OFFICE OF THE COMMISSIONER OF POLICE : DELHI.
POLICE HEADQUARTERS, JAI SINGH ROAD, NEW DELHI-110002.
Telephone No. 011-23746100 Extn. 69970

FOR PUBLICATION IN THE DELHI POLICE GAZETTE : DELHI

(Orders passed by the Dy. Commissioner of Police : Headquarters-IV : Delhi)

Dated 08/4 /2022.

No. A/1/3(19)/2021/ 20728 /CB-II/PHQ : **REMOVAL OF NAME FROM PROMOTION LIST FOR THE POST OF SUB-INSPECTOR (EXE.)** : - The name of ASI (Exe.) Suresh Kumar, No. 5577-D (PIS No. 28822888) was admitted to Promotion List for the post of SI (Exe.) w.e.f. 19.09.2016 in terms of Rule-16(i) of Delhi Police (Promotion & Confirmation) (Amendment) Rules, 2015 vide PHQ's Notification No. A/1/3(4)/2016/56243/CB-II/PHQ, dated 20.09.2016 to undergo his promotional training/course. After induction of his name on Promotion List for the post of SI (Exe.), he was placed under suspension w.e.f. 20.10.2016 (i.e. date of arrest) on having been involved and arrested in case FIR No. 216/16 dated 17.10.2016 u/s. 8 of the Protection of Children from Sexual Offence Act, 2012, PS-Defence Colony, Delhi by the DCP/SPUWAC, Nanak Pura, New Delhi vide order No. 8692-8780/HAP/SPUWAC dated 21.10.2016. His name was also brought on Agreed List of Doubtful Integrity w.e.f. 20.10.2016 (i.e. from the date of arrest) for a period of one year by the Joint CP/Vigilance, Delhi vide order No. 9548-49/Vig./CA(AC-II) dated 24.11.2016. Consequent upon his involvement in the said Crl. Case and under suspension, the adhoc promotion granted to him w.e.f. 02.11.2015 to the rank of SI (Exe.) was also discontinued with immediate effect vide PHQ's Notification dated 08.12.2016 as per the criterion contained in S.O. Order No. 261/2009, which stipulates that the adhoc promotion shall be discontinued, if during the currency of adhoc promotion, he/she is placed under suspension or DE is ordered or any Criminal case is registered.

Further, a departmental enquiry was initiated against him by the DCP/7th Bn. DAP, Delhi vide order No. 2191-2210/HAP-7th Bn. DAP(P-I) dated 13.04.2017 on the allegations that on 16.10.16 when victim Deepak Katoch, age-16 years was waiting for the bus at Moolchand Bus Stand, New Delhi, an unknown person later on identified ASI (Exe.) Suresh Kumar, No. 5577-D approached him on the pretext of knowing the address of Moolchand Hospital and thereafter while dropping the victim at his house in Devli, sexually assaulted him during the passage and while parting off, exchanged their respective phone numbers. On the complaint, a Crl. Case FIR No. 216/16 dated 17.10.2016 u/s. 8 of POCSO Act was registered against him at PS-Defence Colony in which the chargesheet was filed on 25.05.2017 and now the said case is pending trial in the Hon'ble Court. However, on the recommendation of the Suspension Review Committee, he was re-instated from suspension without prejudice to the departmental action/criminal proceedings pending him v/o. dated 17.05.2017. In the above said DE dated 13.04.2017, he was awarded the punishment of forfeiture of one year approved service temporarily vide order No. 6210-28/HAP(P-I)/VII Bn. DAP dated 07.09.2018. Besides, his name has been removed from Agreed List w.e.f. 13.04.2017 and brought on Secret List of Doubtful Integrity w.e.f. 13.04.2017 (i.e. from the date of initiation of DE) by the Joint CP/Vigilance, Delhi vide order No. 10215-17/Vig./CA (AC-III) dated 24.11.2017, which has now been continued w.e.f. 13.04.2021 by the Joint CP/Vigilance, Delhi vide order No. 4266-68/Vig./CA (AC-III) dated 09.06.2021.

On successful completion of his Refresher Course of 04 (four) weeks duration in Batch No.1, commenced w.e.f. 15.03.2021, his case alongwith his counterparts was considered for promotion to the rank of SI (Exe.) on officiating but his case was kept pending as after induction of his name to Promotion List for the post of SI (Exe.) w.e.f. 19.09.2016, Crl. Case FIR No. 216/16 dated 17.10.2016 u/s. 8 of POCSO Act, PS-Defence Colony, Delhi was registered against him and he was awarded punishment of forfeiture of one year approved service temporarily v/o. dated 07.09.2018 as well as his name was also brought on Secret List of D.I. w.e.f. 13.04.2017 v/o. dated 24.11.2017, which still exists.

