

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

WP(C) 2345/2026
CM(6381/2026)

Shri. Rajendra Prasad, Aged 57 Years. ...PETITIONER(S)
S/O: Late Shri Moti Lal
R/O: WZ 429A Naraina Gaon, New Delhi
110028
At Present Executive Director, NHIDCL,
Regional Office Srinagar.

Through:
Mr. Ilyas Laway, Advocate

V/s.

1. Union of India ...RESPONDENT(S)
Through the Secretary, Ministry of Defence,
Government of India, South Block, New Delhi.

2. Director General Border Roads, Border
Roads Organization, Seema Sadak Bhawan,
Ring Road, Delhi Cantt., New Delhi.

Through:
Mr. T.M. Shamsi, DSGI with
Mr. Faizan Ahmad Ganie, CGC

CORAM:

HON'BLE MR. JUSTICE RAJESH SEKHRI, JUDGE.

ORDER (ORAL)

19.09.2026

01. The case set up by the petitioner is that he entered the General Reserve Engineer Force (GREF), as Assistant Executive Engineer (Civil) on 24.03.1993. He is presently holding the post of Superintending Engineer (Civil) and serving on deputation as Executive Director in NHIDCL for the period from 04.07.2025 to 03.07.2028.

02. It is contention of the petitioner that, in the light of judgment passed by High Court of Delhi in "Akhilesh Kumar Dixit and Ors. Vs. Union of India and Anr., in WP(C) No. 2977/2010 decided on 16.07.2013, the respondents recognized the importance of cadre review and pursuant to the cadre review, the sanctioned cadre strength of Chief Engineer (Civil) came to be revised and presently stands at 15.

03. According to the petitioner, he was duly considered by the Departmental Promotion Committee (DPC) for the panel year 2026 for promotion to the grade of Chief Engineer (Civil), and as per the *inter se* seniority list of Superintending Engineers (Civil) in GREF, as on 01.01.2026, he is placed at Serial No. 2 in the extended panel. It came to be approved by the Appointments Committee of the Cabinet (ACC) in terms of order dated 09.04.2026, for empanelment of officers for promotion to the grade of Chief Engineers (Civil), Level-14, for the panel year 2026 and it stipulated that; *"Extended Panel-To be operated in this order in lieu of the officers in the main panel and extended panel retiring during the vacancy year."*

04. According to the petitioner, Shri Manju Nath Naik MS, who stands at Serial No. 1 of the extended panel, attained superannuation/retirement on 31.05.2026 and Shri. D. Sankara Rao, figuring in the main list at Serial No. 7, had a recorded date of superannuation of 30.06.2026. Mr. Ilyas Nazir Laway, learned counsel for the petitioner, has also taken this Court through the recorded dates of superannuation of the officers figuring in the main panel and submitted that the officer at Serial No. 5-Vinod Kumar has also attained superannuation/retirement on 31.05.2026. Thus, according to learned counsel for the petitioner, the retirement of the officers during the current vacancy year, for which the aforesaid panel was prepared, requires the competent authority to reassess the vacancy position in the grade of Chief Engineer (Civil) and to operate the extended panel in accordance with the expressed position contained in the ACC's order.

05. The short grievance projected by the petitioner is that respondents have failed to consider his legitimate claim for promotion to the post of Chief Engineer (Civil), despite his seniority, eligibility and position in the extended panel and the vacancies arising during the current vacancy year. According to the petitioner, his inclusion in the extended panel is the consequence of a complete selection process and approval by the competent authority.

06. In reply to his legal notice, respondents rejected the claim of the petitioner on the basis of incumbency status of Chief Engineer

(Civil) available on the record, stating that there was no vacancy available.

07. After arguing for a while, Mr. Ilyas Nazir Laway, learned counsel for the petitioner, submitted that he will be satisfied if respondents are directed to operate the extended panel approved for the current panel year 2026, in accordance with the express stipulation contained in order dated 09.04.2026 (Annexure-IV) and order dated 10.04.2026 issued by the Government of India, Ministry of Defence. His statement is taken on record.

08. Having regard to the limited nature of controversy involved and an innocuous relief prayed for by learned counsel for the petitioner, present petition is disposed of with a direction to the respondents to consider the claim of the petitioner, in terms of orders dated 09.04.2026 & 10.04.2026 and communication dated 01.05.2015, and in accordance with law, within a period of four weeks' from the date a copy of this order, along with the copy of the writ petition and annexures is made available.

09. Disposed of along with connected CM(s).

(RAJESH SEKHRI)
JUDGE

SRINAGAR:

19.09.2026

"Mir Arif"

- (i) Whether the order is reportable? No.
- (ii) Whether the order is speaking? Yes.