

**CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW**

**Transfer Application No.1/2010
This the 03rd day of August 2011**

**Hon'ble Mr. Justice Alok Kumar Singh, Member (J)
Hon'ble Mr. S.P. Singh, Member (A)**

Ajai Verma aged about 53 years, s/o Dr. N. Verma, R/o B-169, Nirala Nagar, Lucknow.

...Applicant.

By Advocate: Applicant in person.

Versus.

1. State of UP through Principal Secretary, Home, Secretariat, Lucknow.
2. Union of India through Secretary, Home, Central Secretariat, N. Delhi.
3. Chairman, UPSC, Dholpur House, N. Delhi.

.... Respondents.

By Advocate: Sri S.P. Singh for Respondent No.1.

Sri Pankaj Awasthi holding brief for Sri A.K. Chaturvedi for Respondent No.2 and 3.

ORDER (Oral)

By Hon'ble Mr. Justice Alok Kumar Singh, Member (J)

This T.A. was filed before the C.A.T., Allahabad Bench from where it has been transferred to this Bench.

2. The following relief's have been sought;

1. a correct re-appraisal and scrutiny of petitioners case so that he is promoted with retrospective effects and not superseded on account of malafides and irregularities. 6 vacancies still exist.
2. an order for leaving a seat vacant for promotion, if needed.
3. any and further relief which Hon'ble Tribunal may deem proper, alongwith costs."

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3. Heard the applicant in person, who is a P.P.S. Officer and the learned counsel for the respondents and perused the material on record.

4. The applicant is a P.P.S. Officer of 1980 batch and is presently posted as Addl. SP, CBCID Hqrs., Lucknow.

5. At the outset, it may be mentioned that the pleadings of this case have not been framed in accordance with Law so as to enable us to understand his actual grievance. Besides some of the pleadings are vague, hazy, inconsistent and not in proper sequence. Not only that, some material facts have been concealed particularly in respect of Writ Petition No.1672/2009 which has been finally dismissed on 11.01.2010 as appears from the perusal of the copy of an order which has been brought on record by Respondent No.1. The applicant had only filed an ex parte order passed in this writ petition dated 25.11.2009, saying that any decision taken in the D.P.C. shall be subject to further order passed by this Court. In his list and date of events also the last date mentioned is 16.11.2009 when he filed this writ petition in which the aforesaid order was passed. But he did not mention about the dismissal of this writ petition on 11.01.2010 in the light of L. Chandra Kumar's case (1997) (3) page-261. In para-7 of the T.A. also he did not mention the final dismissal of the aforesaid writ petition.

6. Similarly, the relief no.1 which is the main relief also appears to be quite ambiguous, hazy and not specific.

7. In this regard before reaching to any final conclusion, some background facts are required to be mentioned in the following manner;

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The applicant claims himself to be the senior most P.P.S. Officer of 1980 batch and is presently posted as Addl. SP, CBCID Hqrs, Lucknow. According to him he was superseded thrice in the promotion to IPS because of surreptitiously given lower category of ACRs' and some wrongful punishment orders which have been ultimately rectified in the year 2009, according to him. It is worthwhile to mention here that applicant has filed series of cases till date before various forums. Twice or thrice he approached the Hon'ble High Court from where he was directed to seek redressal before this Tribunal. Not only that, he also filed pre-mature O.As. which were dismissed by this Tribunal. It transpires from record that the applicant's name was considered under the provisions of Indian Police Services (Appointment by Promotion) Regulations, 1955 for promotion to the India Police Service, Uttar Pradesh Cadre on 01.01.2001, 01.01.2002, 01.01.2003, 01.01.2004 and 01.01.2005 for the select list 2001, 2002, 2003, 2004 and 2005 but his name did not find place in the select list under Regulation 7 of Indian Police Service (Appointment by Promotion) Regulation, 1955. But surprisingly, he has not challenged any of the selection process till date as has been pointed out in para-4 of the counter reply of Respondent No.1. In reply to this, in the relevant para of rejoinder reply, nothing specific and substantial has been said by the applicant. Thereafter, he was again considered for promotion to I.P.S. U.P. Cadre in the year 2006 and 2007 but his name was not included in the select list prepared for both the years. Not only this for the year 2008 and 2009 also his name was again considered but on an overall relative assessment of applicant's

service record he was found unfit as specifically mentioned in para-4 of the aforesaid counter reply. It appears that in respect of certain alleged downgrading of A.C.R's. the applicant went to State Administrative Tribunal from where some orders were passed in his favour but those orders are under challenge before the Hon'ble High Court and those writ petitions are said to be still pending. The applicant has not properly disclosed the status of the pending litigation relating to him.

8. Though, it is not clearly mentioned in the present T.A. but it transpires from record that the last D.P.C. met on 16.10.2009 and the relevant notification was issued in December, 2009. But we do not find even a whisper about this in the entire pleadings of the applicant. It was only when the point of jurisdiction was raised by the opposite parties then the applicant brought on record alongwith his reply dated 23/26.04.2010 the proceedings of aforesaid D.P.C. Still, the above notification has not been specifically challenged.

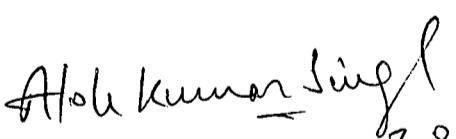
9. A pleadings of malice is also contained in this T.A. against some of the senior officers of Police including former D.G.P. but they have not been made parties. In the absence of it, this point can not be adjudicated.

10. Finally, coming back to the relief no.1 which is main relief in this T.A., we have already observed that it's language is ambiguous, hazy and not specific. During the course of arguments it was told to the applicant that he may suitably amend it but he is not inclined. As already observed, the applicant has not been found fit in any of the selections held for the consecutive years from 2001 to 2009. But according to the

record available before us he has not challenged any of those selections. He probably wants that under relief no.1 his entire journey in service of P.P.S. and the factum of his being not found fit for promotion to I.P.S. may be reappraised which is not possible for the reasons mentioned hereinbefore. It is also noteworthy that during his service as P.P.S. Officer some matters of the adverse entries or punishments, earned by him have been either decided by State Administrative Tribunal or pending before the Hon'ble High Court under judicial review. Therefore, there is neither any judicial propriety to reappraise those matters nor we find it proper to create further confusion in respect of those matters. Finally, therefore, we have no other alternative but to dismiss this T.A. and accordingly, it is so ordered. Because of peculiar facts and circumstances of this case, we are refraining ourselves from imposing exemplary cost on the applicant for concealing material facts, not coming to this Tribunal with clean hands and misrepresenting certain facts as discussed above and also for wasting precious time of this Tribunal. No order as to costs.


03.08.11
(S.P. Singh)

Member (A)


3.8.11
(Justice Alok Kumar Singh)
Member (J)

Amit/-