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

+ W.P.(C) 894/2016

SHASHI RANJAN KUMAR Petitioner

Through: Mr.Ankur Chhibber and
Mr.Prashant Sivarajan, Advocates

versus

UNION OF INDIA & ORSRespondents

Through: Mr.Anil Soni CGSC with Mr.S.S.
Sejwal, Law Officer and Mr.B.K.
Rout, Pairavi Officer

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

10.05.2016

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1. The present petition has been filed by the petitioner, who is presently working on the post of Inspector (GD) with the CRPF, praying *inter alia* for issuing a writ of mandamus to the respondents, for appointing him in December, 2003, as Sub-Inspector i.e. the date on which their batch mates of the SSC 2002 examination were appointed and subsequently, promote him to the rank of Inspector w.e.f. the year 2007 and to the post of Assistant Commandant with effect from 2015, with all consequential benefits including the benefits under the old pension scheme which was applicable till 31st December, 2003.

2. Learned counsel for the petitioner submits that the issue raised in the present petition is squarely covered by a judgment dated 2nd November, 2012 pronounced by a Division Bench of this Court in

W.P.(C). 3827/2012 entitled Naveen Kumar Jha v. Union of India and Ors.. He submits that the said decision has taken note of the earlier judgment dated 26th May, 2011, pronounced by a Division Bench in W.P.(C).5400/2010 entitled Avinash Singh v. Union of India & Ors. wherein on the subject of delay in conducting Review Medical Boards, it was held that if the appointment is by selection, then the seniority of the entire batch has to be reckoned with respect to the merit position obtained in the selection and not on the fortuitous circumstance on the date on which a person is made to join.

3. Learned counsel for the petitioner submits that the petitioner herein cannot lose out his seniority merely because his Review Medical Boards was conducted by the respondents belatedly. He states that before filing the present petition, the petitioner has submitted representation to the respondents requesting them to reconsider his seniority, but to no avail.

4. Learned counsel for the respondents submits that if the representation of the petitioner is still pending, then the same shall be considered and a speaking order shall be passed within a reasonable time.

5. In view of the aforesaid submission, the present petition is disposed of with directions issued to the respondents to consider the petitioner's pending representation in accordance with law and in the light of the judicial pronouncement in the case of Naveen Kumar Jha (supra), which is stated to have attained finality as vide order of 12th August, 2013 passed in CC No.3827/2012, entitled U.O.I. & Ors. v. Naveen Kumar Jha, the Special Leave Petition filed by the respondents-UOI, was dismissed by the Supreme Court.

6. Needful shall be done within six weeks from today under written

intimation to the petitioner. If the grievance of the petitioner still survives, then he shall be at liberty to seek his remedies in accordance with law.

HIMA KOHLI, J

SUNIL GAUR, J

MAY 10, 2016

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