

Central Administrative Tribunal Principal Bench, New Delhi

O.A.No.3818/2014
M.A.No.3306/2014

Tuesday, this the 13th day of December 2016

**Hon'ble Dr. K.B. Suresh, Member (J)
Hon'ble Mr. K.N. Shrivastava, Member (A)**

Assistant Sub Inspector Satyabir Singh
Belt No.4882-D, PIS No.28871749
Presently posted at
Security Lines E Block
s/o Mr. Mahipal Singh
r/o D-892, Gali No.13
Ashok Nagar, Shahdara, Delhi
Group 'C', Aged 47 years

(Mr. Sourabh Ahuja, Advocate)

..Applicant

Versus

1. GNCT of Delhi
Through Commissioner
Police Head Quarters, IP Estate
MSO Building, New Delhi
2. Deputy Commissioner of Police
(Headquarters), PHQ, IP Estate
MSO Building, New Delhi

..Respondents

(Mr. K.M. Singh, Advocate)

O R D E R (ORAL)

Dr. K.B. Suresh:

Heard the learned counsel for the parties.

2. Apparently the matter relates to *ad hoc* promotion given by the Delhi Police to deserving persons, who, because of their bravery and extra ordinary caliber, became entitled to it. The issue involved in the matter was decided by a Five Member Bench of this Tribunal in O.A. No.2047/2006 (with connected cases) – **Abdul Nazeer Kunju v. Union of India & others** on 28.03.2011 and it was held that when there are some special reasons, then the normal rules for regular promotion will be submerged and for *ad hoc* promotion Rule 19 (ii) of

Delhi Police (Promotion & Confirmation) Rules, 1980 will prevail. The Hon'ble High Court of Delhi in W.P. (C) No.2414/2012 with connected matters, in paragraph 16 of the judgment, had observed that in terms of Rule 19 (ii) of the Rules, all the peoples have been firstly given *ad hoc* promotion because of an act of bravery, gallantry and devotion to duty and may be an unexpected event and the officer concerned may not have been deputed to undergo the promotional course. Therefore, the consistent view of the judiciary, being an exception to the normal rule, the normal view will be subject to the exceptional situations. The learned counsel for applicant would say that the applicant had been promoted in the year 2007 and placed in the bottom of seniority of 2007 and granted all other benefits from the date of promotion. He accordingly states that the promotion of the applicant should, therefore, relate back to the date of his promotion and not from the date he completed the training. This appears to be correct. But at the same time learned counsel for respondents submits that he has taken the aforesaid matter to the Hon'ble Supreme Court in a similar matter, which is still *sub judice*.

3. In the circumstances, subject to the orders to be passed by the Hon'ble Apex Court, there will be an order that the promotion of the applicant will relate back to the date of his actual promotion and not from the date he completed the training and he will be eligible for all benefits flowing from it.

4. The O.A. stands disposed of. No order as to costs.

(K.N. Shrivastava)
Member (A)

December 13, 2016
/sunil/

(Dr. K.B. Suresh)
Member (J)