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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 11097/2015

% *Judgment dated 30th November, 2015*

AMIT KUMAR Petitioner

Through : Mr.Saurabh Ahuja, Adv.

versus

GNCT OF DELHI & ORS Respondents

Through : Mr.Anuj Aggarwal, ASC for respondents.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

G.S.SISTANI, J (ORAL)

CM APPL. 28757/2015

1. Exemption allowed subject to all just exceptions.
2. Application stands disposed of.

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3. Present writ petition has been filed by petitioner under Articles 226 and 227 of the Constitution of India seeking a direction to quash and set aside the Order dated 24.3.2015 passed by learned Central Administrative Tribunal (hereinafter referred to as the '*Tribunal*'), whereby the three O.As. filed by the petitioner herein were dismissed. The petitioner further seeks quashing of the Order/communication dated 6.9.2013 whereby the representation of the petitioner for grant of out of turn promotion was not forwarded to the competent authority and instead only Asadharan Karya Puraskar along with a cash reward have been awarded to the petitioner.

The petitioner also seeks a direction to the respondent to grant out of turn promotion to him.

4. In this case, the petitioner, who is a Constable (Executive) in the Delhi Police, is stated to have played an important role in an operation to nab a desperate criminal, Manoj Bakkarwala. For the act of bravery, a citation was issued by the respondents in favour of the petitioner, relevant portions of which read as under:

“CITATION FOR “ASADHARAN KARYA PURUSKAR” IN RESPECT OF HEAD CONSTABLE (Exe) PARVESH KUMAR NO. 701/SB, CONSTABLE (Exe) AMIT NO.853/SB, CONSTABLE (Exe) HEMANT NO.793/SB & CONSTABLE (Exe) ANKIT NO. 862/SB.

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Constable (Exe.) Amit

Constable (Exe.) Amit remained an active member of the Special Cell team in whole operation. He alongwith H.C. Parvesh Kumar visited many suspected areas in Aligarh, U.P. and Rudrapur, Haldwani in Uttarakhand to get information about this desperate criminal. On 16.01.2012, at about 5.00 pm, the desperado Manoj Bakkarwara reached at the place of information near round-about Gazipur Mandi, Delhi in robbed Volks Wagon Vento car and alighted from it. The team of Special Cell was deployed near by the spot and keeping watch on his movement. The desperado sensed the presence of police team & tried to run away. Immediately Constable Amit pounced upon desperado Manoj Bakkarwara showing bravery, presence of mind and overpowered him with the help of other staff. He did not give any chance to desperado Manoj Bakkarwara to take out weapon to fire upon police party to evade arrest. The recovered pistol was found

containing 8-live cartridges of .32 bore calibres. During search, one more magazine of the pistol was also seized from the wearing pant of this desperado criminal.

Constable Amit has endangered his life for the safety of his team members & displayed the most personal bravery and gallantry of the highest order in this operation. He has set an example of dedication to the duty.

***Constable (Exe.) Amit** joined Delhi Police on 25.10.2004. He has earned great reputation in the department by doing continuous good work and there is nothing adverse against him. He has an unblemished record during his service tenure of 07 years.”*

5. The complaint of the petitioner is that despite the fact that he has been associated with the operation along with other team members since the beginning, another member of the team, Ct.Satya Prakash, has been granted out of turn promotion, whereas a similar benefit has been denied to him and instead Asadharan Karya Puraskar along with cash reward have been awarded to him.
6. Mr.Ahuja, learned counsel for the petitioner, submits that the Tribunal has rendered a finding that there is no discrimination against the petitioner as Ct.Satya Prakash, another team member, had put in more efforts than the petitioner herein. Mr.Ahuja further submits that this observation of the Tribunal is without any foundation for the reasons that the citation reproduced hereinabove would show that the petitioner has been associated with the operation since the very beginning and there was no difference of role. Counsel further submits that, at this stage, the petitioner would be satisfied if a direction is issued to the respondents to consider the representation of the petitioner dated 30.8.2015 passionately as the aforestated citation would show that the petitioner had committed an act

of bravery and overpowered a desperate criminal.

7. Learned counsel for the respondent enters appearance on an advance copy.
8. As agreed, without expressing any opinion on the merits of the matter, to meets the ends of justice and having regard to the citation issued by the respondents in favour of the petitioner, we direct the Commissioner of Police to consider the representation of the petitioner dated 30.8.2013 without being influenced by the findings of the Tribunal and pass a speaking order in accordance with law within eight weeks from today.
9. Writ petition stands disposed of in view of above.

G.S.SISTANI, J

SANGITA DHINGRA SEHGAL, J

NOVEMBER 30, 2015

msr