

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

O.A.No.100/2709/2015

Wednesday, this the 31st day of August 2016

**Hon'ble Mr. Justice Permod Kohli, Chairman
Hon'ble Mr. K.N. Shrivastava, Member (A)**

Ashok Singh Tariyal, DSP (CBI)
Aged about 53 years
s/o late Mr. Arvind Singh Tariyal
r/o H.No.2224, Ground Floor
Green Field Colony
Faridabad, Haryana

(Mr. M. K. Bhardwaj, Advocate)

..Applicant

Versus

UOI & Others

1. The Secretary
Department of Personnel & Training
North Block, New Delhi
2. The Director
CBI
CBI Headquarter, CGO Complex
Lodhi Road, New Delhi

..Respondents

(Mr. Ramjan Khan, Advocate for Mr. Hanu Bhasker, Advocate)

O R D E R (ORAL)

Justice Permod Kohli:

The applicant initially joined the services in Central Bureau of Investigation (CBI) as Sub Inspector in the year 1986 and earned promotions from time to time, though during the interregnum on account of pendency of some criminal proceedings against him his promotion was withheld for some time. The applicant was, however, promoted as Deputy Superintendent of Police w.e.f. 26.10.2009 vide orders dated 30.09.2014 /

08.10.2014. His seniority has also been fixed accordingly. The applicant is seeking promotion to the post of Additional Superintendent of Police. It is stated that vide orders dated 30.04.2014 and 25.06.2014, one S.C. Shukla and thirteen more juniors were promoted as Additional Superintendents of Police. The applicant has not been considered for promotion. He submitted representation dated 28.10.2014 (Annexure A-3) for consideration of his claim for promotion to the post of Additional Superintendent of Police from the date his junior, S.C. Shukla was promoted. The applicant has accordingly filed the present Petition primarily seeking the following relief:-

“(ii) To direct the respondents to hold the review DPC to consider the case of applicant for promotion as Addl. SP w.e.f. 30.04.2014 (date of promotion of Junior Sh. S.C. Shukla) with all consequential benefits including arrears of pay.”

2. The respondents have filed a short reply. In paragraph 5 of the reply, it is stated that the applicant was already promoted to the rank of Deputy Superintendent of Police w.e.f. 26.10.2009 and fell short of nine months and twenty five days in the qualifying service of five years as on 01.01.2014 and thus could not be considered for promotion to the post of Additional Superintendent of Police. It is further stated that the respondent-department has sent a proposal to respondent No.1, the competent authority for appointment of Group ‘A’ officers, seeking one time relaxation in the qualifying service in respect of those who fell short as on 01.01.2014, i.e., the crucial date for determining eligibility. The Department of Personnel & Training has granted relaxation of nine months and twenty five days as on 01.01.2014 in respect of the applicant and the decision has been conveyed vide letter dated 27.08.2015. In paragraph 6 of the reply, the

respondents have further stated that representations of the applicant have been replied to and he has been informed that the matter for convening the review DPC is under process.

3. In view of the above reply, this Petition is disposed of with direction to the respondents to convene the review DPC within a period of two months and pass consequential order within a period of four months from the date of receipt of a copy of this Order. No costs.

(K.N. Shrivastava)
Member (A)

August 31, 2016
/sunil/

(Justice Permod Kohli)
Chairman