

39

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

C.P.No.221/99 in O.A.No.3295/92

Hon'ble Shri Justice V.Rajagopala Reddy, VC(J)  
Hon'ble Shri Govindan S. Tampi, Member(A)

New Delhi, this the 12th day of October, 2000

Assistant Sub Inspector Harphool Singh  
Delhi Police  
c/o Mrs. Avnish Ahlawat  
Advocate  
Delhi High Court  
New Delhi. .. Petitioner

(By Ms. Vaishali Mehra, proxy of Mrs. Avnish Ahlawat,  
Advocate)

Vs.

Shri S.K.Jain  
Additional Commissioner of Police/Hqrs.  
Delhi Police  
Police Headquarters  
M.S.O.Building  
I.P.Estate  
New Delhi - 110 002. .. Respondent

(By Shri Ajay Gupta, Advocate)

O R D E R (Oral)

By Justice V. Rajagopala Reddy:

Heard the counsel for the petitioner and the respondents.


2. The Tribunal having found that the charge was not proved quashed the order imposing the penalty on the petitioner and allowed the OA, with all consequential benefits. The CP is filed complaining that the respondents had not complied with the order of the Tribunal.

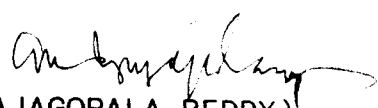
3. In the counter affidavit filed, it has been stated that after the OA was allowed, the applicant's name has been removed from the secret list and DPC was convened which met on 28.9.1999 to consider the name of the applicant for admission to

promotion list E-I (Ex.) w.e.f. 25.9.1992, the date from which the names of his immediate junior ASIs were so admitted to the said list. It was further stated that the review DPC approved the empanelment of the applicant for promotion on 25.9.1992. After setting aside the punishment order the pay of the applicant has been refixed and the applicant has been paid the arrears of pay and allowances amounting to Rs.4744/- and the same was communicated on 7.9.1999. Thus we find that the directions of the Tribunal have been fully complied by the respondents.

4. The proxy counsel for the petitioner strongly urges that the petitioner is entitled to have been considered for promotion with effect from 10.1.1991, i.e., the date on which the name of the petitioner has been kept in the secret list and also for the reason that some ASIs were granted ad hoc promotion in the year 1991 to the higher rank of ASIs w.e.f. 2.5.1991 and 14.10.1991. This contention appears to be factually incorrect. As seen from the counter filed by the respondents the incumbents have been considered for promotion only on 25.9.1992 and the petitioner's immediate junior, ASI was admitted to promotion list E-I(Ex.) w.e.f. 25.9.1992. Thus the applicant was entitled to be considered only w.e.f. 25.9.1992 for promotion. He was so considered and he was approved w.e.f. the said date. The removal of the name of the applicant from the secret list on 10.1.1991 cannot be a ground to claim for promotion from 10.1.1991 as the applicant's immediate junior has been considered for promotion only w.e.f. 25.9.1992. It is true that certain persons have been promoted to

the rank of SIs w.e.f. in 1991 but that was only on ad hoc basis and no direction was issued by the Tribunal as regards ad hoc promotion. in this CP. In the circumstances, it has to be held that the respondents have complied with the order in full. The CP therefore fails and is accordingly dismissed. No costs.

  
(GOVINDAN S. TAMPI)  
MEMBER(A)

  
(V. RAJAGOPALA REDDY)  
VICE CHAIRMAN(J)

/RAO/