 1.1.2004, persons junior to him have been given ad-hoc promotion and his claim has since been ignored.

5. The petition is being contested and it has been pointed that applicant had suffered a penalty of censure vide order of 1.9.2003. Resultantly, on 1.1.2004, though his claim was considered but he was ignored.

6. Our attention has been drawn to the fact that against the order imposing the penalty of censure, the applicant had preferred an appeal which has since been allowed on 16.1.2004 by the appellate authority. Therefore, the said order whereby the applicant was censured, no more exists. When such is the situation, necessarily the applicant's case requires re-consideration.

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7. It is accordingly directed that the claim of the applicant should be re-considered from the date his juniors were promoted and necessary benefits should be accorded to him as per law. This exercise preferably be taken within four months of the receipt of the certified copy of the present order. O.A. is disposed of.


(S.A. Singh)
Member(A)


(V.S. Aggarwal)
Chairman

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