

(A)

Central Administrative Tribunal, Principal Bench

Original Application No.860 of 2003

New Delhi, this the 12th day of November, 2003

Hon'ble Mr. Justice V.S. Aggarwal, Chairman
Hon'ble Mr. S.K. Naik, Member (A)

ASI Mangal Ram No.499-D
S/o Shri Chiranji Lal,
R/o A-47, Delhi Extension,
New Delhi-62

.....Applicant

(By Advocate: Shri U.Srivastava)

Versus

Govt. of NCT Delhi through,

1. The Chief Secretary,
Govt. of NCT Delhi,
5, Sham Nath Marg,
New Delhi
2. The Commissioner of Police,
Police Head Quarters,
I.P.Estate, New Delhi.
3. The Joint Commissioner of Police,
Police HQ, IP Estate, New Delhi

.....Respondents

(By Advocate: Mrs. Sumedha Sharma)

O R D E R (ORAL)

By Justice V.S. Aggarwal, Chairman

The applicant joined the Delhi Police in the year 1970. He was promoted as a Head Constable on 6.8.75. To keep the sequence of events complete which is not in dispute, the applicant was awarded the penalty of censure in 1984 on two occasions. In 1986, his one year approved service was forfeited. In 1988, another penalty was awarded to the applicant and his three future increments were held permanently. He was promoted as Assistant Sub-Inspector (ASI) in 1993.

2. By virtue of the present application, the applicant seeks to ante-date his seniority in the rank of

/s/ Aggarwal

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ASI and further to promote him as Sub-Inspector from the date he became eligible for admission of his name in list E-1 in accordance with the rules.

3. The petition has been contested. It has been pointed that the name of the applicant was considered in the DPC which met in the years 1987 and 1988 but he could not make the grade for promotion to list D-1 because of his indifferent record. His name was admitted in the promotion list with effect from 9.1.91 and he was actually granted promotion w.e.f. 24.3.93. The respondents pointed that before 24.3.93, the name of the applicant was in the list of persons of doubtful integrity. They further plead that so far as further promotion as Sub-Inspector is concerned, the name of the applicant was in the zone of consideration but persons who had been promoted earlier to him made the grade and the DPC could not reach the name of the applicant.

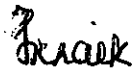
4. This sequence of events make the position clear. So far as the first part of the relief that applicant should be promoted as ASI before 1993 is concerned, the same cannot be granted because of the fact that his name was in the secret list of persons of doubtful integrity till the year 1993. In such a situation, he could not be promoted actually till 1993. This is for the reason that the applicant does not seek any direction that his name could not have been included in the secret list upto the year 1993.

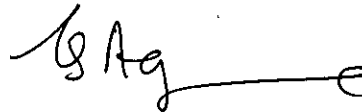
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5. Reverting back to the second contention of the learned counsel that the applicant should have been promoted as SI after completing six years of qualifying service, we do not find any illegality or irregularity in the fact that has been pleaded that the persons senior to him had made the grade and, therefore, the DPC could not reach the name of the applicant. Therefore, he cannot make a grievance. His right was for consideration. His name was considered but could not reach. In this view of the matter when seniors only have been promoted, we find that the petition is without merit. Resultantly, it fails and is dismissed.


(S.K. Naik)
Member (A)


(V.S. Aggarwal)
Chairman

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