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

+ **W.P.(C) 8673/2018 & C.M. No.33309/2018 (for stay)**

ASI/FTR BHANWAR PAL SINGH AND ORS. Petitioners
Through Mr.S.M. Dalal, Adv.

versus

UNION OF INDIA AND ANR. Respondents
Through Mr.Vijay Chandra Joshi, Adv. with
Mr.Mayank Sharma, Adv. for R-1.
Mr.Sushil K. Pandey, Adv. for R-2.
Mr.Vinod Kumar DC/Law, BSF.

CORAM:
HON'BLE MS. JUSTICE HIMA KOHLI
HON'BLE MS. JUSTICE REKHA PALLI

ORDER
20.08.2018

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1. The petitioners are aggrieved by the order dated 21.06.2018, passed by the respondent/BSF disposing of their representation, in terms of an order dated 16.05.2018 passed in WP (C) No.5239/2018 filed by them earlier before this Court.

2. Prior to filing the present petition, the petitioners who belong to the erstwhile cadre of Fitters, had approached this Court raising a grievance regarding the fixation of their seniority upon merger of their posts with the posts of ASI/Radio Mechanic from which their counterparts i.e., Head Constable/Radio Mechanics had been

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promoted to the rank of ASI/Radio Mechanic. Further, the petitioners being aggrieved by the cadre review which led to the merger of the cadre of Fitter with Radio Mechanic, had sought a direction to the respondent/ BSF to maintain a separate seniority list of ASI/Fitters.

3. On the date of admission itself, learned counsel for the petitioners had stated that his client had subsequently learnt about the signal dated 04.07.2018 issued by the respondents which had not been incorporated in the legal notice served by him on the respondents. In view of the said submission, the petition was disposed of with liberty granted to the petitioners to file a substantive representation with the respondents and the respondents were directed to consider and pass a speaking order thereon, under written intimation to the petitioners.

4. It is pursuant to the aforesaid order that the order dated 21.06.2018, had been passed by the BSF rejecting the representation of the petitioners. We have carefully perused the said order which depicts that the respondents have dealt with each and every issue raised by the petitioners in their representation dated 22.05.2018 and furnished the requisite justification for undertaking the cadre review. Having perused the same, we do not think that the action of the respondent can be held to unreasonable or arbitrary in any manner. It is not open for this Court to interfere with the restructuring of cadres carried out by the respondent after examining all the pros and cons. We are therefore of the view that it is not a fit case for issuing notice

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to the respondents on the grievance raised by the petitioners.

5. The petition is disposed of along with the pending applications.

HIMA KOHLI, J

REKHA PALLI, J

AUGUST 20, 2018/aa