

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH : MUMBAI

OA No.148/1996

Mumbai this the 1st day of August, 2001

Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman(J)
Hon'ble Smt. Shanta Shastry, Member (A)

S.V. Chaudhari, IPS
Public Relations Officer and
Chief Editor of Dakshata Magazine
Office of the Director General of
Police, Old Council Hall Bldg,
Bombay.

...Applicant

(By Advocate Shri P.M. Pradhan,
learned counsel through proxy
counsel Shri S.S. Karkera)

VERSUS

1. Union of India through the
Secretary to the Govt. of India,
Ministry of Home Affairs, New Delhi.
2. The State of Maharashtra,
through the Additional Chief
Secretary to the Govt. of
Maharashtra, Home Department,
Mantralaya, Bombay.
3. The Director General of Police,
Maharashtra State, Old Council Hall

..Respondents

(By Advocate Shri M.I. Sethna
learned counsel through proxy
counsel Sh.V.D. Vadhavkar for
respondent No.1)

(By Advocate Shri V.S. Masurkar,
for respondents 2 and 3)

O R D E R

(Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman(J)

In this application, the applicant has prayed
for the following main reliefs, namely, (a) for a

declaration that he is entitled to be considered for promotion to the Selection Grade in the Indian Police Service (IPS) in the year 1984 or such other date, taking into consideration the fixation of his seniority below P.S.Pasricha, IPS(RR-70); (b) that he is entitled to be considered for further promotions taking into account 1970 as the year of allotment and fixation of his seniority in the gradation list of IPS Officers of Maharashtra Cadre; and (C) injunction restraining the respondents from acting in any manner whatsoever on the penalty of withholding of next increment for two years imposed on him by order dated 21.11.1992.

2. This O.A. has been filed in January, 1996 in which the applicant has referred to a number of representations he has made from October, 1993 with several reminders to the respondents. We have heard Shri S.S.Karkera, learned proxy counsel for the applicant and Shri V.S.Masurkar, learned counsel for respondents 2 and 3 i.e. the State of Maharashtra and the Director General of Police, Maharashtra State. No reply has been filed by respondent No.1 i.e. Union of India and Shri V.D.Vadhavkar, learned proxy counsel had submitted that in spite of his efforts to get their comments, they have not sent them to enable him to file the reply. We further note that even in the order dated 28.6.2001, the Tribunal had noted that as the matter is an old one, the prayer of the learned proxy counsel was allowed for

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filing reply subject to the condition of payment of costs. However, this reply has not been filed till date and it is, therefore, presumed that respondent No.1 does not want to file the same.

3. In the counter affidavit filed on behalf of respondents 2 and 3, they have submitted that earlier the applicant's year of allotment was fixed in the year 1993. However, before that, his name was considered for selection grade Superintendent of Police (Supdt. of Police) in the meetings held on 12.3.1987, 7.8.1989 and 26.7.1991 assuming his year of allotment as 1970, as he was facing a departmental enquiry and his name was kept in a sealed cover till 1992. Subsequently, they have stated that the applicant's name was re-considered in the next Screening Committee meeting held on 23.2.1993. They have also stated that as the year of allotment has been fixed as 1970 instead of 1972 by the Govt. of India and his case was reviewed in view of the changed circumstances. The Review Selection Committee which was held on 19.3.1996 had considered the applicant's name for inclusion in the select list of selection grade Supdt. of Police for the years 1983, 1984, 1985 and 1986 but he had not been found fit. Shri V.S. Masurkar, learned counsel has, therefore, submitted that in the facts and circumstances of the case, the applicant's prayer for allotment year as 1970 has already been done

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and thereafter, the review DPC has already been held which duly considered the relevant facts. He has also submitted that taking into account 1970 as the year of allotment in the gradation list of IPS Officers, the respondents have already granted him selection grade on the recommendations of the review Selection Committee. The recommendations of the review Selection Committee have also since been approved by the Government by granting the applicant selection grade of Supdt. of Police w.e.f. 1.9.1996. He has, therefore, submitted that nothing further survives in this OA as the applicant has also not cared to amend the OA after the reply has been filed as far back as November, 1996.

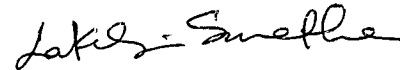
4. Taking into consideration the nature of the reliefs prayed for by the applicant and the reply filed on behalf of respondents 2 and 3, we agree with the submissions made by Shri V.S. Masurkar, learned counsel that the main reliefs prayed for by the applicant have already been granted to him during the pendency of the OA. It is also relevant to note that the applicant has not cared to file any rejoinder to rebut the averments made by the respondents in their reply for the last several years. We have also considered the written submissions submitted by the learned counsel for the applicant but do not find any merit in the same in the light of the action already taken by the respondents during the pendency of the OA.

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5. With regard to the prayer made by the applicant for an injunction restraining the respondents from acting in any manner on the penalty imposed by them by order dated 21.11.1992, we note that this application itself has been filed after several years, in 1996. In the circumstances, such an order cannot be granted and the prayer of the applicant is accordingly rejected.

6. In the result for the reasons given above, the OA is disposed of. No order as to costs.


(Smt. Shanta Shastri)
Member(A)


(Smt. Lakshmi Swaminathan)
Vice Chairman(J)

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