

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

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OA.No.1898 of 1992

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Dated New Delhi, this 28th day of July, 1997.

HON'BLE SMT. LAKSHMI SWAMINATHAN, MEMBER (J)

HON'BLE SHRI K. MUTHUKUMAR, MEMBER (A)

Chander Veer Singh
S/o Shri Rajbir Singh
R/o H.No.293 Gali No.7,
Prem Vihar, East Karawal Nagar
Shahdra
DELHI-110094. ... Applicant

None for applicant.

versus

1. The Commissioner of Police, Delhi
Delhi Police Headquarters
I.P. Estate
NEW DELHI.
2. The Deputy Commissioner of Police
Headquarter-I
Delhi Police Headquarters
I.P Estate
NEW DELHI. ... Respondents

By Advocate: Shri Amresh Mathur.

O R D E R (Oral)

Smt. Lakshmi Swaminathan, M(J)

This is an old case of 1992. We have, therefore, perused the records and heard the learned counsel for the respondents.

2. The applicant has filed this application against the order of his non promotion to the rank of Head Constable from the date his juniors and colleagues were promoted with effect from 30.3.92. He has also referred to the order dated 24.6.92 passed by the respondents (Annexure A-3) by which he has been granted proforma promotion from 15.5.92

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for which he was not entitled to draw any arrears of pay. The claim of the applicant is that he should be promoted to the rank of Head Constable on his turn with effect from 30.3.92.

3. The respondents in their reply have admitted that the applicant was brought on promotion list 'B' Executive with effect from 6.6.91, but he could not be promoted to the rank of Head Constable (Executive) due to lack of vacancies. On availability of vacancies, he was considered for promotion alongwith the others in 1992. Those who were found fit were promoted as Head Constable (Executive) with effect from 30.3.92. The respondents have stated that in the mean time they had received an intimation from Deputy Commissioner of Police North District, Delhi, that a censure had been awarded to the applicant on 15.11.91 and, therefore, his case for promotion was considered separately. After a period of six months from the date of the award of censure on 15.11.91, the applicant was promoted as Head Constable (Executive) with effect from 15.5.92 by order dated 24.6.92. They have also stated that he has not filed any appeal.

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4. We note that the applicant has not filed any rejoinder ^{rejoinder also}.

5. Having regard to the facts of the case, it is an admitted position that the censure awarded to the applicant would be effective for six months and, thereafter the applicant had been promoted as Head Constable (Executive) with effect from 15.5.92. In the facts of the case, we, therefore, find no infirmity in the impugned order promoting the applicant from 15.5.92. The applicant has no enforceable right for promotion with effect from 30.3.92 when his juniors were promoted as the censure order dated 15.11.91 was in operation.

6. In the above facts and circumstances of the case, we find no merit in this application. The same is accordingly dismissed.

No order s to costs.


(K. Muthukumar)
Member(A)


(Smt. Lakshmi Swaminathan)
Member(J)

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