



2025:DHC:9242-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI*****Date of decision: 14.10.2025***+ W.P.(C) 6742/2003
PARKASH CHAND

.....Petitioner

Through: Mr. Shekhar Kumar, Adv.

versus

GOVT.OF NCT OF DELHI & ORS.Respondents

Through: Mr. Amit Gupta, SPC, Mr.
Naman Singh, Mr. Vidur
Dwivedi, Advs. with
SI Rajender (PHQ) for Delhi
Police.**CORAM:****HON'BLE MR. JUSTICE NAVIN CHAWLA****HON'BLE MS. JUSTICE MADHU JAIN****NAVIN CHAWLA, J. (ORAL)**

1. This petition has been filed, challenging the Order dated 18.07.2003 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as the 'Tribunal') in O.A. 2914/2002, titled ***Prakash Chand. v. Govt. of NCT of Delhi & Ors.***, dismissing the said O.A., filed by the petitioner herein.

2. The petitioner had filed the above O.A., challenging the proceedings of the Departmental Promotion Committee (hereinafter referred to as "DPC") held on 12.11.2001, and also the review DPC held on 14.05.2002, for considering the petitioner for admission to the List D-1 (Exe.) with effect from 12.05.1999 and 12.02.2001, and



declaring the petitioner unfit for promotion.

3. The learned counsel for the petitioner submits that the DPC had considered the ACRs for the period 1983-84 to 1987-88, which were never communicated to the petitioner. He submits that, in fact, his ACRs for the aforesaid period were not indifferent and, therefore, could not have been used as a basis for denying promotion to him.

4. He further submits that the petitioner had been acquitted in a criminal case registered as Sessions Case No. 624/1996, arising out of FIR No. 138/88 dated 20.09.1988, under Sections 304/201/302/34 of the Indian Penal Code, 1860 at Police Station, Inder Puri, titled *State v. Rajveer Singh & Ors.*, therefore the same cannot be used as a ground for declaring the petitioner unfit for promotion.

5. He further submits that, as far as the penalty in the departmental proceedings is concerned, the same would be operative from the date of the order, which is 26.07.1995, and, on the date of the DPC, the period of the penalty had already expired by the lapse of time.

6. He submits that, the proceedings of the DPC were, therefore, liable to be quashed and the learned Tribunal has erred in dismissing the O.A., filed by the petitioner.

7. On the other hand, the learned counsel for the respondents has produced before us the minutes of the DPC held on 12.11.2001, as well as the review DPC held on 14.05.2002.

8. He submits that the DPC had considered the entire service record of the petitioner, including the award of a major penalty of stoppage of increments for a period of two years, as well as the nature of the criminal case that was registered, against the petitioner. Taking



into account the same, he was declared unfit for promotion in view of the circumstances of his criminal misconduct.

9. He submits that the review DPC had also taken into account the major punishment awarded to him on 26.07.1995 and, based on an overall assessment of his service record and the circumstances of criminal misconduct, declared him unfit for promotion. Therefore, no fault can be found in the Impugned Order passed by the learned Tribunal, dismissing the O.A. filed by the petitioner.

10. We have considered the submissions made by the learned counsels for the parties.

11. The DPC held on 12.11.2001, while considering the case of the petitioner, records as under:

30.	<i>Prakash Chand</i> <i>No. : 137/SW</i> <i>PIS: 28740141</i> <i>DOB:</i> <i>01/08/1954</i> <i>DOP : 27/02/1986</i> <i>DOC : 09/05/1989</i> <i>EDU : 10TH</i> <i>CAT : SC</i> <i>UNIT : South-West</i>	<i>1. ACQUITTAL</i> <i>IN CRL FIR NO.</i> <i>138/88 365/323/34</i> <i>IPC PS INDER PURI</i> <i>DE DEROPPED AND</i> <i>SUSUPENSION</i> <i>PERIOD FROM</i> <i>21/09/1988 TO</i> <i>24/10/2000 TREATED</i> <i>AS SPENT ON DUTY</i> <i>FOR ALL INTENTS</i> <i>AND PURPOSE</i> <i>2. ACRS AS</i> <i>CONTABLE 83-84</i> <i>(EX) 84-85 (EX/A) 85-</i> <i>88 (EX/A) AS HEAD</i> <i>CONSTABLE 86-87</i> <i>(A) 87-88 (B)</i> <i>3. AWARDED</i> <i>PUNISHMENT OF</i> <i>STOPPAGE IN</i> <i>INCREMENTS FOR</i> <i>A PERIOD OF TWO</i> <i>YRS ON 27/07/1995</i>	<i>U/S U/S</i> <i>U/S U/S</i> <i>U/S</i>	<i>unfit in view the</i> <i>circumstances of</i> <i>criminal</i> <i>misconduct.</i>
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12. The review DPC held on 14.05.2002, again considered the case of the petitioner and rejected the same, records as under:

