

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.6283/2015

GOVT. OF NCT OF DELHI & ORS.

Appellant(s)

VERSUS

RAVINDER PAL

Respondent(s)

WITH

C.A. No. 6281/2015 (XIV-A)

C.A. No. 6284/2015 (XIV-A)

C.A. No. 6285/2015 (XIV-A)

C.A. No. 6289/2015 (XIV-A)

C.A. No. 6286/2015 (XIV-A)

C.A. No. 6288/2015 (XIV-A)

C.A. No. 6287/2015 (XIV-A)

CIVIL APPEAL NO.893 /2021

[@ SLP(C) No. 15138/2017 (XIV)]

O R D E R

Leave granted in SLP(C) No.15138/2017.

The interpretation of Rule 19 (ii) of the Delhi Police (Promotion and Confirmation) Rules, 1980 arises in these cases *qua* the aspect whether the seniority of the persons promoted out of

turn would be reckoned from the year of promotion or from the year the eligibility list is drawn.

The relevant Rule reads as under:

"19. Ad-hoc promotions-(i) In special circumstances when there are no approved names on promotion lists, and vacancies exists, the Commissioner of Police, may promote suitable officers in order of seniority to next higher rank temporarily. Such promotions shall not entitle the officers concerned to claim and right for regular appointment or seniority or for appointment to such or any other equivalent post and shall be liable to reversion without notice as soon as qualified men become available.

(ii) To encourage outstanding sportsmen, marksmen, officers who have shown exceptional gallantry and devotion to duty, the Commissioner of Police may, with prior approval of Administrator, promote such officers to the next higher rank provided vacancies exist. Such promotions shall not exceed 5 per cent of the vacancies likely to fall vacant in the given year in the rank. Such promotions shall be treated as ad-hoc and will be regularized when the persons so promoted have successfully completed the training course prescribed like (Lower School Course), if any. For purposes of seniority such promotees shall be placed at the bottom of the promotion list drawn up for that year."

(emphasis supplied)

The issue was examined by a three Judges Bench of the Central Administrative Tribunal which opined in favour of the appellant(s)/Government but that matter was referred to a five

Judges Bench of the Tribunal which held that the correct interpretation of Rule implied that the officers promoted out of turn, in any year, shall be placed for purposes of seniority at the bottom of the promotion list of the year in which out of turn promotion is given¹. This view was based on the stated unambiguous views of the expression "*that year*" which was held to be alluding to the year in which the official is granted the out of turn promotion and not the year in which the eligibility lists are prepared.

It is the aforesaid view of the Larger Bench of the Tribunal which was assailed before the High Court and in terms of the impugned judgment dated 06.05.2013 the view of the Larger Bench of the Tribunal has been upheld.

If we turn to the order of the High Court, we may notice that it has recognized that under Rule 19(ii) the promotions are to be treated as ad hoc to be regularized when the persons so promoted successfully complete the training course prescribed. The rationale for the same is stated to be that if officer who earns the promotion by virtue of Rule 19(ii) may otherwise not be eligible for promotion as per the seniority position and may not have been sent for the mandatory promotional courses.

It is the case of the appellant that relying on the three Judges Bench of the Tribunal, that the seniority in the department has to be accorded when they complete the probation and as per Rule 22 of the said Rule, it would operate from the date of first

¹ O.A.No.2047/2006 and OA NO.2612/2005 dated 24.03.2011

appointment to the post in question.

We are in agreement with the view taken by the Larger Bench of the Tribunal and the High Court. We may, at the inception, note that this is a matter of a local Act and local Rules and normally, the view taken by the High Court must prevail unless some patent illegality in interpretation of rules is shown. That is not the position in the present case.

We are persuaded to take this view as a reading of the Rule 19, sub-Rule (ii) makes it clear that for purposes of seniority, they would be placed at the bottom of the promotion list drawn up for that year. This would, in turn, imply that the promotions are earned in the year when the vacancy accrued. They are given ad hoc promotions first because of certain special circumstances i.e. for an act of bravery, gallantry and devotion to duty. How the seniority would be reckoned would be clarified from the last portion of the Rule which provides that for purposes of seniority, such promotees shall be placed at the bottom of the promotion list drawn up for that year. Thus, the High Court was correct opining in para 17 of the impugned order that the plain and simple English language should guide that in the promotion list drawn up that year i.e. the year of promotion, the names of the subordinate officers have to be entered and for the purposes of seniority to be so placed at the bottom of the promotion list drawn up for that year which, in turn, would imply that the year of the promotion and not any other year.

We may also take note of the additional reason given by the

High Court in para 21 of the impugned order. The said paragraph reads as under:-

"21. We give one more additional reason. If we look at sub Rule (i) of Rule 19 of the "Delhi Police (Promotion & Confirmation) Rules, 1980" we find that if no approved names are on the promotion lists and vacancies exist, as a special circumstance the Commissioner of Police may promote suitable officers in order of seniority to the next higher rank temporarily and these officers are not entitled to claim right for regular promotion or seniority. Meaning thereby, the Draftsman was conscious of temporary promotions and the consequence thereof as envisaged by sub Rule (i) and promotions with consequences thereof as envisaged by sub Rule (ii) of Rule 19 of the Delhi Police (Promotion & Confirmation) Rules, 1980."

The aforesaid is a supporting factor in interpretation of the Rule in the manner done by the five Judges Bench of the Tribunal and the High Court with which we concur.

The result of the aforesaid is that the appeals are dismissed leaving the parties to bear their own costs.

At request of some of the counsel for the respondent(s), we clarify that if there was any interim orders in some cases, that would stand dissolved and the consequences of the judgment passed

by us should be implemented by the appellants, if not already implemented, within a maximum period of two months from today.

..... J.
[SANJAY KISHAN KAUL]

..... J.
[AJAY RASTOGI]

NEW DELHI;
MARCH 04, 2021.

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s). 6283/2015

GOVT. OF NCT OF DELHI & ORS.

Appellant(s)

VERSUS

RAVINDER PAL

Respondent(s)

WITH C.A. Nos.6281/2015, 6284/2015, 6285/2015, 6289/2015,
6286/2015, 6288/2015, 6287/2015 and SLP(C) No. 15138/2017

Date : 04-03-2021 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE AJAY RASTOGI

For Appellant(s)

Mr. R.S.Suri, ASG
Mr. Anmol Chandan, Adv.
Mr. R.K.Verma, Adv.
Ms. Swati Ghildiyal, Adv.
Mr. B. V. Balaram Das, AOR
Mr. B. Krishna Prasad, AOR

For Respondent(s)

Mr. V. Shekhar, Sr. Adv.
Mr. Vijay Kasana, Adv.
Ms. Ketki Chayya Choudhary, Adv.
Mr. Sanjay Kumar Tyagi, AOR

Mr. R. C. Kaushik, AORMr. Arvind Kumar Gupta, AOR
Mr. Anil Singal, Adv.
Mr. Prashant Bhardwaj, Adv.
Mr. Rishi Bharadwaj, Adv.
Mr. Abhiesumat Gupta, Adv.
Mr. Shaurya Dogra, Adv.
Mr. Vikram Singh Jakhar, Adv.UPON hearing the counsel the Court made the following
O R D E R

Leave granted in SLP(Civil)No.15138/2017.

The appeals are dismissed in terms of the signed order.

Pending application, if any, shall also stand disposed of.

(ASHA SUNDRIYAL)
ASTT. REGISTRAR-cum-PS

(POONAM VAID)
COURT MASTER (NSH)

[Signed order is placed on the file]