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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 6115/2014

VIKRANT TOMAR

..... Petitioner

Through: Mr Sanjiv Joshi and Mr Manoj Kumar,
Adv.

versus

UNION OF INDIA & ORS

..... Respondents

Through: Mr Manish Mohan, CGSC and
Mr Shivam Chanana, Adv.

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MS. JUSTICE DEEPA SHARMA

ORDER

% **05.10.2015**

The petitioner's grievance is that despite his successfully completing mandatory courses ROG-II and ROG-I in February, 2011, he has been denied the benefit of inclusion in approved List-D for the purpose of seniority and promotion. The petitioner is presently working as Head Constable (Tele) in the Indo-Tibetan Border Police (ITBP).

The brief facts are that the petitioner joined the ITBD as Constable on 02.04.2002. It is contended that onward movement depends upon successful completion of the prescribed courses. It is stated that the petitioner completed the ROG-III Courses in November, 2003 and was later promoted on 22.11.2003. It is further averred that he completed this ROG-II Courses in September, 2009

and subsequently ROG-I Courses sometime in February, 2011. In these circumstances, it is stated that his name ought to have been considered in the approved List-D for higher post of Assistant Sub-Inspector, as his immediate senior has been given the same benefit. Appropriate directions in this regard are sought.

The respondents contend in their counter-affidavit that the petitioner, no doubt, has qualified in the pre-promotional courses and is eligible for consideration for inclusion in List-D. It is, however, pointed out that a minor penalty of reprimand was imposed on 13.11.2012 in terms of the Standing Order No.3/2005 dated 19.04.2005. It is further stated that, in fact, within a day of the expiry of the period of penalty the approved List-D was issued. The counter-affidavit discloses that the approved list had been prepared earlier.

It is evident from the above discussion that even though the petitioner had qualified in the concerned promotional courses, at the relevant time he was visited with minor penalty that led to disqualification for a year. The approved List-D was actually issued on 15.11.2012 and concededly, the petitioner's penalty ceased on 14.11.2012.

In these circumstances, the respondents, in our opinion, should review the said list and consider whether the petitioner was entitled to be included in the list dated 15.11.2012 appropriately having regard to his seniority and the admitted position that he had actually completed the promotional courses. The said review exercise shall be carried out within six weeks and the result of the same shall be directly communicated to the petitioner.

The writ petition is allowed to the above extent.

S. RAVINDRA BHAT, J

DEEPA SHARMA, J

OCTOBER 05, 2015
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