

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

O.A. No. 2551/93

199

T.A. No.

DATE OF DECISION 15-7-99

Sh. Umed Singh

....Petitioner

Sh. G. P. Saxena

....Advocate for the
Petitioner(s)

VERSUS

UOI through the Secy. M.O.Respondent
Affairs and ors.

Sh. Girish Kathpalia

....Advocate for the
Respondents.

CORAM

The Hon'ble Shri V. Ramakrishnan, Vice Chairman (A)
The Hon'ble Smt. Lakshmi Swaminathan, Member (J)

1. To be referred to the Reporter or not? YES
2. Whether it needs to be circulated to other
Benches of the Tribunal? No.

Lakshmi Swaminathan
(Smt. Lakshmi Swaminathan)
Member (J)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

OA 2551/93

(A)

New Delhi this the 15th day of July, 1999.

Hon'ble Shri V. Ramakrishnan, Vice Chairman (A)
Hon'ble Smt. Lakshmi Swaminathan, Member (J)

Shri Umed Singh
No. 942/L (Constable Mounted),
Prov. & Lines, Delhi.

.. Applicant

(By Advocate Shri C.P. Saxena)

Versus

1. Union of India,

through the Secretary to the
Government of India,
Ministry of Home Affairs,
North Block, New Delhi.

2. The Chief Secretary,

The Government of National Capital
Territory of Delhi, 5-Sham Nath Marg,
Delhi.

3. The Commissioner of Police, Delhi

MSO Building, Indraprastha Estate,
New Delhi-2

4. The Additional Commissioner of Police

(Admn.) Delhi MSO Building,
I.P. Estate, New Delhi-2.

.. Respondents

(By Advocate Sh. Girish Kathpalia)

O R D E R (ORAL)

(Hon'ble Smt. Lakshmi Swaminathan, Member (J))

We have heard both the learned counsel for the parties.

2. The main grievance of the applicant which has caused him to file this application is that in spite of having rendered 23 years of service as Mounted Constable in the cadre of Delhi Police, he has not received any promotion so far, and more so, he submits that there is no prospect of any promotion in the near future.

3. Shri C.P. Saxena, learned counsel for the applicant has submitted that the respondents have also failed to conduct any cadre review or look into the question of promotional avenues in the Mounted Police cadre from the date of inception of that

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cadre i.e. sometime in the year 1950. He refers to the judgement of the Hon'ble Supreme Court in Raghunath Prasad Singh Vs. Secretary(Home), Police Department, Government of Bihar and Ors. (AIR 1988)SC 1033 in which the Supreme Court has directed the State Government of Bihar to provide at least two promotional opportunities to the officers of the State Police in the wireless organisation. Similar observations have also been made in Council of Scientific and Industrial Research and Anr. Vs. K.G.S. Bhatt and Anr (1989(4)SCC 635). Learned counsel has also referred to the recommendations of the 4th Central Pay Commission with regard to the cadre review of Group C&D posts which would be applicable to the cadre to which applicant belongs. He, however, submits that in spite of these recommendations, the respondents have allowed stagnation in the Mounted Police cadre and nothing has been done in the matter. In this connection, the applicant had also made a representation to the respondents which has been rejected by their letter dated 10.8.93 which has also been impugned in this application. In the circumstances, the applicant has sought a direction to the respondents to carry out a time bound cadre review of the Mounted Constables in the Delhi Police with a view to increasing their strength in the promotional levels of HC, ASI and SI and to frame Recruitment Rules providing avenues of promotion to them based on seniority so that they will be able to earn at least two promotion posts during their service career.

4. We have seen the reply filed by the respondents and heard Shri Girish Kathpalia, learned counsel for the respondents. In the reply, the respondents have themselves stated that in order to bring the stagnation level down, they had got 5 posts of HC(Ex.) for Mounted police on 18.11.92. They have also submitted that a proposal for creation of additional posts of Inspector, SI, ASI, HCs

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V and CTs had been sent to Respondent No.2 through the Police Headquarters but it appears that necessary action has not been taken by the Ministry of Home Affairs, Respondent No.1, in this matter. We are sorry to note the state of affairs as stated by the respondents in their reply filed on 26.5.94 as it appears that till date the proposal to increase the posts thereby increasing the promotional avenues for the cadre of Mounted Police has not been examined or rectified. Shri C.P.Saxena, learned counsel further submits that in spite of the averments made by the respondents that by order dated 18.11.92 they have added 5 posts of HC(Executive) to Mounted Police, the actual strength of that cadre has not been increased nor any promotion has been made to these posts.

5. Respondents have also mentioned that a proposal has been sent to regularise the services of 10 Sycos as per the decision of the Tribunal in OA 1068/88 in order dated 4.5.1992. In this connection both the learned counsel submit that the post of Sycos is a group 'D' post and these are not the posts which the applicant and other constables in the Mounted cadre are holding. Learned counsel for the applicant has submitted that under Rule 13(i) of the Delhi Police(Promotion and Confirmation) Rules, 1980 Mounted Constables have been classified as 'Technical' and, therefore, they are eligible for promotion to the next higher post in the Technical cadre after 5 years of service. He has submitted that in the absence of sufficient number of posts in the higher ranks the promotion avenue provided under Rule 13(i) is somewhat vague and remote.

6. We have carefully considered the pleadings and the submissions made by the learned counsel for the parties.

7. From the above facts and the proposals which the respondents have referred to in their reply it is clear that Respondents 2-4 have themselves recognised the fact that there is stagnation in the cadre of Mounted Police in Delhi Police. While their attempts to

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remove the stagnation cannot be under estimated, however, it also appears that they need to take more effective steps immediately with Respondent No.1. We also note that in spite of notice having been issued to Respondent No.1, no separate reply has been filed on their behalf nor is it clear if they have separately forwarded their comments to Respondents 2-4. As observed in the judgements of the Supreme Court in Raghunath Prasad Singh's case and KGS Bhatt's case (Supra) it is desirable that Respondents consider and provide at least two promotional opportunities to the cadre of Mounted Constables in Delhi Police to remove stagnation in the interests of better administration and to keep up their morale.

8. In the result, this OA is allowed with the following directions:-

Respondent 2 to take up the matter further with regard to the proposals they have mentioned in the reply to the OA together with any other proposals for providing time bound promotions/promotional avenues to the Constables in Mounted Police cadre of Delhi Police for consideration of Respondent No.1. Necessary decisions may be taken as expeditiously as possible and preferably within a period of six months from the date of receipt of a copy of this order, with intimation to the applicant. No order as to costs.

Lakshmi Swaminathan
(Smt. Lakshmi Swaminathan)
Member(J)

V.Ramakrishnan
(V.Ramakrishnan)
Vice Chairman(A)

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