

HON'BLE SRI JUSTICE M.GANGA RAO

W.P.No.8138 of 2002

ORDER

The petitioner-Deputy Commandant, CRPF, filed this writ petition seeking to issue a Writ of Mandamus declaring the proviso to Rule-9 of CRPF Group 'A' (General Duty) Officers Recruitment Rules, 2001, which are issued on 12.09.2001 and came into force on 29.09.2001 and Standing Order No.10 of 2000 issued *vide* proceedings No.P.VII/I-2000 Pers-I, dated 20.12.2000 and the order of the 2nd respondent in wireless signal No.T.IX, 5/02, Pers.I, dated 28.3.2002, deferring the promotion of the petitioner as arbitrary, illegal and consequently to direct the respondents to promote the petitioner as Second-in-Command with effect from 28.3.2002 with all consequential benefits.

It is the case of the petitioner that he joined the 2nd respondent-organization as Sub Inspector in the year 1971. Later, he was promoted as Inspector in the year 1980, as Assistant Commandant in the year 1986, and as Deputy Commandant (Operations) in the year 1992 and discharging the duties as such. His grievance is that within two years, he is eligible to be promoted as Second-in-Command, but in view of amended Rule 9 of CRPF Group 'A' (General Duty) Officers Recruitment Rules, 2001, which were issued on 12.09.2001 and came into force on 29.09.2001 and Standing Order No.10 of 2000 issued *vide* proceedings dated 20.12.2000, his case was not considered for

promotion on the premise that he was medically unfit. Hence, the present writ petition.

A Counter-affidavit has been filed on behalf of respondents 1 and 2 denying the averments made by the petitioner.

Learned counsel appearing for the respondents states that during pendency of the writ petition, the petitioner retired from service on 31.01.2005. The said fact is not disputed by the learned counsel for the petitioner.

The issue involved in the present writ petition relates to promotion of the petitioner as Second-in-Command.

Since the petitioner retired from service, the cause in the writ petition does not survive for adjudication.

Accordingly, the Writ Petition is closed. However, the petitioner is at liberty to file a writ petition afresh, if he is so aggrieved in respect of Rule 9 of CRPF Group 'A' (General Duty) Officers Recruitment Rules, 2001. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE M.GANGA RAO

31st July, 2018
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