

Rajbir Singh and Others

Vs

Administrator, Union Territory of Delhi and Others

Writ Petition No. 1690 of 1981

(P. N. Bhagwati, A. Varadarajan JJ)

20.04.1981

ORDER

1. The petitioners who are Head Constables in Delhi challenge in this writ petition the new procedure for promotion to the rank of Assistant Sub-Inspector introduced by the Delhi Police (Promotion and Confirmation) Rules, 1980, which were brought into force with effect from December 29, 1980. It is difficult to appreciate how any challenge can be successfully levelled against these Rules, because indisputably it is competent to the Delhi Administration to modify the existing Rules for promotion to the rank of Assistant Sub-Inspectors and to make new Rules in that behalf so long as they do not violate any constitutional guarantee and none seems to have been violated in the present case. The new Rules of promotion clearly apply to all Head Constables, equally and without discrimination with effect from December 29, 1980. The challenge to the constitutional validity of these Rules must therefore be rejected.

2. The only ground which could be urged with certain amount of plausibility on behalf of the petitioners was that Standing Order No. 40/81 for Admission of Names to the List for promotion to the rank of Assistant Sub-Inspectors was inconsistent with Rule 15 of the Delhi Police (Promotion and Confirmation) Rules, 1980 inasmuch as it provided for awarding of five marks for representation at different levels in sports for the purpose of selection by the Departmental Promotion Committee. The argument of Mr R.K. Garg, appearing on behalf of the petitioners was that the only factors which the Departmental Promotion Committee was entitled to take into account for the purpose of evaluating the relative merits of the candidates for selection were : (1) service record, (2) seniority, (3) annual confidential reports, (4) professional test comprising (a) physical training and parade, (b) Delhi Police Rules and Regulations, (c) Police practical work, (d) law, (e) general knowledge, (5) professional courses, and (6) viva voce. Representation at one or the other level of competition in sports, according to Mr R.K. Garg, was not covered by any of these factors and hence the awarding of five marks for that purpose was ultra vires Rule 15. This contention of Mr R.K. Garg would have required serious consideration, but we find from the statistics which have been furnished to us by Dr L.M. Singhvi, appearing on behalf of the respondents, that only two Head Constables out of these who appeared for selection by the Departmental Selection Committee obtained marks - not more than three - on account of sports and none of the other 192 Head Constables who were ultimately selected was awarded any marks on account of sports. The aggregate mark obtained by these two Head Constables were 143 1/2 and 145 1/2 respectively, while the Head Constable, who was ranked last in the selection list had 133 marks. Therefore, even if three marks awarded on account of sports were excluded from the total number of marks obtained by these two Head Constables, they would still have been in the select list at places higher than the Head Constable who was last in the select list, and it would have made no difference to the result even if three marks awarded on account of sports were not taken into account. The petitioners who

get less number of marks than the Head Constables who ranked last in the select list could not possibly have come in the select list, even if the provision in the Standing Order in regard to awarding of five marks on account of sports were ultra vires and no marks had been awarded on account of sports to any Head Constables. This being the factual position, it is unnecessary to consider whether the provision in regard to awarding of five marks on account of sports is ultra vires Rule 15. Moreover, Dr L.M. Singhvi on behalf of the respondents, has stated before us that though, in his submission, representation at one other level of competition in sports would be covered by the expression "Professional Courses", the respondents would for future selection take steps to clarify the position by amending Rule 15 so as to specifically include representation in sports as a relevant factor in evaluation.

3. In this view of the matter, we reject the writ petition. We may, however, observe that in order to increase the efficiency of our Police force at the lower levels, it would be desirable if adequate and intensive in-service training could be given to the Head Constables and Constables. So that they may be able to discharge their functions effectively and efficiently.

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