

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O.A.NO.2032 of 1993

Date of Decision 16-07-1999

Shri Rambir Singh (971/D) Applicant(s)
& others

Shri Shyam Babu Advocate for the Applicant(s)

Versus

U.O.D & others Respondent(s)

Shri Amit Singh Advocate for the Respondent(s)

C O R A M: (Single/Division)

Hon'ble Shri Justice V. Rajasopala Reddy, VC (S)

Hon'ble Shri R.K. AHOOSA, M (A)

1. Whether Reporters of local papers may be allowed to see the Judgement?

Yes/No

2. To be referred to the Reporter or not?

Yes/No


(R.K. AHOOSA)
Member (A)

12

Central Administrative Tribunal
Principal Bench

O.A.No.2032/93

Hon'ble Shri Justice V.Rajagopala Reddy, VC(J)
Hon'ble Shri R.K.Ahooja, Member(A)

New Delhi, this the 16th day of July, 1999

1. Shri Rambir Singh(971/D)
s/o Shri Mahi Lal Singh
r/o House No.267, Sector-9,
New Vijay Nagar
Ghaziabad(UP).
2. Shri Rajender Singh (2078/D)
s/o Shri Tara Chand
r/o 30/3, Radhapuri Extn.2,
Delhi - 51.
3. Shri Jaipal Singh (789/D)
s/o Shri Bhagmal
r/o House No.9/5215, Old Seelampur
Delhi - Shahdara.
4. Shri Ram Chander (605/D)
s/o late Shri Roop Chand
r/o House No.66, Village & Post Office.
Kanjhawla
Delhi - 110 081.
5. Shri Ram Nath (93/D)
s/o Shri Kanhya Lal
r/o Village & Post Office,
Shahabad Mohd. Pur
New Delhi - 110 045.
6. Shri Rattan Singh (311/D)
s/o Shri Yad Ram Sharma
r/o D-261, Bhajanpura
Delhi - 110 053.
7. Shri Rajendra Prashad (337/D)
s/o Shri Dal Chand Goyal
8th Bn., DAP, F.G.-i, Police Colony
Andrews Ganj
New Delhi.
8. Shri Ravi Dutt (597/D)
r/o House No.B-72, Gali No.5
Brahampuri Seelampur
Delhi - 110 053.
9. Shri Gulab Chand Sharma (344/D)
r/o 1103, Rani Bagh
Delhi.
10. Shri Shri Niwas (160/D)
s/o Shri Suraj Bhan
r/o Village & Post Office Auchandi
Delhi - 110 039. Applicants

(By Shri Shyam Babu, Advocate)

Vs.

Dr

1. Delhi Administration through its Chief Secretary, 5, Sham Nath Marg Delhi - 110 054.
2. Commissioner of Police, Delhi Police Headquarters, I.P.Estate New Delhi - 110 002.
3. Deputy Commissioner of Police Headquarters (I) Delhi. ... Respondents

(By Shri Anil Singhal, Advocate)

O R D E R

(Hon'ble Shri R.K. Ahooja, Member(A))

The applicants, ten in number, were promoted as Assistant Sub Inspectors (Ministerial) (in short ASI) in Delhi Police on 11.11.1985 and were confirmed w.e.f. 11.11.1987. They submit that by a Memorandum dated 7.9.1990 the service particulars of ASI (Ministerial/Stenographers) along with the ACRs of 1989-90 were called for filling up the posts of Sub-Inspectors (Ministerial) on regular basis. This was again done by a Memorandum dated 14.11.1991. The applicants state that under Rule 16(iii) of the Delhi Police (Promotion and Confirmation) Rules, 1980 confirmed ASIs (Ministerial) who put in a minimum of six years service in that category shall be eligible to be considered for admission to List 'E' for promotion as Sub-Inspectors. However, no DPC met in the year 1991 and it is the allegation of the applicants that this happened because of the malafide intentions of the respondents to wait till such term that their own favourite candidates become eligible for consideration for promotion. As such by order dated 19.2.1992 the respondents, called for the service particulars of 9 Scheduled Caste candidates who were working as ASIs (Ministerial). Ultimately, the DPC met on 2.4.1992. The DPC made a combined panel for the year 1991-92 without mentioning how many vacancies were

DR

available in the year 1991. By order dated 7.4.1992, the respondents brought to the List 'E' 40 general candidates as well as 9 Scheduled Caste candidates. The names of the applicants were however not included in that list. Thereafter the applicants made a number of representations to various authorities including the Commissioner of Police but to no avail. Aggrieved by their non-selection the applicants have now come to the Tribunal with a prayer that the respondents be directed to hold year-wise DPC in respect of 1991-92 and with further directions to consider only the eligible persons. They also pray that the respondents be restrained from filling up the vacancies of 1993 from the List 'E' of the year 1991-92.

