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

+ **W.P.(C) 446/2016**

SURENDER SINGH DALAL & ORS

..... Petitioners

Represented by: Ms.Jyoti Singh, Senior
Advocate instructed by
Ms.Tinu Bajwa, Mr.Dinesh
Yadav and Mr.Sameer Sharma,
Advocates.

versus

UNION OF INDIA & ORS

..... Respondents

Represented by: Mr.Rakesh Kumar, Advocate.

CORAM:

HON'BLE MR. JUSTICE PRADEEP NANDRAJOG

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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20.09.2016

CM No.34442/2016

1. For the reasons stated in the application 10 days' delay in seeking review is condoned.
2. The application is disposed of.

Review Petition No.412/2016

1. The prayers made in the writ petition read as under:-

(i) *Issue a writ of Certiorari quashing the CISF Assistant Commandant (Executive), Recruitment Rules 2009, to the effect they have decreased the promotion quota to 33% from 50% in 1988 Recruitment Rules;*

(ii) *Issue a writ of Certiorari quashing the CISF Assistant Commandant (Executive), Recruitment Rules 2009 to the effect it carves out the 17% LDCE quota from the promote quota and further reduces the promotion prospects;*

(iii) Issue a writ of Mandamus directing the respondents to consider the petitioners for promotion to the post of Assistant Commandant (Exe) in accordance with the un-amended Recruitment Rules of 1988;

(iv) Issue any other writ/direction that this Hon'ble Court Pass may deem fit and proper in the facts of this case.'

2. There is a ground pleaded in the writ petition and we highlight ground (C) and (E), which would have two aspects. The first would be reservation for the posts in the promote quota to be filled through LDCE by giving reservation to a SC and ST. The second would be the issue of seniority.

3. It is trite that a Court decides a petition with respect to the prayers made notwithstanding there may be pleadings here and there bringing out another dimension of a distinct issue.

4. Thus, our decision dated August 08, 2016 need not be reviewed for the reason it decided the issue with respect to the prayers made. Needless to state the issues which were inchoately pleaded in the writ petition are finding a cogent mention in the petition seeking review are distinct and are capable of being urged by the petitioner in a substantive writ petition.

5. Clarifying that our decision would not operate as res-judicata or constructive res-judicata, dismissing the review petition we observed that the petitioners would be entitled to invoke substantive remedy as per law with respect to the prayers made in the review petition.

PRADEEP NANDRAJOG, J.

PRATIBHA RANI, J.

SEPTEMBER 20, 2016/ 'st'