

\$~24

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

+ **W.P.(C) 2630/2019**

HC/GD SUBHASH KUMAR & ORS. Petitioners
Through Mr. Rajender Yadav, Advocate

versus

UNION OF INDIA & ORS. Respondents
Through Mr. Prasanta Varma, CGSC and
Ms. Shalu Goswami, Advocates for
Respondent Nos.1 to 4 with Mr. Anil
Thakur, Assistant Commandant,
RAF/CRPF

CORAM:
JUSTICE S.MURALIDHAR
JUSTICE I.S.MEHTA

% **ORDER**
15.03.2019

CM Appl.No. 12205/2019 (Exemption)

1. Exemption allowed, subject to all just exceptions

W.P.(C) 2630/2019 & CM Appl.No. 12204/2019 (stay)

2. The Petitioners who are presently deployed with the Rapid Action Force (RAF), a constituent wing of the Central Reserve Police Force (CRPF), are aggrieved by office order dated 13th February, 2019 de-inducting the Petitioners from the RAF.

3. The brief facts are that the Petitioners on completion of ten years of service in the CRPF were posted in Delhi in the year 2015. Since 1st

January, 2018 their Battalion was itself converted into an RAF unit by office order dated 2nd June 2017 issued by the Respondents and they then commenced as part of the RAF from that date onwards.

4. According to the Petitioners the normal tenure of posting in RAF is three years, for which they place reliance of Standing Order No. 7/2015 dated 4th August, 2015 and in particular para 8 (vi) thereof.

5. It appears that a notice was issued on 8th February, 2019 for ascertaining the personnel that had to be de-inducted at the time of annual change over to and from the RAF for the year 2019. The respective units were asked to forward lists of personnel in a provided format with the necessary details “who have completed their normal tenure in RAF i.e. three years as on 31.3.2019.”

6. According to the Petitioners, although they had completed only one year in the RAF, their names were erroneously sent for the de-induction which was then ordered by the impugned officer order dated 13th February, 2019.

7. The case of the Petitioners is that with their not having completed three years in the RAF, which the Petitioners considered to be ‘deputation’ the Respondents have acted contrary to Standing Order No.7/2015. They accordingly pray for quashing of the order dated 13th February, 2019 as far it concerns the Petitioners.

8. Learned counsel appearing for the Respondents on advance notice on

instructions Mr. Anil Thakur, Assistant Commandant, clarifies in the first place that the posting in the RAF is not 'deputation'. It is pointed out that several Battalions of the CRPF were converted into RAF. They are very much part of the CRPF itself. It is pointed out that under the same Standing Order No. 7/2015, in Para 4 (viii), it has been indicated that normal tenure in field station is four years and for hard field area of the SOZ and a static station is three years.

9. As far as the Petitioners are concerned, each of them has served in Delhi i.e. in a static station for more than three years. If the posting in the RAF were to run the normal course of three years they would end up remaining in Delhi for more than five years. Since many serving in the CRPF have to serve hard postings and field stations, there is a clamour for coming to Delhi which is a static station whether as part of the RAF for otherwise. It is accordingly pointed out that it would be unfair to the others who have not had a chance to be in Delhi at all if the Petitioners who having already spent three years in Delhi are allowed to continue as part of the RAF for the full further tenure of three years.

10. The Court is of the view that the explanation offered by the Respondents is a plausible one. Although Standing Order No. 7/2015 states in para 8 (vi) that the tenure for posting in the RAF Sector of CRPF in case of males would be three years, this has to be seen in the context of the fact that the present Petitioners have already been in Delhi, in a static posting for more than three years. The Standing Order No. 7/2015 could have clarified that where male personnel have already completed three years in the static

station, their posting as part of the RAF need not necessarily be for three years.

11. In any event, the fundamental assumption of the Petitioners that they are on 'deputation' with the RAF is misconceived. Also there is no right to continue even as a part of RAF for three years particularly in the case of personnel like the Petitioners who have already been in Delhi for more than three years. This is clearly a policy decision of the Respondents which has to uniform across the board.

12. Consequently, the Court finds the decision of the Respondents dated 13th February, 2019 de-inducting the Petitioners from the RAF not to be arbitrary or unreasonable and therefore it does not call for any interference. The petition is accordingly dismissed.

13. Counsel for the Petitioners apprehends that because of the filing of the present petition, no vindictive action should be taken against any of the Petitioners. There is no reason for the Court to believe that the Respondents would take any such action.

S. MURALIDHAR, J.

I.S. MEHTA, J.

MARCH 15, 2019

mw