

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

**OA No. 1653/2015
MA No. 2770/2019**

This the 15th day of October, 2019

**Hon'ble Mr. S.N. Terdal, Member (J)
Hon'ble Mr. A.K. Bishnoi, Member (A)**

Ajay Kumar Gupta
S/o Late Sh. Ved Prakash Gupta
49, B, Sub Inspector
R/o A-1/101, Param Puneet Apartments
Plot No. 27, Sector – 06, Dwarka, New Delhi – 110015.

(None)

... Applicant

Versus

1. Ministry of Home Affairs Govt. of India
Through its Secretary
North Block, New Delhi.
2. Commissioner of Police
PHQ, MSO Building, IP Estate, New Delhi.
3. Joint Commissioner of Police
(Headquarters)
PHQ, MSO Building, IP Estate, New Delhi.

... Respondents

(By Advocate : Mr. Vijay Kumar Pandita)

ORDER (ORAL)

Mr. S.N. Terdal :

MA No. 2770/2019

Heard respondents. This MA has been filed seeking disposal of the OA No. 1653/2015, as having become infructuous.

OA No. 1653/2015

2. The applicant has prayed for the following reliefs :

“(a) quash and set aside the decision communicated to the applicant dated 5.09.2014, denying the Applicant the legal and bonafide right of the Applicant to be promoted from 5.06.2006 and not from 1/12/2007, and thereafter direct the Respondents to promote the Applicant from 5/6/2006 with all consequential benefits including fixation of pay, increments and seniority, etc. ;

- (b) award costs of the proceedings and
- (c) pass any other order/direction which this Hon'ble Tribunal deem fit and proper in favour of the applicant and against the respondents in the facts and circumstances of the case.”

3. In para 9 to 11 of the counter filed by the respondents, it has been mentioned that they are considering the request of the applicant. Relevant para nos. 9 to 11 are extracted below :

- “9. That the Commissioner of Police vide order dated 12782 consequent upon the publication of integrated seniority list of confirmed Sub-Inspectors (Exe.) vide this Hdqrs. U.O. No. A/10(14)/2005 (Pt.-II)/76965-77064/CB-II/PHQ dated 20.12.2016, the names of the following Sub-Inspectors (Exe.) are hereby admitted to promotion List- ‘F’ (Exe.) w.e.f. 05.06.2006 in terms of Rule 17 (i) of Delhi Police (Promotion & Confirmation) Rules, 1980 and the applicant’s name is at Sl. No. 25.
- 10. That the CP vide order no. 12783, the following Sub-Inspectors (Exe.) whose name stand on promotion List ‘F’ (Exe.) w.e.f 05.06.2006 are hereby promoted to the rank of Inspector (Exe.) with effect from the dates as mentioned against each. They are, however, granted notional promotion for the period as mentioned against their names. During this period, they shall not be entitled for any arrears of pay to the post of Inspector but this period will, otherwise, count towards seniority, increments etc. and the applicant’s name stands at Sl. No. 25.
- 11. That the CP vide order no. 12784, consequent upon publication of integrated seniority list of confirmed Sub-Inspectors (Exe.) vide this Hdqrs. U.O. No. A/10(14)/2005 (Pt.-11)/76965-77064/CB-II/PHQ, dated 20.12.2016, the following modifications are hereby made in the Promotion list – ‘F’ (Exe.) w.e.f. 05.06.2006 issued vide this Hdqrs. notification no. 37318-400/CB-I/PHQ, dated 05.06.2006. The date of declaration of probation period of the following Inspectors (Exe.) is hereby revised and the applicant’s name stands at Sl. No. 17, showing revised date of declaration of probation period w.e.f. 05.06.2008 instead of 01.12.2009. A copy of the order no. 12785-12879/CB-I/PHQ issued by Commissioner of Police, Delhi dated 01.03.2017 is annexed herewith as Annexure R-1.”

4. In view of the same, MA is allowed and OA is disposed of as having become infructuous.

(A.K. Bishnoi)
Member (A)

/anjali/

(S.N. Terdal)
Member (J)