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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 2825/2017
BHIM SINGH Petitioner

Through Mr. Ankur Chhibber, Adv.
versus

UNION OF INDIA & ORS Respondents
Through Mr. Kirtiman Singh, Adv. CGSC.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

% **10.10.2018**

1. The petitioner is aggrieved by the inaction on the part of the respondents/CRPF in not giving effect to the Signal dated 12.08.2015 qua him, vide which the list of promotees from Constable (GD/Bug/Mali) to Head Constable (GD) had been declared wherein, his name has been mentioned at Serial No.11.

2. Pleadings are complete. In their counter affidavit, the respondents have averred that the name of petitioner had been included in the Signal dated 12.08.2015 on account of a clerical error even though due to an adverse entry in his ACR for the year 2012, which had been duly communicated to him, his name ought not to have been included in the said list of promotees.

3. Mr. Chhibber, learned counsel for petitioner states that once the name of the petitioner has been included in the list of promotees to the subject post in terms of the Signal dated 12.08.2015 and the same has not been modified/recalled, the respondents cannot renege from the said Signal.

4. We have enquired from learned counsel for respondents as to whether

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on discovering the "*clerical error*" on their part relating to the petitioner, any steps have been taken to issue him a notice to show cause before taking appropriate action. Learned counsel states that the petitioner's representation is still pending and that itself would suffice for correcting the error.

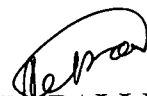
5. We do not agree with the said submission. Once, the respondents have included the name of the petitioner in the list of promotees by virtue of the Signal dated 12.08.2015, under the garb of dealing with the pending representation of the petitioner, the respondents cannot be permitted to recall his name from the said list, without following the principles of natural justice by affording an opportunity to him to respond to the reasons for their proposal to delete his name from the list of promotees, as contained in the Signal dated 12.08.2015.

6. Accordingly, the present petition is disposed of by issuing directions to the respondents to take necessary steps in respect of the petitioner whose name is a part of the Signal dated 12.08.2015, in accordance with law, within three weeks from today.

7. We make it clear that merely passing of a reasoned order, while dealing with the representation of the petitioner would not be sufficient for the respondents to unilaterally correct the purported clerical error in the Signal dated 12.08.2015. Principles of natural justice shall be given due regard.



HIMA KOHLI, J



REKHA PALLI, J

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