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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A.NO.1346/2003

New Delhi, this the 23rd day of February, 2004

HON BLE SHRI JUSTICE V.S. AGGARWAL, CHAIRMAN
HON BLE SHRI S.K.NAIK, MEMBER (A)

SI Suraj Pal Giri
No. D188
s/o Sh. P.C.Giri
r/o 354, Chandralok
Mandawli Road
Shahdara
Delhi. ... Applicant

(By Advocate: Ms. Jasvinder Kaur)

Versus

Govt. of NCT Delhi through
Commissioner of Police
Police Head Quarters
I.P.Estate, New Delhi. ... Respondent

(By Advocate: Sh. Ajesh Luthra)

O R D E R

Justice V.S. Aggarwal:-

Applicant Suraj Pal Giri is a Sub-Inspector in Delhi Police. By virtue of the present application, he seeks quashing of the order of 6.3.2003 and for directing the respondents to expunge the adverse remarks in the Annual Confidential Report for the year 1998-99. He further prays that respondents should recall the order of 19.9.2002 whereby he has been declared unfit for promotion due to adverse remarks in the Annual Confidential Report for the period 10.6.1998 to 5.3.1999.

2. To keep the sequence of events complete, it would be necessary to mention that the applicant had been given the following adverse remarks in the Annual Confidential Reports for the year 1998-99 which reads:

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"In the annual confidential report of SI Suraj Pal, D-188 for the period from 10.6.98 to 5.3.99, it has been mentioned that How far do you agree with the report of the officer reported upon in the part-II - I agreed. Honesty - Honestly dealing with public, Moral Character - Very Good, Dealing with the public and accessibility to the public - Very Good, Impartiality/objectivity - Impartial, Attitude towards weaker section of society - Sympathetic, Devotion to duty - Devoted. General power of control and organising ability - Good. Personality and initiative - He takes initiative in his office work, Power of command - Very Good. Aptitude to modernisation techniques of investigation and in modern police methods generally - He takes interest in modern techniques. Preventive and detective ability - Good. Working experience of Criminal law and procedure - Good. Reliability-Good, Efficiency on parade - Not tested. Overall assessment- He takes interest in work. His work and conduct remained good. However he was not keeping his case files up-to date, punishment - contribution towards developing police community relations - Good. The reviewing officer agrees with the remarks of the reporting officer.

The above remarks may please be communicated to SI Suraj Pal, D-188 and in acknowledgement receipt in token of having received the same may please be sent to this office for record. He can submit a representation against the above remarks to the competent authority within a period of 30 days if he so desires."

(Emphasis added)

3. The applicant had submitted the representation in September, 2002 which was rejected to be barred by time vide impugned order which reads:

"Subject:- Reg. revision petition of SI(Ex.) Suraj Pal Giri No.D-188 against adverse remarks in his ACR.

Please refer to your office letter No. 343/P. Sec. (E). dated 20.7.2002, on the subject cited above.

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The representation submitted by Sub-Inspector, (Ex.) Suraj Pal Giri No. D-188 against adverse remarks has already been rejected by the appellate authority being time-barred. As regard his present revision petition, the same can not be considered at this stage as per rules/instructions on the subject.

The SI may be informed accordingly."

4. The application is being contested. According to the respondents, the applicant was communicated the adverse remarks on 19.11.2000. The applicant was required to submit his representation within thirty days, i.e., on or before 18.12.2000. He did not do so and, therefore, the representation which was highly belated was rejected.

5. It has further been pleaded that in November, 2001 a Departmental Promotion Committee meeting was held for selecting Sub-Inspectors (Executive) for admission to Promotion List 'F' (Executive). The gradation chart had been prepared. The applicant was considered. The Departmental Promotion Committee had followed the following criteria:

- (i) Candidates with 4 'Good and above' reports out of six reports for the General candidates and 3 'Good and above' reports out of six for the candidates belonging to SC and S.T. were empanelled.
- (ii) Candidates having any below average and adverse reports during the last six years were not empanelled.
- (iii) The service record of the officer during the preceding 10 years in

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that particular rank was taken into account with particular reference to the gravity and continuity of punishments till date. Recent punishments on counts of corruption and moral turpitude were viewed seriously.

- (iv) Officers awarded any major/minor punishment in the preceding 5 years on charges of corruption, moral turpitude and gross dereliction of duty to protect Government property or major punishment within 2 years on charges of administrative lapses, from the date of consideration were not empanelled.
- (v) Officers whose names were figuring on Secret List of persons of doubtful integrity were not considered fit as per S.O. No. 265/2000.
- (vi) Officers who were awarded censures during the last 6 months were allowed to be brought on promotion list but the effect of censure by debarring the official for promotion by six months from the date of censure was followed.
- (vii) The result of officers, who were under suspension or facing DE or involved in criminal cases were kept in sealed covers."

6. The name of the applicant was admitted to the Promotion List 'F' (Executive) w.e.f. 9.11.2001 and he was found fit. Before the findings of the Departmental Promotion Committee could be acted upon, it was noticed that he had suffered adverse remarks referred to above which had been communicated. It was inadvertently not taken into consideration by the Departmental Promotion Committee. A review Departmental Promotion Committee met on 12.9.2002 and came to the conclusion that Annual Confidential Report for the period which was adverse should have also been taken into consideration and declared that the applicant was unfit for promotion.

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7. Learned counsel for the applicant contended that the representation had wrongly been rejected and that after all positive remarks, it had been mentioned that the applicant was not keeping the case files upto date. It is ~~inconsist~~ ^{inconsist} with the general remarks which have already been reproduced above.

8. A perusal of the record reveals that the applicant had been communicated the said adverse remarks of not keeping the files upto date. At the relevant time, he did not care to challenge the same or make any representation. He only woke up after almost two years of the communication of the adverse remarks. Every person should be vigilant qua his rights and once he did not file the representation within the stipulated period, it is too late in the day for him now to state that adverse entries should be expunged and his representation be accepted.

9. As already referred to above, the respondents had adopted criteria which we have reproduced above. According to that, there should be no adverse entries and the person concerned should have four 'Good' and above reports out of six reports. The applicant had suffered with the adverse entry. The review Departmental Promotion Committee had rightly considered the case and he could not be recommended for the Promotion List 'F' (Executive).

10. No other argument has been raised.

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11. Resultantly, the OA being without merit
must fail and is dismissed. No costs.

Naik
(S.K.Naik)
Member (A)

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(V.S. Aggarwal)
Chairman

/NSN/