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

+ W.P.(C) 10661/2016

DAYANAND

..... Petitioner

Through Mr. Ronak Karanpuria and Ms.
Ashish Pandey, Advocate.

versus

UNION OF INDIA AND ORS

..... Respondent

Through Mr. Dev P. Bhardwaj, Advocate.

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

02.08.2017

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The petitioner was promoted as Sub-Inspector on 29th June, 2010.

The petitioner by way of present writ petition claims promotion and financial benefits at the promotional post of Sub-Inspector with effect from 1st January, 2010. The petitioner, who belongs to Scheduled Caste category, submits that there was a vacancy in the said reserved category as on 1st January, 2010.

2. The respondents in the counter affidavit have clarified the position and set out the reason, as to why the petitioner has been promoted as Sub-Inspector with effect from 29th June, 2010. It is pointed out that the Departmental Promotion Committee meeting could not be held as a considerable time was taken to finalize the Select List of approved

candidates. This was due to posting of officers/personnel of the Indo-Tibetan Border Police Force at far flung areas. Some of the said personnel were also on deputation. Full service records etc. were required.

3. The respondents have categorically stated that no junior of the petitioner belonging to Scheduled Caste was promoted with effect from 1st January, 2010. Reference to promotions accorded to the Scheduled Caste category candidates on 12th February, 2010, pertains to seniors of the petitioner and who were in the panel since 2007-08. They were nearly 350 slots above the petitioner in the seniority list of Head Constables.

4. In view of the aforesaid position, we do not think that the petitioner is entitled to claim retrospective promotion with financial benefits with effect from 1st January, 2010. The petitioner admittedly was promoted as Sub-Inspector on 29th June, 2010.

5. The writ petition has no merit and is accordingly dismissed without any order as to costs.

SANJIV KHANNA, J.

NAVIN CHAWLA, J.

AUGUST 02, 2017
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