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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

Original Application No.855/2004

New Delhi, this the 9th day of November, 2004

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

Const. Tarun Vir Singh
Belt No.6708/DAP, PIS No.28981771
S/o Shri Ajit Singh
R/o 644, Shivaji Road, Azad Mkt.,
Delhi - 110 006. ... Applicant

(By Advocate: Sh. Sachin Chauhan)

Versus

1. Govt. of NCTD,
Through its Secretary
Delhi Secretariat
I.P.Estate, M.S.O. Building
New Delhi.
2. Commissioner of Police
Delhi Police, PHQ
I.P.Estate
MSO Building
New Delhi.
3. Joint Commissioner of Police
Establishment (PHQ)
I.P.Estate, New Delhi. .. Respondents

(By Advocate: Sh. Ajesh Luthra)

O R D E R(Oral)

By Mr. Justice V.S.Aggarwal:

Applicant is a Constable in Delhi Police. By virtue of the present application, he seeks setting aside of the order rejecting his claim for out of turn promotion as per Standing Order No.4/1989 and further that if found fit, he should be promoted to the rank of Head Constable.

2. Some of the relevant facts are that the applicant is an outstanding sportsman in weight lifting. He has brought laurels to the Delhi Police. He won Gold Medal in 55th Men Senior Weight

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Lifting Championship-2003 and Silver Medal in All India 39th Sr. Inter State Championship-2003. His claim was recommended for out of turn promotion but it has been rejected by the respondents. Hence, the present application.

3. In the reply filed, the application has been contested.

4. The respondents plead that the applicant was recruited as a general candidate and had availed the facility of age relaxation being sportsman. It was not disputed that the applicant had won certain medals in the weight lifting championship but respondents' defence is that claim of the applicant is not covered under Standing Order No.4 of 1989 and, therefore, the application is without any merit.

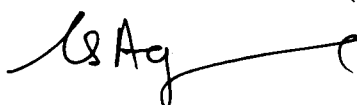
5. We have heard the parties' counsel and have seen the relevant record.

6. There are two orders that are being impugned. Both are in the same lines, the latter being 10.2.2004 (6.2.2004) and reads as under:

"Subject:- Out of turn promotion of sportsman for outstanding performance - case of Constable (Ex.) Tarunveer Singh No.6708/DAP.

Kindly refer to your office memo. No.1185/Sports-2nd Bn., DAP dated 19.11.03, on the subject cited above.

The case regarding out of turn promotion in respect of Constable (Ex.) Tarunveer Singh No.6708/DAP has again been examined at length in this Headquarters, but regretted that the same could not be acceded to, as his case for out of turn promotion to the rank of Head Constable (Ex.) on sports basis is not covered under the Standing Order issued in the year 1989 and 2003. Moreover, the applicant has already availed the benefit of sportsman at the time of appointment as Constable (Ex.) in Delhi Police.



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Applicant may be informed accordingly.
His character Roll and Fauzi Missal are returned
herewith.

Sd/-
(D.S.NORAWAT)
DEPUTY COMMISSIONER OF POLICE:
HQ (ESTT): DELHI.

7. On behalf of the respondents, it was contended that the applicant had been inducted as Constable in Delhi Police by granting him relaxation of age being a sportsman and therefore, he cannot claim out of turn promotion on that ground.

8. We have no hesitation in rejecting this particular defence of the respondents. This is for the reason that Sub-rule (ii) to Rule 19, to which we have adhered to refer hereinafter, and Standing Order No.4/1989 do not exclude persons, who are inducting into Delhi Police being outstanding sportsmen for claiming out of turn promotion if they brought laurels to the Delhi Police.

9. On the contrary, applicant's learned counsel urged that the claim of the applicant has been rejected without putting up the same before the Screening Committee and, therefore, the impugned orders cannot be sustained.

10. On this count, the applicant indeed cannot succeed. The matter has to be considered by the Commissioner of Police. Once the matter was recommended by the concerned Deputy Commissioner of Police and in the Police Headquarters, it was found that the claim is without any merit and his case does not fall under the Standing Order No.4/1989, there is no point in sending the claim to the Screening Committee. Plea, therefore, must be rejected.



