
(2019) 05 CAT CK 0101

In the Central Administrative Tribunal

Case No : Original Application No. 3367 Of 2013

Jagjit Singh

APPELLANT

Vs

Govt. Of NCTD Through

RESPONDENT

Date of Decision : 09-05-2019

Acts Referred:

Indian Penal Code, 1860 — Section 34, 304B, 308, 498

Citation : (2019) 05 CAT CK 0101

Hon'ble Judges : L. Narasimha Reddy, J;Aradhana Johri Member (A)

Bench : Division Bench

Advocate : Sachin Chauhan, Amit Anand

Final Decision : Dismissed

Judgement

L. Narasimha Reddy, J

1. The applicant joined the service of the Delhi Police as a Constable on 17.06.1974. For promotion to the post of Assistant Sub Inspector (ASI), the administration prepares D-1 List. Names of all the eligible candidates are included therein. The applicant became eligible to be considered for

promotion in the year 2001. However, by that time, a case referable to FIR No.444/1997 for offences punishable under Sections 498 and 304-B read

with Section 34 IPC was pending in the court of Additional Sessions Judge, Delhi.

2. The applicant was convicted by the trial court in the said case. In criminal appeal No.76/2001 filed by him before the High Court, he was acquitted

through judgment dated 15.01.2010. Through an order dated 24.11.2010, the appointing authority declared that the name of the applicant shall be

removed from the list of police personnel facing criminal cases. As a consequence thereof, his name was included in D-1 List and he was considered

for promotion.

3. It is stated that the applicant was selected for promotion to the post of ASI and was put on training. However, before he was issued the order of appointment, another FIR, being No.336/2009 for offences punishable u/s 308/34 IPC was registered against him. In that view of the matter, he was denied promotion. On a representation submitted by the applicant, the respondents informed him through communication dated 21.06.2012 stating that his case would be considered for promotion after finalization of the criminal case referable to FIR No.336/2009. Similar answer was given through another communication dated 17.09.2012. This OA is filed challenging the said orders.

4. The applicant contends that once he was selected for the post of ASI, there was no basis to deny him the order of appointment, and that the subsequent developments cannot be taken into account.

5. The respondents filed a counter-affidavit opposing the OA. It is stated that though the applicant was clear from any impediment on his being acquitted by the High Court in the case referable to FIR No.444/1997, he could not be promoted on account of his involvement in another case referable to FIR No.336/2009. The various contentions advanced by the applicant are denied.

6. We heard Shri Sachin Chauhan, learned counsel for the applicant, and Shri Amit Anand, learned counsel for the respondents.

7. The applicant was denied promotion in the year 2001 on account of his involvement in a criminal case pertaining to FIR No.444/1997. He was convicted by the trial court, but was acquitted by the High Court. Taking the same into account, the appointing authority issued an order dated 24.11.2010 removing his name from the list of police personnel facing criminal cases. Obviously, in view of this development, the applicant was selected as ASI and was also put on training. However, before the order of appointment could be issued, it was noticed that another FIR No.336/2009 was pending. In that view of the matter, the question of his being promoted does not arise. It is a different matter that in case he is acquitted in the pending case, he can be extended the benefit of notional promotion on the basis of his being included in the D-1 List on 29.09.2011.

8. We, therefore, dismiss the OA, subject to the observations made above. There

shall be no order as to costs. Â