

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A.NO.997/2004

New Delhi. this the 6th day of May. 2004

HON'BLE SHRI JUSTICE V.S. AGGARWAL, CHAIRMAN
HON'BLE SHRI S.A.SINGH, MEMBER (A)

Hamid Khan, A.S.I.
s/o Babu Khan
Ex. No.4438D
P.S.Mauris Nagar
Delhi Police
Delhi.

... Applicant

(By Advocate: Shri Davinder Kumar)

Versus

1. Union of India through
its Secretary
Ministry of Home Affairs
North Block
New Delhi - 110 001.
 2. The Commissioner of Delhi Police
Police Headquarters
I.P.Estate
New Delhi-110 002
- ... Respondents

O R D E R (Oral)

Justice V.S. Aggarwal:-

The applicant is an Assistant Sub-Inspector in Delhi Police. By virtue of the present application, he seeks to set aside the order as a result of which his representation has been rejected. Needless to state that applicant claims that he should be promoted as Sub-Inspector and pertaining to this prayer only, he had submitted his representation.

2. The name of the applicant had been considered for admission to Promotion List 'E-I' (Executive). It appears that on 10.6.2003, the applicant has been informed:

"The name of A.S.I. (Exe.) Hamid Khan No.4438-D was considered by the D.P.Cs held on 15.03.2002 and 28.02.2003 respectively for admission to promotion list E-I (Exe.)

AS Ag

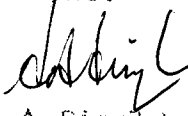
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but due to his indifferent service record i.e. adverse ACR for the period from 01.04.2000 to 20.11.2000 and 01.04.2001 to 31.03.2002. As per Rule 10 (1) of the Delhi Police Promotion and Confirmation, Rules 1980 A.S.I. (Exe.) whose names stand on promotion list E-I (Exe.) shall be deputed for upper school course subject to medical fitness. Since A.S.I. (Exe.) Hamid Khan No.4438-D found unfit for admission of name to promotion list E-1 as such his request for deputing him in upper school course does not come within the ambit of the said rule.

He may please be informed accordingly."

3. Perusal of the abovesaid order clearly shows that the record of the applicant is indifferent and therefore, he was not found fit for promotion. In addition, it was found that he was not medically fit. This gets support from the earlier order that had been passed copy of which is Annexure-A2 to the same effect. When such is the situation, in that event on both the counts, the applicant's claim has been rejected.

4. We find no infirmity in the said order to prompt us to interfere. Resultantly, there is little scope for judicial review. The OA is dismissed in limine.


(S.A. Singh)
Member (A)


(V.S. Aggarwal)
Chairman

/dkm/