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11. Sub-Rule (ii) to Rule 19 of Delhi Police (Promotion and Confirmation) Rules, 1980 reads as under:

“(ii) To encourage outstanding sportsmen, marksmen, officers who have shown exceptional gallantry and devotion to duty, the Commissioner of Police may, with prior approval of Administrator, promote such officers to the next higher rank provided vacancies exist. Such promotions shall exceed 5 per cent of the vacancies likely to fall vacant in the given year not in the rank. Such promotions shall be treated as ad-hoc and will be regularized when the persons so promoted have successfully completed the training course prescribed like (Lower School Course), if any. For purposes of seniority such promotees shall be placed at the bottom of the promotion list drawn up for that year.”

12. Perusal of the same clearly shows that this has been provided to encourage outstanding sportsmen, marksmen, officers who are showing exceptional gallantry. Who are outstanding sportsmen necessarily has to be seen in the light of the Standing Order No.4/1989, which prescribes:

“3. RECRUITMENT PROCEDURE:

These sportsmen will be recruited after their performance trial by a committee consisting of Sports Officer (DOP/IV Bn. DAP/Incharge of concerned Sports and concerned Coach, After their trial they will be interviewed by a Screening Committee consisting of Addl. CP(A.P.), Delhi, Sports Officers (DCP/IV Bn. DAP.) and DCP/1st Bn. DAP, for judging their suitability. On the recommendation of Screening Committee their cases will be put-up to Commissioner of Police for approval. After Commissioner of Police approval, their cases will be recommended to Delhi Administration for appointment. Once these Sportsmen are recruited they will put through regular training. After training they will be attached to Bn. which is looking after the particular Sports activities with a view to improve their performance and contribute their might to the Sports activities of Delhi Police.

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4. QUALIFICATION OF RECRUITMENT TO
VARIOUS POSTS

(I) Following are the Sportsmen who will be considered for recruitment and trial for various posts:-

- 1) ATHELETICS (MEN/WOMEN)
- 2) BASKETBALL
- 3) FOOTBALL
- 4) HOCKEY
- 5) JUDO (MEN/WOMEN)
- 6) KABADDI
- 7) SHOOTING
- 8) SWIMMING
- 9) VOLLEY BALL
- 10) WRESTLING

The above sports include both individual as well as team events. Other conditions in respect of qualifications height, chest, etc. will remain the same as applicable to general category recruitment for various posts. If, however, any relaxation in the prescribed standard are needed, these shall be specified while forwarding the Board proceeding for consideration and approval of the competent authority.

(II) **FOR SIs/ASIs (WOMEN):**

- (a) Sportsmen who have secured 1st to Vth position in Olympic, Commonwealth/Asian Games and SAE Games within last two years when they submit application.
- (b) Sportsmen who have secured 1st to IIIrd position in the National Games twice within last two years when they submit application.

(III) **FOR HCs(MIN.)/CONSTS.:**

- (a) Sportsmen who have secured 1st or IInd position in the State/University level championship in last two years when they submit application.
- (b) If he/she sets the record of All India Police Games 1st or IInd position in individual events during the trial."

13. If one glances to the aforesaid, it is clear that weight lifting is not one of the sports contemplated. Once it does not

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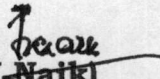
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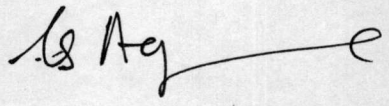
include as one of the sports in the Standing Order No.4/89, the applicant indeed cannot take advantage of Sub-rule (ii) to Rule 19 of the Rules, referred to above.

14. A similar question had come up for consideration before this Tribunal in the matter of **HC YUDHBIR SINGH v. UNION OF INDIA & OTHERS**, OA No.1515/2003, decided 12.1.2004. Therein, the concerned Head Constable claimed that he was an outstanding sportsman in the Netball Championship. On the same plea, his claim was rejected. The application was dismissed. We find no reason to take a different view.

15. No other argument was advanced.

16. For these reasons, the OA being without merit must fail and is dismissed.


(S.K. Naik)
Member (A)


(V.S. Aggarwal)
Chairman

/NSN/