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

+ W.P.(C) 809/2015
KRISHNA

..... Petitioner

Through: Mr. Saurabh Aggarwal with Ms. Komal,
Adv.

versus

UNION OF INDIA THROUGH SECRETARY (HOME)
& ORS.

..... Respondents

Through: Mr. Naresh Kaushik with Mr. Tapasvi
Raj, Mr. M.K. Tiwari, Adv.
Mr. Rahul Jain with Mr. Naveen R.
Nath, Adv. for R-3.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

ORDER

09.07.2019

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The petitioner has assailed the order dated 26.09.2014 passed by the Central Administrative Tribunal, Principal Bench, New Delhi (the Tribunal) in O.A. No. 833/2011. The tribunal has rejected the said Original Application preferred by the petitioner. The substance of the petitioner's grievance was that the Cadre Review under the IPS (Cadre) Rules, 1954, which should have been completed before 31.12.2009, was delayed and came to be concluded only in the year 2010. The respondents notified the vacancies, which were treated as existing on 01.10.2010, post the Cadre Review on 30.03.2010 under Rule 4 of the IPS (Cadre) Rules, 1954.

The grievance of the petitioner was that due to the delay in the completion of the cadre review, he became age barred since he attained the age of 54 years on 28.07.2009 and, thus, he could not be considered for promotion to the IPS. We may observe that in the meantime, the petitioner has already superannuated from the UP Police Service that he was

serving on 28.07.2015. The petitioner, in effect, is seeking the relief that the vacancies notified on 30.03.2010 under Rule 4 of the IPS (Cadre) Rules, 1954 be treated as existing vacancies as on 01.01.2010 for the purposes of select list, 2010. He is seeking a direction that his case be considered with all eligible candidates, for the purpose of selection to IPS UP Cadre against the resultant vacancies as on 01.01.2010.

As noticed hereinabove, the petitioner has superannuated in the meantime on 28.07.2015.

The process of appointment to IPS is by way of selection, and it is not a seniority based promotion. There is no vested right in an officer to claim promotion. His only right is to seek consideration along with his peers, as and when the process of promotion/ selection is undertaken. The aforesaid being the position, in our view, the issue raised by the petitioner has become academic since he has superannuated.

Mr. Kaushik also points out that the select list had already been issued and none of the selectees had been impleaded as party respondents before the Tribunal, though they would have been adversely affected if the petitioner were to succeed.

In these circumstances, we are not inclined to examine the issue raised by the petitioner, since the same has become academic.

Dismissed.

VIPIN SANGHI, J

RAJNISH BHATNAGAR, J

JULY 09, 2019
N.Khanna