



Serial No.04
Supp. List

HIGH COURT OF MEGHALAYA
AT SHILLONG

MC[WP(C)]. No. 128 of 2026 in
WP(C). No. 427 of 2025

Date of Decision: 10.06.2026

Shri. Rakesh Chopra
S/o. Shri. Kewal Kumar Chopra
R/o SE (Civil) HQ Research & Development Estt.
(BRO), C/o. 99 APO.

...Applicant

-Versus-

1. Union of India, Through Secretary,
Ministry of Defence, Border Road Wing,
South Block, New Delhi- 110011.
2. Union of India, Through its Secretary,
Department of Personnel & Training
Ministry of Personnel, PG and Pensions,
North Block, New Delhi-110011.
3. Central Vigilance Commission,
Through Secretary, Satarkta Bhawan,
Block-A, GPO Complex, INA
New Delhi -23.
4. Joint Secretary Border Road,
Department of Defence, Ministry of Defence,
Border Road Wing, South Block,
New Delhi – 110011.
5. Lt. Gen. Raghu Srinivasan,
The Director General Border Roads (DGBR),
Border Road Organisation, Seema Sadak Bhawan,
Ring Road, Delhi Cantt, New Delhi- 110010.
(Since Retired).



6. Lt. Gen. (Retd.) Rajeev Chodhary,
(Former) DGBR, Through Border Road
Organisation, Seema Sadak Bhawan,
Ring Road, Delhi Cantt, New Delhi- 110010.
7. The Chief Engineer, Project Beacon,
Old Air Field, Budgam, Rangreth,
Srinagar, Jammu & Kashmir-190007.
8. The Chief Engineer, HQ Research &
Development Estt. (BRO), Near William
Carey University, Nongmynsong,
Shillong, Meghalaya – 793019.

...Respondents

Coram:

Hon'ble Mr. Justice H.S.Thangkhiew, Judge

Appearance:

For the Petitioner/Applicant(s) : Mr. N.K.Gupta, Adv.
Ms. M.Surong, Adv.

For the Respondent(s) : Dr. N.Mozika, DSGI with
Ms. M.Myrchiang, Adv.

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| i) | Whether approved for reporting in
Law journals etc: | Yes/No |
| ii) | Whether approved for publication
in press: | Yes/No |
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JUDGMENT AND ORDER (ORAL)

1. The instant application has been filed after the main writ petition that is WP(C) No. 427 of 2025 had been reserved for judgment. The main prayer in the instant application is for directions to the Respondents to open the



sealed cover of Shri. Rakesh Chopra (Petitioner) in connection with the DPC which had been held on 10.12.2025, amongst other prayers.

2. Mr. N.K. Gupta, Ld. Counsel for the Petitioner, had submitted that there has been a deliberate attempt on the part of the Respondents to sabotage the promotional prospects of the Petitioner which would be apparent from the events that occurred immediately after the judgment in the main case had been reserved. The Ld. Counsel has drawn the attention of this Court to an order dated 10.04.2026 issued by the Ministry of Defence, Border Roads Wing which has granted promotion of Superintending Engineers (Civil) to the post of Chief Engineer (Civil) in the General Reserve Engineer Force of the BRO. It has been submitted that the Petitioner's name has been placed in the category of Officers in Sealed Cover alongwith another officer, inspite of the fact that as on the date of the order no proceedings are pending against him, by virtue of the fact that this Court by judgment dated 24.11.2025 passed in WP(C) No. 374 of 2025 had quashed the charge-sheet dated 22.04.2025 as well as the corrigendum dated 05.08.2025. The Ld. Counsel referring to the order dated 10.04.2026 has submitted that with regard to the other officer who alongwith the Petitioner is under sealed cover, mention has been made of an interim order dated 19.02.2026 of the High Court of Sikkim, whereas, in the case of the Petitioner inspite of the judgment of this Court dated 24.11.2025, quashing



the charge-sheet the same finds no mention. The action of adopting sealed cover procedure it is submitted is illegal, inasmuch as, no conditions exist in the Petitioner's case as on today, to warrant the same i.e., the Petitioner is not under suspension, charge-sheeted in a disciplinary proceeding or any criminal prosecution pending against him. It has been further submitted the DPC was held on 10.12.2025, i.e., 16 days after this Court had passed the judgment dated 24.11.2025 quashing the charge-sheet dated 22.04.2025, a fact he contends was suppressed from the DPC which has resulted in the illegal denial of his being considered for promotion.