“The case of HC Prakash Chand No. 137/SW for admission of his name to List D-I (Ex.) has been assessed by the review D.P.C. and it has been found that he has been awarded major punishment of stoppage of increment for a period of 2 years on 26.07.95 with clear order that the penalty imposed upon him shall operate on re-instatement from suspension. He was re-instated on 25.10.2000. The review D.P.C. did not find him fit for admission of his name to List D-I (Exe.) w.e.f. 12.05.99 & 12.02.2001 due to overall assessment of his service record and circumstances of criminal misconduct.”

13. Therefore, the DPC and the review DPC, had duly considered the service record of the petitioner, including his misconduct which had resulted in the imposition of punishment of stoppage of increments for a period of two years.

14. The learned counsel for the respondent has also drawn our attention to the observations made by the learned Sessions Judge in the order dated 23.09.1999 passed in Sessions Case No. 624/1996, the



relevant portion of which is as under:

“57. In the present case all the material witnesses including police officials have turned hostile and have not supported prosecution. It is a ground reality that rarely in cases of police torture or custodial death, direct ocular evidence of the complicity of the police personal would be available. Generally it would be police officials alone who can only explain the circumstances in which a person in their custody had died. But bound as they are by the ties of brotherhood, it is not unknown that the police personal prefer remain silent and more often than not even pervert the truth to save their colleagues and the present case is apt illustration in which not only the public witnesses have turned hostile, but material police witnesses have also turned hostile.

58. It is a disturbing feature that in cases in which personal of Delhi Police are prosecuted, in-variably in a large number of cases, the public witnesses including police witnesses turn hostile and join hands with accused persons. Whether these public or police officials deposed in the Court under threat, pressure, fear or coercion, it is for the concerned authorities to enquire and investigate. But certainly it is not appreciable that police officials who are here to serve the public and protect their life and liberty, turned hostile in Court while deposing as a witness to protect their colleagues in a most blatant manner.”

15. The learned Tribunal has also considered the above aspects



while dismissing the O.A. by the Impugned Order, observing as under:

“7. On careful consideration of the abovesaid facts. we find that the submissions so made are without any merit. If after the acquittal of the applicant and exoneration from the departmental proceedings resulting from the the same facts on which he faced the trial in the Court of Sessions. the matter had ended. perhaps there was something for the applicant to contend. but admitted facts further are that the applicant faced yet another departmental proceeding in which on 26.7.1995, the disciplinary authority had imposed the penalty of stoppage of increment for a period of two years with effect from his future increments. This had arisen as a result of the allegations that the complainant therein was compelled by Assistant Sub Inspector Bohri Lal to sell his plot to the applicant. The complainant was paid Rs.8,000/- and asked to sign certain papers with the promise that the remaining payment will be made immediately after signing the papers. After getting the papers signed they slipped away and the payment was never made.

8. Against the said penalty, the applicant had not preferred any appeal and in other words, he accepted the same. The said penalty in the departmental proceedings had to be made effective and operative on reinstatement of the applicant from suspension. The said suspension order had been passed in pursuance of the criminal trial that the applicant was facing at that time. Once the applicant



had acquitted in the criminal trial, the penalty order of 26.7.1995 became operative. It has to be considered at the appropriate time and the respondents are right in contending that the applicant's indifferent service record had to be considered for promotion."

16. We are of the opinion that the DPC is entitled to have its own procedure while assessing the employees for promotion. It is also required to examine the entire service record of the employees, which, in the present case has been duly considered by the DPC. This Court, or even the learned Tribunal, cannot act as an appellate authority over the assessment made by the DPC.

17. Considering the above, we find no merit in the present petition.

18. The same is, accordingly, dismissed.

NAVIN CHAWLA, J

MADHU JAIN, J

14 OCTOBER, 2025/prg/RM/HS