

**Central Administrative Tribunal  
Principal Bench, New Delhi.**

**RA-134/2016 in  
OA-1419/2015**

**Reserved on : 17.10.2016.**

**Pronounced on : 19.10.2016.**

**Hon'ble Mr. Shekhar Agarwal, Member (A)**  
**Hon'ble Mr. Raj Vir Sharma, Member (J)**

HC Braham Dev,  
PIS No. 28824642,  
Aged around 50 years,  
S/o Sh. Har Sarup,  
R/o Village Singhola,  
Post Office Narela, Delhi-40.

..... Review Applicant

(through Sh. Harpreet Singh, Advocate)

Versus

1. The Commissioner of Police,  
Police Headquarters,  
MSO Building, ITO,  
New Delhi-110002.

2. The Jt. Commissioner of Police,  
Headquarters, New Delhi.

..... Respondents

(through Sh. B.N.P. Pathak, Advocate)

**O R D E R**

**Mr. Shekhar Agarwal, Member (A)**

This Review Application has been filed by the OA applicant for review of our order dated 24.05.2016 by which the O.A. was dismissed. The respondents have opposed the review application.

2. Learned counsel for the review applicant has drawn our attention to Para-4.1 and Para-5 of our order dated 24.05.2016, which read as follows:-

“4.1 The respondents have, however, submitted that they have gone by their own standing orders in which there is no such provision. On his part, the applicant could not show any standing order of the Delhi Police in which analogous provision, such as, that contained in para-5 of DoP&T O.M. dated 14.09.1992 exists. The applicant also could not show that DoP&T instructions were applicable in the case of Delhi Police personnel.

5. In view of the aforesaid, we do not find any infirmity in the action of the respondents in rejecting the applicant's request for ad hoc promotion. This O.A. is devoid of merit and is dismissed as such. No costs.”

2.1 He argued that an error apparent on the face of the record had occurred as this Tribunal has wrongly observed that DoP&T Instructions were not applicable to Delhi Police. He drew our attention to Rule-26(2) of Delhi Police (Appointment & Recruitment) Rules, 1980, which reads as follows:-

“In regard to matters not specifically covered by these Rules the police officers of subordinate rank shall be governed by the rules, regulations and other orders applicable to the corresponding grade of civilian employees serving under the Govt. of India.”

2.2 Learned counsel argued that he had not cited this above Rule earlier as the respondents have never disputed that DoP&T Instructions were not applicable to them. The observation of the Tribunal was thus contrary to the pleadings of both sides.

3. We have gone through the aforesaid Rule relied upon by the applicant. As per this Rule, the police officers of subordinate rank were to be covered by DoP&T Instructions applicable to civilian employees for matters, which were not specifically covered by the Rules applicable to Delhi Police. Thus, an error apparent on the face

of the record as crept into our order, as our observation that DoP&T instructions were not applicable in the case of the applicant was not only beyond the pleadings of both sides but also contrary to the above quoted rule.

4. Accordingly, we allow this review application and recall our order dated 24.05.2016. The O.A. is restored for fresh hearing. List on 03.11.2016.

**(Raj Vir Sharma)**  
**Member (J)**

**(Shekhar Agarwal)**  
**Member (A)**

/Vinita/