

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL NEW DELHI

OA. No. 2167/93

DATE OF DECISION 12-10-93

Sh. Paramjeet Singh

Petitioner

Sh. A. S. Grewal

Advocate for the Petitioner(s)

Versus

U.O.I. & Ors

Respondent

Advocate for the Respondent(s)

CORAM

The Hon'ble Mr. N.V. Krishnan, Vice Chairman (A)

The Hon'ble Mr. B.S. Hegde, Member (J)

1. Whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the Judgement?
4. Whether it needs to be circulated to other Benches of the Tribunal?

JUDGEMENT (ORAL)

(Delivered by Sh. N.V. Krishnan, V.C. (A))

Applicant states that he has been recommended by the S.H.O. Tilak Nagar by annexure A-2 letter for out of turn promotion to the next rank. He is aggrieved that he has still not been given such promotion. He has, therefore, prayed for a direction to respondents to give him such promotion.

2. Learned counsel for the applicant has drawn out

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attention to R-rule 19(ii) of the Delhi Police (Promotion and confirmation) Rules, 1980 which reads as follows:-

"To encourage outstanding sportman/marksmen, officers who have shown exceptional gallantry and devotion to duty the Commissioner of Police may with the prior approval of the Administrator promote such officers of the next higher rank provided vacancies exist. Such promotion shall not exceed 5 percent of the vacancies likely to fall vacant in the given year in the rank. Such promotion shall be treated as ad hoc and will be regularised when the persons as promoted have successfully completed the training course prescribed like (Power school course) if any, for purpose of seniority such promotions shall be placed at the bottom of the promotion list drawn up for that year".

3. It is thus clear that the promotion is to be given by the competent authority, if conditions mentioned in the Rules are satisfied. In the present case it has to be established that the applicant has indeed ~~no~~ shown exceptional gallantry and devotion to duty. This is to be decided by the Commissioner of Police and not by the S.H.O., Tilak Nagar. Secondly, the promotion is not to exceed 5% of the vacancies likely to fall vacant in the given year in the rank.

4. In view of the above, this power primarily vests in the Commissioner of Police. Applicant cannot claim such promotion as a matter of right. In the circumstances, we are of the view, that no prima facie has been made out and therefore, application is dismissed.

(B.S. Hegde)
Member (J)

(N.V. Krishnan)
Vice Chairman (A)