

**CENTRAL ADMINISTRATIVE TRIBUNAL  
CHANDIGARH BENCH**

Pronounced on: 16.2.2016

Reserved on : 12.02.2016

**OA. No. 060/00019/2014**

**CORAM: HON'BLE MR. JUSTICE L.N. MITTAL, MEMBER(J)  
HON'BLE MRS. RAJWANT SANDHU, MEMBER(A)**

Jagat Singh, HPS, Superintendent of Police, Narnaul, Haryana, son of Sh. Diwal Singh, R/o Village and Post Office Sangi, District Rohtak, Haryana.

.....Applicant

**BY ADVOCATE: Sh. Pawan Kumar, Sr. Advocate with Mr. Rozer Kumar Aggarwal**

Versus

1. Union of India through the Secretary to Government of India, Ministry of Home Affairs North Block, New Delhi.
2. The Secretary, Union Public Service Commission, Dholpur House, Shahajahan Road, New Delhi.
3. State of Haryana through Chief Secretary, Haryana Civil Secretariat, Chandigarh.
4. The Principal Secretary & Financial Commissioner to Government of Haryana, Home Department, Chandigarh.
5. Sukhbir Singh (Sr. No. 15 in the gradation list of 01.07.2011), D.C.P. Ballabgarh, District Faridabad, Haryana.
6. Arun Singh (Sr. No. 22 in the gradation list of 01.07.2011), I.P.S. now posted as S.P. Sonapat, Haryana.
7. Ashok Kumar (Sr. No. 26 in the gradation list of 01.07.2011), S.P. Railway, Ambala Cantt, District Ambala, Haryana.
8. Om Parkash (Sr. No. 29 in the gradation list of 01.07.2011), Commandant, 3<sup>rd</sup> Battalion, I.R.B., Sonaria, District Rohtak, Haryana.
9. Ram Kumar (Sr. No. 30 in the gradation list of 01.07.2011), S.P., H.P.A., Madhuban, Karnal, Haryana.

.....Respondents

**BY ADVOCATE: Sh. Ram Lal Gupta for respdt.No.1.**

**Sh. B.B. Sharma, for respdt.No.2.**

**Sh. Samarvir Singh, DAG (HR) for respdts.No. 3&4**

**Respdts. No. 5 to 9 ex-parte.**

*Rs —*

**ORDER****BY HON'BLE MRS. RAJWANT SANDHU, MEMBER(A):-**

1. This OA has been filed under Section 19 of the Administrative Tribunals Act, 1985, seeking the following relief(s):-

- “(i) Directions be used to the respondents especially to respondents No. 1 and 2 to consider the case of the applicant to induction/promotion to IPS Select List on merits in pursuance to the name of the applicant sent to Government of India by Government of Haryana on 01.03.2011, in which name of the applicant is figured at Sr. No. 6. Further directions be used to the respondents to upgrade the ACR of the petitioner from the year 2006 to 2010 as per the DOPT guidelines as well as in view of the law settled by the Hon'ble Supreme Court of India.
- (ii) To set aside the impugned notification No. 1-14019/02/2011-IPS.I(I) dated 29<sup>th</sup> March, 2012 and No. 1-14019/02/2011-IPS.I(II) dated 29.03.2012 (Annexure A-8), vide which the applicant has been ignored for promotion as IPS, although the junior to the applicant has been promoted in an arbitrary manner, ignoring the law and against the principles of natural justice.
- (iii) That if the respondents came to the conclusion that applicant is entitled for promotion as IPS, then in that case, direction may be issued to the respondents to keep a seat vacant/pending against the name of the applicant.”

2. Averment has been made in the OA that as per the gradation list of Gazetted Officers of Haryana Police dated 1.7.2010, the applicant's name figures at Sr. No. 16. The date of his confirmation as DSP is 06.11.1988 and date of attaining the age of 55 years is 31.03.2011 (Annexure A-2). Respondent No. 4 vide letters dated 01.03.2011 and 21-26.09.2011, sent the record of HPS officers for preparation of Select List for the year 2010 for induction to the IPS against eight vacancies. The applicant was the first most eligible candidate for promotion to IPS as per the Select List 2010 against eight vacancies.

*N. —*

3. In spite of the fact that the name of the applicant is mentioned at Sr. No. 6 in the Seniority List and in spite of the fact that the entire ACR record of the applicant is not doubtful and no adverse remarks have ever been communicated to the applicant, the name of the applicant has been ignored for promotion to IPS as per Select List 2010 against eight vacancies and junior to the applicant was promoted vide Notification No. 1-14019/02/2011-IPS.I (I) dated 29<sup>th</sup> March, 2012 (Annexure A-8). Against the arbitrary act of the respondents, the applicant submitted a representation to the Chief Minister, Government of Haryana, Chandigarh, with regard to the empanelment of the applicant as IPS (Annexure A-9). In the letter, it was requested that the applicant has been debarred of empanelment in spite of the fact that he has neither been conveyed any below bench mark grading during the period under consideration nor any inquiry was contemplated against the applicant wherein the applicant was held blameworthy which might have deprived him of empanelment. Therefore, it was requested to have sympathetic action in favour of the applicant and it was further requested to upgrade the ACRs of the applicant from 2006 to 2010. In spite of submission of this letter, no reply has been received till date and applicant has not been considered for empanelment as IPS officer. Hence this OA.

4. The following grounds have been cited for seeking relief as sought in the OA:-

- (i) The name of the applicant was mentioned at Sr. No. 6 in the Select List.

As —————