3. Dr. N. Mozika, Ld. DSGI with Ms. M. Myrchiang Ld. Counsels for the Respondents in reply has placed reliance on the objections filed to the Misc. Application has submitted that the allegations of systematic institutional retaliation and illegality of the sealed cover procedure and multiple acts of civil contempt are baseless and unsubstantiated. The Ld. Sr. Counsel submits that the DPC process for promotion was initiated on 19.09.2025 before the judgment dated 24.11.2025 and thus sealed cover procedure had been invoked in terms of the DoPT OM of 14.09.1992 which mandates such course of action where disciplinary proceedings are pending. He then submits that with the charge-sheet dated 22.04.2025 having since been set aside by the judgment dated 24.11.2025 and Vigilance Clearance subsequently issued on 16.02.2026, the Respondents are in the process of



opening of the sealed cover of the Petitioner in accordance with rules and procedure. The Ld. DSGI has then referred to a document dated 11.05.2026, in relation to the opening of the sealed cover and consideration for grant of promotion to the grade of Chief Engineer (Civil) in respect of the applicant for the vacancy year 2026. The Ld. DSGI submits that by this document as the applicant has been cleared from the vigilance angle, the proposal for opening of sealed cover has been forwarded for necessary action. He thus submits that there being no further impediment to the opening of sealed cover of the applicant, the prayer made in the Misc. Application therefore, does not survive for consideration and prays that the matter be closed.

4. Mr. N.K. Gupta, Ld. Counsel for the Petitioner in his rejoinder argument, has vehemently submitted that the entire process adopted by the Respondents as submitted by the Ld. DSGI, would only go to show the vindictive attitude adopted by the Respondents against the Applicant-Petitioner. Ld. Counsel has submitted that by office Memorandum dated 14.09.1992 issued by the Ministry of Personnel, at Clause 3 thereof, it is mandated that in disciplinary case/ criminal prosecution which results in the dropping of allegations against a Government Servant, the sealed cover or covers shall be opened. He further submits that the OM also mandates at Clause 4 thereof, a 6(six) monthly review of sealed cover cases. As such he contends, the arguments put up by the Respondents that there were no orders



from the Court for opening of sealed cover, and that the same was under process is totally misconceived and the action of the Respondents are solely directed to cause damage to the promotional prospects of the Petitioner. These acts he contends are contemptuous and the Respondents are therefore liable for prosecution in accordance with law.

5. Having heard the Learned Counsels for the parties and on examination of the application, objections and other materials on record, as observed earlier the main prayer in this application is for the opening of the sealed cover pertaining to the Writ Petitioner/Applicant and for consideration for promotion as per the DPC recommendation. Even though the prayer of the Applicant has been acceded to by the Respondents and statement made at the bar that the sealed cover would be opened, this Court has noticed the circuitous route that has been adopted by the Respondents in processing the matter. A glaring fact that presents itself is that on the quashing of the charge-sheet and corrigendum and by operation of the OM dated 14.09.1992 at Clause 3 thereof, there was no necessity of placing the case of the Petitioner under sealed cover. Another aspect which invites the displeasure of this Court is that though the objection to this application was filed on 18.05.2026, the document considering the opening of sealed cover dated 11.05.2026, was not annexed to the objection or referred to therein, but has been produced only today at the stage of hearing. These actions of



the Respondents would only fortify the assertion made by the Petitioner of a vendetta against him.

6. However, in consideration of the fact that no impediment exists for keeping the name of the Petitioner under sealed cover it is expected that necessary action be taken by the Respondents for opening the sealed cover immediately and the case of the Petitioner be accordingly considered as per the recommendation of the DPC, and in accordance with law.

7. Misc. Application is accordingly disposed of.

Judge