

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

O.A./~~T.A.~~ No 2463 of 1992

Decided on: 21/4/92

Jagjit Kumar Kaushik....Applicant(s)

(By ShriShanker Raju Advocate)

Versus

U.O.I. & Others.....Respondent(s)

(By ~~Shri~~ Mrs. Avnish Ahlawat Advocate)

CORAM:

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

THE HON'BLE ~~SHRI~~ DR. A. VEDAVALLI, MEMBER (J)

1. Whether to be referred to the Reporter or not?

2. Whether to be circulated to the other Benches of the Tribunal?


(K. MUTHUKUMAR)
MEMBER (A)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA.No.2463 of 1992

New Delhi, this 21st day of April, 1998

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

Jagjit Kumar Kaushik
1293, Sector-IV
R. K. Puram
NEW DELHI-110022.

... Applicant

By Advocate: Shri Shankar Raju

versus

1. Union of India, through
Secretary Home
Ministry of Home Affairs
North Block
NEW DELHI.
 2. The Delhi Administration
Through its Administrator
DELHI.
 3. Chief Secretary
Delhi Administration
5 Alipur Road
DELHI.
 4. Commissioner of Police
M.S.O. Building Police Headquarters
Indra Prastha Estate
DELHI-1
 5. Additional Commissioner of Police
(Administration)
M.S.O. Building Police Headquarters
Indra Prastha Estate
DELHI-1
- ... Respondents

By Advocate: Mrs Avnish Ahlawat

ORDER

Shri K. Muthukumar, M(A)

The applicant is aggrieved that the respondents have not absorbed him in the cadre of Finger Print Bureau (FPB for short) and consequently have not considered him for the post of Director (FPB)

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although he has the necessary training and experience and has also worked as ACP(FPB) right from the date when the Bureau was a Unit of Delhi Police from 1987. In pursuance of the notification for recruitment to the post of ACP(FPB) in the Delhi Police after the promulgation of the rules for this purpose, the applicant offered himself as a candidate in view of his five years service as Inspector in the FPB. In view of this, the applicant submits that he has all the requisite qualifications for the post. He was even sent abroad for his work. Despite his willingness to join as ACP(FPB) in the regular post, he was not considered whereas the respondents have considered the candidature of two other officials. He submits that he was the only Inspector in the FPB with three years regular service in the cadre and, therefore, claims that he should have been appointed to the said post.

2. The respondents submit that the applicant was Sub-Inspector(Executive) and he was promoted to officiate as an Inspector (Executive) from June 1984 with pro-forma promotion from 19.8.80 as per rules and his services were utilised in the FPB due to non-availability of expert officers in the grade of FPB. The respondents, however, aver that the case of the applicant for promotion to the post of ACP(FPB) in the Delhi Police was considered by the Administration but was rejected on the ground that he belongs to

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executive cadre whereas the post of ACP(FPB) is an ex-cadre post having separate Recruitment Rules. In view of this, the respondents maintain that the applicant's claim is baseless and is not in consonance with the Recruitment Rules. They also deny that the applicant has not been absorbed in the FPB and only his services were utilised for finger print work, planning and drawing as and when required. They also aver that he does not fulfil the requisite conditions for promotion. They also maintain that merely because the applicant has been submitting his representations, there is no good ground that he should be absorbed as ACP(FPB).

3. We have heard the learned counsel for the parties and perused the record. The short point in this application is whether the applicant has a vested right for consideration for the post of ACP(FPB).

4. It is an admitted position that the applicant has successfully undergone training in finger print work and has also been posted to the Crime Branch in the FPB section and his services were utilised for training on the FPB and plan drawing. The applicant seems to have done five years service in the FPB. The Recruitment Rules for the post of ACP(FPB) were notified by the respondents by notification dated 20.4.87 (Annexure R-2) according to which this post was to be filled either by promotion or failing which by transfer on deputation and for the purpose of

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promotion it is stipulated that Inspectors with three years regular service in the grade in Delhi Police (Finger Print Bureau) are eligible and for transfer on deputation it is provided that officer under Central/State Govts./Union Territories including Police Force holding analogous posts on a regular basis or with three years regular service in posts in the scale of Rs.550-900 or equivalent, or of Police Forces with three years regular service in the grade should also be considered. From this, it appears that the ACP(FPB) is not a part of the executive cadre of the Delhi Police, but a separate post outside this cadre for which specific Recruitment Rules are provided. There is no averment in the application that the applicant has ever been appointed as Inspector of FPB on regular basis. On the other hand, the applicant was a Sub-Inspector in the executive cadre of the Delhi Police and also received his promotion as Inspector within the executive cadre. It is possible that the applicant had been working in the FPB from June 1984, but he was not formally appointed to the regular cadre post of Inspector in the FPB. Besides, he was also promoted as ACP in his own cadre by the respondents vide notification in October 1994. In the circumstances, the applicant has no claim on the post of ACP(FPB). No doubt, he will be eligible for consideration as ACP on deputation to the FPB, but the fact remains that the applicant cannot claim

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promotion in the FPB forfeiting. In the circumstances, the action of the respondents in considering other suitable candidates either by promotion or by transfer on deputation basis, cannot be faulted.

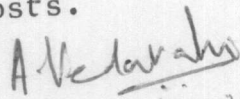
5. The learned counsel for the applicant strongly relies on a judgment in **Randhir Singh Bhardwaj and Anr. Vs Delhi Admn. & Ors (OA.353/90)**. We have gone through the judgement in that case. From the facts and circumstances in that case, it is seen that the applicants in that case were not considered for regularisation as Sub-Inspector in the FPB as they needed relaxation of educational qualifications and after considering the facts and circumstances of the case and in view of their long years of service they had put in the FPB and the expenditure that the State had incurred in their undergoing training, it was felt that they had the requisite technical qualifications except that they had Bachelor's degree in Arts and not in Science and this deficiency was made good after joining and working in FPB for long and it was, therefore, held that the applicants should be deemed to have been absorbed as Sub-Inspectors. But the facts and circumstances of that case are not relevant here. The applicant has neither asked for permanent absorption nor has been permanently absorbed. On

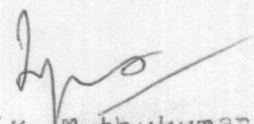
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the other hand, he has received promotion also as ACP in executive cadre, but at the same time, he lays his claim on the post of ACP(FPB) which is an ex-cadre post.

6. In the light of the above, we see no merit in this application and it is accordingly dismissed. No costs.


(Dr A. Vedavalli)
Member (J)


(K. Muthukumar)
Member (A)

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