OFFICE OF THE COMMISSIONER OF POLICE : DELHI.
POLICE HEADQUARTERS, JAI SINGH ROAD, NEW DELHI-110001.
Telephone No. 011-23762616 Extn. 30212.

FOR PUBLICATION IN THE DELHI POLICE GAZETTE : DELHI

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

Dated 18/8 /2022

A/1/3 (IV-07)/2022/ 5504 /CB-IV/PHQ : **REMOVAL OF NAME FROM PROMOTION LIST FOR THE POST OF ASI (EXE.)** : The name of HC (Exe.) Sita Ram, No. 65/W, 5304/PCR now 5157/C (PIS No. 28900551) was admitted to Promotion List for the post of ASI (Exe.) w.e.f. 04/11/2015 in terms of Rule 15 (i) of Delhi Police (Promotion & Confirmation) (Amendment) Rules, 2015 vide PHQ's Notification No. A/1/3 (IV-05)/2015/66151/CB-IV/PHQ dated 09/11/2015 for training in Intermediate School Course. He was granted adhoc promotion to the rank of ASI (Exe.) w.e.f. 09/11/2015 under Rule 19 (i) of Delhi Police (Promotion & Confirmation) (Amendment) Rules, 2015 for a period of six months or till such time he become eligible for regular promotion after having been successfully completed the Intermediate School Course, whichever is earlier. He will not be entitled to claim any right for regular appointment or seniority or for appointment to such or any other equivalent post and shall be liable for reversion without any notice and without assigning any reason. The adhoc promotion shall be discontinued from the date when promote is/are declared medically unfit for promotional training course or he denies to undergo the prescribed training course alongwith his batch-mates or he fails in relevant promotional training course or he is placed under suspension or DE is ordered or any criminal case is registered or awarded Censure on allegations of moral turpitude or corruption pursuant to major penalty proceedings, vide this Hdqrs. Notification No. A/1/3 (IV-5)/2015/66252/CB-IV/PHQ dated 09/11/2015.

Further, the HC was deputed to undergo training in Intermediate School Course w.e.f. 03/05/2017 and he successfully passed the training of Intermediate School Course term ending August/September-2017. After that, a report regarding pendency of DE/PE/Crl. Case/DI Case etc. as well as details of punishment in respect of all the candidates deputed for training in the Intermediate School Course was called to consider their names for promotion to the rank of ASI (Exe.). The report received disclosed that a D.E. dated 05/05/2017 was pending against HC (Exe.) Sita Ram, No. 5157/C (PIS No. 28902116) and his name was shown existed on the Secret List of D.I. w.e.f. 05/05/2017 as such the adhoc promotion was discontinued and he was reverted to his substantive rank of HC (Exe.) vide PHQ's Notification No. A/1/3 (IV-15)/2017/16966/CB-IV/PHQ dated 04/04/2018. The decision with regard to his promotion to the rank of ASI was kept pending due to pendency of D.E. dted 05/05/2017 and existence of his name on the Secret List of D.I. w.e.f. 05/05/2017 vide this Hdqrs. Notification No. A/1/3 (IV-15)/2017/17068-17170/CB-IV/PHQ dated 04/04/2018.

Thereafter, fresh reports were obtained from DCsP/Central, Vigilance and DE Cell, Delhi which reflected as under:-

1. On finalization of D.E. dated 05/05/2017, he has been awarded a major punishment of forfeiture of 03 years approved service permanently entailing proportionate reduction in his pay vide order No. 10769-80/HAP/P-II/PCR dated 12/05/2018.
2. A Criminal Case FIR No. 194/2016 dated 11/04/2016 u/s 223/224/34 IPC P.S. Bawana, Delhi is pending against the applicant which is pending trial.
3. His name was removed from the Secret List of D.I. .w.e.f. 12/05/2021 (i.e. from the date of completion) vide order No. 5392-94/Vig. CA (AC-IV) dated 20/07/2021.

As per provision contained in Rule 7 (ii) of Delhi Police (Promotion & Confirmation) (Amendment) Rules 1980, the conduct and efficiency of men on promotion list shall be, at all times watched with special care. Any officer whose name exists on promotion list, if found guilty of misconduct of the nature reflecting upon his character or fitness for responsibility or who shows either by specific act 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 03 years approved service permanently entailing proportionate reduction in his pay vide order dated 12/05/2018, pendency of Criminal Case FIR No. 194/2016 dated 11/04/2016 u/s 223/224/34 IPC P.S. Bawana, Delhi and existence of his name on Secret List of D.I. w.e.f. 12/05/2018 (removed w.e.f. 12/05/2021 i.e. from the date of completion, vide order dated 20/07/2021), after induction of his name to Promotion List for the post of ASI (Exe.), shows that he failed to maintain good conduct and efficiency and, thus, not fit to shoulder higher responsibility in the rank of ASI. Accordingly, the Show Cause Notice proposing therein to remove his name from Promotion List for the post of ASI (Exe.) w.e.f. 04/11/2015 was issued to him vide this Hdqrs. U.O. No. A/1/3 (IV-07)/2022/27826/CB-IV/PHQ dated 06/05/2022 in accordance with Rule 7 (ii) of Delhi Police (Promotion & Confirmation) Rules, 1980. A copy of the said SCN was served upon the HC.

In response to the SCN dated 06/05/2022, the HC submitted his written reply stating therein that after passing of promotional training of Intermediate School Course, his promotion was kept pending due to pendency of D.E. In the D.E. he has been awarded a punishment of forfeiture of 03 years service. Further, he stated that he is not involved in the criminal case as the same is registered against some other person of similar name and his name has been removed from the Secret List of D.I. on 12/05/2021. Lastly, he prayed that he may be granted promotion to the rank of ASI.

DCP/Central District vide memo. dated 12/07/2022 intimated that case FIR No. 194/16 P.S. Bawana was mentioned pending against the HC inadvertently as another police personnel of similar name is facing the said FIR.

I have carefully gone through the reply of Show Cause Notice submitted by HC (Exe.) Sita Ram, No. 5157/C (PIS No. 28900551) as well as the major punishment of forfeiture of 03 years approved service permanently entailing proportionate reduction in his pay awarded to him by DCP/PCR vide order dated 12/05/2018 consequent upon conducting D.E. dated 05/05/2017. I have also heard him in person on 26/07/2022 for the sake of natural justice. During the personal hearing, he did not adduce any new ground except whatsoever 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 06/05/2022 as well as during personal hearing have no justification and are completely unconvincing. The major punishment of forfeiture of 03 years approved service permanently vide order dated 12/05/2018 was awarded to him on corruption charges and thereafter, his name remained on the Secret List of D.I. till 12/05/2021.

In view of the above, it is crystal clear that the official is not fit to shoulder higher responsibility in the rank of ASI (Exe.). As such, the Show Cause Notice dated 06/05/2022 issued to HC (Exe.) Sita Ram, No. 5157/C (PIS No. 28900551) is confirmed and his name is hereby removed from Promotion List for the of ASI (Exe.) w.e.f. 04/11/2015.

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

No.A/1/3(IV- 07)/2022/5505-5511/CB-IV/PHQ, dated Delhi, the 18/8/2022.

Copy for information and necessary action to :-

1. DCP/Central District, Delhi with one spare copy to deliver the same to HC (Exe.) Sita Ram, No. 5157/C (PIS No. 28900551) 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 Delhi Police Gazette.
3. Inspr./"P" PHQ for necessary action.
4. I/C Hindi Cell/PHQ to translate the same in Hindi and send to Inspr./Estt., PHQ at his end.
5. ACs-VIII, Record and Computer Cell/CB, PHQ.