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Central Administrative Tribunal, Principal Bench

Original Application No. 2692 of 2003

New Delhi, this the 13th day of May, 2004

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

Prehlad Singh, No. 1504/D
M.T. Fitter Grade-I
S/o Shri Balwant Singh,
R/o Village: Kamarudin Nagar
P.S. Nangloi, Delhi - 41. Applicant

(By Advocate: Shri Raj Singh)

Versus

1. Lt. Governor, Delhi
through Principal Secretary,
Players Building,
Delhi Secretariat, I.P. Estate
New Delhi
2. The Commissioner of Police
Delhi Police Headquarters,
I.P. Estate, New Delhi Respondents

(By Advocate: Shri S.Q. Kazim with Shri Phalak Mohd.)

O R D E R (ORAL)

By Justice V.S. Aggarwal, Chairman

The applicant joined the Delhi Police in July, 1969. On 3.3.1988, he was promoted as Assistant Sub-Inspector and was confirmed on 6.3.1990. In 1992, a case with respect to an offence punishable under Section 325/323/34 of Indian Penal Code was registered against him. On 30.5.1996, the persons junior to the applicant were promoted as Sub-Inspector but keeping in view the abovesaid case that was pending, the applicant was ignored.

2. The applicant was acquitted by the Court of competent jurisdiction in the year 2000. After the acquittal, his name was removed from the list of persons of doubtful integrity on 14.3.2000. He has

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... since been promoted as Sub-Inspector on 17.4.2003.

3. The applicant by virtue of the present application, seeks convening of a review Departmental Promotion Committee meeting and consider his name for promotion to List 'E' (Technical) from the date his juniors were promoted.

4. The petition has been contested.

5. Respondents do not dispute the basic facts which we have reproduced above. However, it has been pointed that conduct of the applicant has been censured by the disciplinary authority for not informing the department regarding his involvement in the abovesaid criminal case. It has further been pleaded that in order to draw the promotion panel for the post of SI (Technical), a regular Departmental Promotion Committee met on 21.5.1996 to consider the eligible candidates including the applicant. Since the name of the applicant existed in the secret list of persons of doubtful integrity, he could not make a place in the promotion list.

6. We have heard the parties' counsel.

7. As already pointed above, the name of the applicant was placed in the list of doubtful integrity because of the pending case in which the applicant was arrested with respect to offences punishable under

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Section 325/323/34 of Indian Penal Code, Police Station Nangloi. This is apparent from the copies of the order which the respondents have placed on the record. Once the applicant has been acquitted by the court of competent jurisdiction, necessarily it must be taken that his name would be deemed to be deleted from the said list.

8. Once the name of the applicant is deleted from the list of persons of doubtful integrity and because he was not promoted in view of the fact that his name was in the said list, his juniors scored a march over him. He has a just grievance that he should be considered for promotion from the date his juniors were promoted.

9. Resultantly, we allow the present application and direct:

(a) a review Departmental Promotion Committee meeting may be held to consider the claim of the applicant from the date his juniors were promoted: and

(b) the conduct of the applicant is stated to have been censured. This fact can be taken note of while

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considering the claim of the applicant.


(S.A. Singh)

Member (A)


(V.S. Aggarwal)

Chairman

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