

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

(8)

O.A.No.64/2004

Friday, this the 13th day of August, 2004

*Hon'ble Shri Justice V. S. Aggarwal, Chairman
Hon'ble Shri S. K. Naik, Member (A)*

1. Sudhir Kumar
S/o Shri Vijay Pal
Working as ASI (Workshop Asstt.)
Wireless Complex
New Police Line, Kingsway Camp
New Delhi-9
2. Gautam Tiwari
s/o Shri Ramesh Tiwari
Working as ASI (Workshop Asstt.)
Wireless Complex
New Police Line, Kingsway Camp
New Delhi-9
3. Vinod Kumar
s/o Shri Rajpal Singh
Working as ASI (Workshop Asstt.)
Wireless Complex
New Police Line, Kingsway Camp
New Delhi-9
4. Jagjit Pankaj
Working as ASI (Workshop Asstt.)
Wireless Complex
New Police Line, Kingsway Camp
New Delhi-9
5. Mukesh Kr. Vohra
Working as ASI (Workshop Asstt.)
Wireless Complex
New Police Line, Kingsway Camp
New Delhi-9

...Applicants

(By Advocate: Shri Bhasker Bhardwaj for Shri Arun Bhardwaj)

Versus

1. Union of India
Through its Secretary
Ministry of Home Affairs
North Block, New Delhi
2. Commissioner of Police
PHQ, IP Estate
New Delhi
3. Dy. Commissioner of Police
HQ (Estt.)
New Delhi

4. Govt. of NCT of Delhi
Through its Chief Secretary
Players Building
I.P. Estate, New Delhi

5. Secretary (Home)
Govt. of NCT of Delhi
Players Building
IP Estate, New Delhi

... Respondents

(By Advocate: Shri Ram Kanwar)

ORDER (ORAL)

Justice V. S. Aggarwal:-

After the matter had been argued, the facts have precipitated and issue is simple. Therefore, we delineate only the relevant facts. The applicants are Assistant Sub Inspector (WSA). They were directly recruited as such. By virtue of the present application, they seek a direction to consider their claim for promotion to the rank of Assistant Sub Inspector (RT) from the date they become eligible and secondly, to direct respondent Nos. 4 & 5 to take a decision on the proposal that has been sent by Delhi Police pertaining to the amendment in Rule 17 (B) (VII) of Delhi Police (Appointment & Recruitment) Rules.

2. The petition has been contested. It has been pleaded that as per the recruitment rules for the post of ASI (RT), ASI (WSA) is not a feeder post for those who are direct recruits. It has further been contended that pertaining to this controversy, the Delhi Police has already sent a proposal for amendment of the relevant recruitment rules, which is pending consideration.

3. We have heard the parties' learned counsel.

4. The settled principle in law is that no person can seek a promotion dehors the rules. When the rules for the post of ASI (RT) does not provide promotion from ASI (WSA), who are direct recruits, necessarily, the applicants cannot claim it as of right that they must be promoted on basis of the said rules. To that extent, the claim, as for present, must be rejected.

Ms Ag

5. However, once the proposal is under consideration for amendment of the recruitment rules for ASI (RT) and it is stated that it is under consideration for past three years, it would be in the fitness of things that a final decision is taken by the respondents in this regard preferably within a period of six months from the date of receipt of a certified copy of this order.

6. With these directions, OA is disposed of.

Naik
S. K. Naik)
Member (A)

Ag
(V. S. Aggarwal)
Chairman

/sunil/