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As per provision contained in Rule-7(ii) of Delhi Police (Promotion & Confirmation) (Amendment) Rules, 2015, the conduct and efficiency of personnel on promotion list shall be, at all times, watched with special care. Any officer whose name exists on promotion list, if found guilty of a misconduct reflecting upon his character or fitness for responsibility of the post or who reflects either by specific acts or by his record as a whole that he is unfit for promotion to higher rank, his name can be removed from promotion list by the Appointing Authority.

The award of major punishment of forfeiture of one year approved service temporarily v/o. dated 07.09.2018, pendency of Crl. Case FIR No. 216/16 dated 17.10.2016 u/s. 8 of POCSO Act, PS-Defence Colony, Delhi and existence of his name on Secret List of D.I. w.e.f. 13.04.2017 v/o. dated 24.11.2017, after induction of his name to Promotion List for the post of SI (Exe.) shows that he failed to maintain good conduct and efficiency and, thus, not fit to shoulder higher responsibility in the rank of Sub-Inspector. Accordingly, the Show Cause Notice proposing therein to remove his name from Promotion List for the post of SI (Exe.) w.e.f. 19.09.2016 was issued to him vide this Hdqrs.' U.O. No. A/1/3(11)/2021/64010-11/CB-II/PHQ dated 28.09.2021 in accordance with Rule-7(ii) of Delhi Police (Promotion & Confirmation), Rules, 1980. A copy of the said SCN was served upon the ASI against his proper receipt on 04.10.2021 with the direction to submit his reply thereof within the stipulated period.

In response to the SCN dated 28.09.2021, the ASI has submitted his written reply stating therein that he has rendered 39 years of service and performed his duties by taking keen interest. He further requested that his name may not be removed from Promotion List for the post of SI (Exe.) and his SCN may be kept pending for promotion for the post of SI (Exe.) till the final decision of the Crl. Case, which is under trial.

I have carefully gone through the written reply of the Show Cause Notice submitted by ASI (Exe.) Suresh Kumar, No. 5577-D (PIS No. 28822888) as well as the major punishment of forfeiture of one year approved service temporarily awarded to him by the DCP/7th Bn. DAP, Delhi v/o. dated 07.09.2018 consequent upon conducting DE dated 13.04.2017. I have also heard him in person on 22.02.2022 for the sake of natural justice. During the personal hearing, he did not adduce any new ground except what so ever he has already mentioned in his reply to the SCN. The averments made by the applicant in his reply to the Show Cause Notice dated 28.09.2021 as well as in personal hearing have no justification and are completely unconvincing. The major punishment of forfeiture of one year approved service temporarily has been awarded to him v/o. dated 07.09.2018 on serious allegations of sexual assault with a minor boy. Moreover, a Crl. Case FIR No. 216/16 dated 17.10.2016 u/s. 8 of POCSO Act, 2012 PS-Defence Colony, Delhi is pending trial against him and his name also still exists on Secret List of Doubtful Integrity w.e.f. 13.04.2017.

In view of the above, it is crystal clear that the officer is not fit to shoulder higher responsibility in the rank of Sub-Inspector. As such, the Show Cause Notice dated 28.09.2021 issued to ASI (Exe.) Suresh Kumar, No. 5577-D (PIS No. 28822888) is confirmed and his name is hereby removed from Promotion List E-I (Exe.) w.e.f. 19.09.2016.

(MAHESH BATRA),
DY. COMMISSIONER OF POLICE:
HEADQUARTERS-IV : DELHI.

No. A/1/3(19)/2021/20729-35/CB-II/PHQ dated, Delhi the 08/4/2022.

Copy for information & necessary action to:-

1. DCP/7th Bn. DAP, Delhi with one spare copy to deliver the same to ASI (Exe.) Suresh Kumar, No. 5577-D (PIS No. 28822888) against his proper receipt, which may be kept in his Fauzi Missal and a copy thereof also be sent to this Hdqrs. for record, immediately.
2. Inspr. Estt./PHQ for publication in DPG.
3. I/C-Hindi Cell/PHQ to translate the same in Hindi and send to Inspr. Estt./PHQ at his end.
4. ACs-IV, VIII & Record in CB/PHQ