

(12)

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

C.A. No. 667/1999

Ajeet Singh Chaudhary, aged 47 years, Son of Late Shri S.P. Chaudhary, Additional Superintendent of Police, Hoshangabad, District Hoshangabad, resident of B-4, Commissioner Colony, Hoshangabad, District Hoshangabad (M.P.).

... Applicant

V e r s u s

1. Union of India, through the Secretary, Ministry of Home Affairs, North Block, New Delhi.
2. State of M.P., through the Principal Secretary, Department of Home, Mantralaya, Vallabh Bhawan, Bhopal (M.P.).
3. Shri A.K. Singh, Commandant, Special Armed Force, Shivpuri, District Shivpuri (M.P.).
4. Shri G.S. Porus, Superintendent of Police, Morena, District Morena (M.P.).
5. Shri K.P. Khare, Superintendent of Police, Tikamgarh, District Tikamgarh (M.P.).
6. R.B. Sharma, Superintendent of Police, Shahapur, District Shahapur (M.P.).
7. Shri R.L. Borna, Commandant, Armed Police Training Centre (APTC), Indore, District Indore (M.P.).
8. Shri R.P. Shrivastava, Superintendent of Police, Panna, District Panna (M.P.).
9. Shri M.S. Tomar, Commandant, Special Armed Force, Guna, District Guna (M.P.).

... Respondents

*2/2/2000*

Counsel :

Shri S. Nagu for the applicant.  
None for the respondents.

Coram :

Hon'ble Shri Justice N.N. Singh - Vice Chairman.  
Hon'ble Shri R.K. Upadhyaya - Member (Admnv.).

O R D E R (Oral)  
(Passed on this the 10th day of January 2003)

In this case the applicant has claimed the following reliefs :-

- "i) The Hon'ble Tribunal may be pleased to declare that the action of the respondents No. 1 and 2 in failing to consider the case of the applicant for appointment to IPS by promotion with effect from 1996-97 is per se illegal.
- ii) The Hon'ble Tribunal may be pleased to direct the respondents to convene Review Selection Committee under Regulation 5 of the Regulations of 1955 to consider the case of the applicant and grant him appointment to IPS with effect from 1996-97, but not later than 07/03/1997 when his immediate junior was appointed.
- iii) The Hon'ble Tribunal be pleased to grant all consequential service pecuniary benefit to the applicant in view of the aforesaid reliefs.
- iv) The Hon'ble Tribunal be pleased to direct the respondent No. 1 to assign the year of Allotment to the applicant in the IPS higher than the year of Allotment assiged to immediate junior to the applicant Shri A.K. Singh as a necessary consequence to the aforesaid relief."

2. It is stated by the learned counsel of the applicant that the applicant's seniority was revised in consequence to order of Madhya Pradesh Administrative Tribunal, Bhopal Bench in TA No. 1197/88, dated 02/12/1997 (Annexure A-2). The applicant was allotted seniority in permanent cadre of State Deputy Superintendent of Police

*Chintan Agarwal*

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as on 01/04/1997 at serial No. 17-A below shri G.D. Lakhani and just above shri Ved Prakash Sharma at serial No. 18. The claim of the learned counsel of the applicant is that the applicant has not been considered for promotion to Indian Police Service from State Police Service Officers cadre in the year 1996. It is claimed by the learned counsel of the applicant that inspite of promotions of private respondents No. 3 to 9 the applicant's case was not considered by holding a review IPC on revision of his seniority. It is therefore claimed that the respondent No. 1 and 2 be directed to hold a review IPC for consideration of the appointment to Indian Police Service not later than 07/03/1997 when his immediate junior was appointed to the IPS.

3. The respondent No. 2 have stated that the applicant was at lower position in the gradation list until 01/08/1998 (when the order of revision of his seniority was issued). Therefore his name was not included in the zone of consideration during the year 1996 and 1997 for the promotion into the Indian Police Service from the State Police Service.

4. After hearing the learned counsel of the applicant and after perusal of the records, we are of the view that the applicant's case for promotion to IPS should have been considered by a review selection committee after the seniority of the applicant was restored by order dated 01/08/1998 (Annexure A-3). There is nothing on record to suggest that the consideration of the applicant was not warranted for the year 1996-97 particularly when his juniors have been promoted by a selection committee of the year 1996. Such junior persons have been impleaded as respondents.

*Concurrence*

(B)

in this OA. Denial <sup>of</sup> the right of consideration of the applicant it appears deprives him of full benefit of the order restoring his seniority in the State Police service. In view of the facts of this case the respondent No. 2 is directed to take steps for initiation of consideration of the applicant for promotion to IPS from the State Police Service from the date when his junior has been promoted to IPS. The respondent No. 2 may ensure that the directions are complied within a period of 6 months from today. In case the selection committee finds the applicant suitable for promotion to the IPS in the year 1996 from the date when his juniors were promoted to IPS, he may be allowed all consequential benefits within the said period of 6 months.

5. In view of our direction in the preceding paragraph, this application is disposed of without any order as to cost.

(R.K. UPADHYAYA)  
MEMBER (A)

N.N. SINGH  
(N.N. SINGH)  
VICE CHAIRMAN

फृष्टांकन से ओ/व्हा..... जबलपुर, दि.....  
प्रतिलिपि अध्ये छित्र:—

- (1) सचिव, उच्च न्यायालय वार प्रोसेसिटी, जबलपुर
- (2) अधेस्कर की/वी ओ/व्हा..... कोउंसल
- (3) प्रस्तावी ओ/व्हा..... एक्सीजन ओ/व्हा..... कोउंसल
- (4) वायरल, केंद्रीय, जबलपुर व्यायामी देश  
सूचना एवं आवश्यक कार्यवाही देश

Sh. Nagu - B.C.  
SC. Sharma - B.C.  
Sh. Dabla - A.D.  
उप रजिस्टर  
13/1/03

Issued  
13.1.03  
B