2. The respondents in their reply have stated that the admission to List 'E' has been done strictly according to the rules. They also state that after exhausting the panel prepared in 1992, a fresh panel of ASI's for admission to List 'E' (Ministerial) has been prepared vide notification dated 21.1.1994 and all the applicants herein have been included in that panel

3. Shri Shyam Babu, learned counsel for the applicants stated that even though the applicants had since been promoted as Sub-Inspectors, their main grievance still subsists as they have lost their inter-se seniority due to their non-consideration against the panel of 1991. He pointed out that the respondents had fixed a meeting of the DPC for the vacancies available in 1991 on 31.12.1991 but the same had been postponed only in order to ensure that the 9 Scheduled Caste ASI's much lower in the seniority list to the applicants, became

On

- 6 -

15

eligible on completion of six years service in February, 1992. It was urged that if the respondents had duly held the DPC on 31.12.1991, the applicants would have also been included since in the seniority list of general candidates they were at S1. No.41 to 49 while the DPC held in 1992 included 40 general candidates but the remaining 9 posts were given over to Scheduled Caste ASIs who were not eligible from 31.12.1991.

4. In order to examine the aforesaid arguments, we may reproduce the Rule 16(iii) of the Delhi Police (Promotion and Confirmation) Rules, 1980. This Rule reads as follows:

"List - E (Ministerial) - Confirmed Assistant Sub-Inspectors (Ministerial) and Stenographers who put in a minimum of 6 years service in this rank, shall be eligible. The selection shall be made on the recommendations of the Departmental Promotion Committee. The names of selected candidates shall be brought on List-E (Ministerial) in order of their respective seniority, keeping in view the number of vacancies likely to occur in the rank of Sub-Inspector (Ministerial) in the following one year, and they shall be promoted to the rank of Sub-Inspector (Ministerial) as and when vacancies occur. Stenographers, thus, promoted shall cease to have their lien as Stenographers on confirmation in the rank of Sub-Inspector (Ministerial)."

5. It is clear from a reading of the above rule, that the panel has to be prepared keeping in view the number of vacancies likely to be available in the 'following one year'. As the respondents have pointed out, a DPC had already been held on 19.8.1991 and had approved the names of 11 ASIs (Ministerial). Therefore, normally there would have been no occasion to hold another DPC in the year 1991. The applicants were not even eligible for consideration by the DPC held on 19.8.1991, since on that date they had not rendered six years minimum service. They cannot therefore make a

Dr

grievance that the DPC meeting scheduled for 31.12.1991 was deferred to 2.4.1992. The respondents have pointed out that the deferment of the DPC was ordered because of the representations received from one Scheduled Caste ASI, Shri Raghbir Singh and it was seen that none of the Scheduled Caste ASIs would be eligible on 31.12.1991. It is an admitted position that there were 9 vacancies available for Scheduled Caste ASIs. Since the applicants belonged to general category they could not have in any case made a claim to these vacancies. Therefore even if the DPC had been held on 31.12.1991, the applicants could not have been admitted into the List 'E' since there were only 40 vacancies for general category candidates and the applicants' seniority was below that point. In view of this position the ratio of Union of India & Others Vs. N.R.Banerjee & Others, JT 1996(11) SC 605 relief upon by the learned counsel does not affect the case before us.

6. The learned counsel for the applicants then contended that if the respondents had not filled up the vacancies of Scheduled Caste candidates, then the applicants would have been promoted first in 1992 and the Scheduled Caste officers would have become junior to them.

7. We find no force in these arguments. The DPC held on 2.4.1992 was required to select only 40 general candidates. Whether these vacancies were for 1992 or for 1991-92 is immaterial in so far as the applicants are concerned because even if the separate panels were prepared the applicants because of their lower seniority, would not have found a place in the panel either of 1991 or of 1992. On the other hand, the Scheduled Caste ASIs

would in any case have found their place in the year 1992 panel. The conclusion that the applicants could not have found a place in 1992 panel also strengthened by the fact that even the vacancies arises in 1993, on applicants' own statement, were filled from the spell over of the 1992 panel prepared on 2.4.1992. Clearly the applicants have no ground to stand on unless it is their case that they would have been entitled to claim the vacancies of Scheduled Caste candidates in case none was eligible amongst the latter DPC held on 31.12.1991/1992. This is however not the case of the applicants.

8. In the light of the above discussion, we find no merit in the OA. Accordingly, the same is dismissed.

No costs.

Rkakay
(R.K.Ahooja)
Member(A)

/rao/

Intpnday
(V.Rajagopala Reddy)
Vice-Chairman(J)