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IN THE HIGH COURT OF DELHI AT NEW DELHI

W.P.(C) No.2655/2012

MANOJ

..... Petitioner
Through Mr.Farrukh Rasheed, Adv.

Versus

UNION OF INDIA AND ORS

..... Respondents
Through Mr. Himanshu Bajaj, Adv. for R-1 to
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CORAM:

HON'BLE MS. JUSTICE GITA MITTAL

HON'BLE MR. JUSTICE G.P. MITTAL, J

ORDER
09.10.2012

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1. The petitioner who is working as Sub-Inspector is aggrieved by the action of the respondents in denying him promotion to the post of Inspector for want of two years service in duty battalion. A similar challenge was made in **WP (C) No.8046/2011 Ghamman Singh Vs. Union of India & Ors.** and the connected batch of matters. The refusal of the respondents to waive this condition though such power was available to them and had been exercised in few cases, was set aside by this court in a series of judgments including in the judgment dated 27th September, 2012 passed in **Ghamman Singh (supra)**. Reasons have been recorded in the order dated 27th September, 2012 which would squarely apply to the denial of promotion to the post of

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inspector, to the present petition as well.

3. For the reasons recorded in the order dated 27th September, 2012, the refusal of the respondents to waive the condition of possessing two years service in duty battalion is set aside and quashed. The petitioner would be entitled to the same relief as has been given to Ghamman Singh and the other writ petitioners whose petition was decided by the judgment dated 27th September, 2012.

4. In view of the above, it is directed as follows:-

(i) The decision of the Central Government declining to relax the eligibility condition of two years service in duty battalion for promotion of the petitioner to the post of Sub-Inspector to the post of Inspector under the CRPF shall stand quashed.

(ii) A direction is issued to the Central Government to reconsider the case of the petitioner, after the afore-noticed relaxation, and to pass appropriate orders, if the decision is taken in their favour, for promotion with effect from the date persons immediately junior to the petitioner were promoted. In such eventuality, the petitioner would be entitled to all consequential benefits including seniority, pay fixation and arrears of pay.

(iii) The case of the petitioner shall be forwarded by the competent authority to the Ministry of Home Affairs positively within a period of four

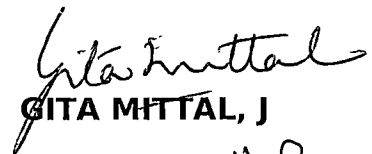
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weeks from today. The consideration by the Ministry of Home Affairs shall be communicated to the petitioner within eight weeks thereafter.

(iv) Inasmuch as we have directed payment of arrears of pay, we are making no orders as to costs even though the petitioner deserves to be compensated for the litigation which has been generated by the failure of the respondents to act in accordance with the several judicial pronouncements and the law.

(v) The writ petition is allowed in the above terms.

(vi) Dasti to parties.


GITA MITTAL, J

G.P. MITTAL, J

OCTOBER 09, 2012
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