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

+ **W.P.(C) 4147/2018**

HEMANT KUMAR AND ORS. Petitioner

Through: Mr.M.K. Bhardwaj and Mr.Shubham
Gairola, Advocates.

versus

UNION OF INDIA AND ORS. Respondent

Through: Dr.LC Singhi, Advocate.

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE TALWANT SINGH

ORDER

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30.10.2019

1. This is the second round of litigation concerning the Petitioners who are all lab assistants in Sashastra Seema Bal (SSB). They are aggrieved that they have not been given the rank of Head Constables (HCs) whereas in other Central Armed Police Forces (CAPFs), their contemporaries, i.e. Lab Assistants have been designated as HCs. Correspondently, their grievance is also about the denial of the grade pay in the sum of Rs. 2,400 given to their contemporaries whereas the Petitioners are getting a grade pay only of Rs. 2,000.

2. In the first round of litigation this Court passed an order on 9th January, 2018 in Writ Petition (Civil) 207/2018 (*Hemant & Ors. v. Union of India*) directing the Respondents to deal with the representations of the Petitioners

seeking the above reliefs.

3. Pursuant to the above order on 14th March, 2018 the impugned order was passed by the Assistant Director (PERS-III) of the SSB deciding as under:

“4. Now therefore, after careful consideration of the issues raised by the petitioners in the legal notice, the Competent Authority has taken following decisions in the matter:-

i) The prayer of the petitioners for considering their initial appointment rank as Head Constable (Lab Asstt.) instead of Constable (Lab Asstt.) has been considered and rejected on the ground of its not being in conformity with the statutory provisions i.e. the relevant Recruitment Rules regulating the recruitment in the rank of Constable (Lab Asstt.).

ii) The cadre-restructuring and cadre review of all cadres in SSB including para-medical cadre is already under active consideration. Therefore, the cadre re-structuring and review of the para-medical cadre will be completed in due course keeping in consideration of the functional requirement of the Force as also the promotional prospects of the cadre personnel including the petitioners.”

4. Learned counsel for the Respondent informs the Court that the Respondents are still open to undertaking a cadre review and will abide by any time-bound direction that the Court might give in that regard.

5. Learned counsel for the Petitioner insisted that Lab Assistants in all other CAPFs were, in fact, designated as HCs. However, in response to the stand of the Respondent in the impugned order that according to the extant instructions of the Ministry of Home Affairs, the post of HC (Lab Assistant) is authorised only in 200/100 bedded hospitals whereas in SSB there are

only 50 bedded hospitals, learned counsel for the Petitioner was unable to place before the Court any statistics/data to the contrary.

6. Nevertheless, the Court considers it appropriate to direct that the Respondents, having undertaken even in the impugned order to conduct a cadre review, should now complete the cadre review in the SSB not later than 6 months from today. This cadre review will address both the concerns of the Petitioners by seeking information from other CAPFs *inter alia* on whether the rank of HC is given to Lab Assistants irrespective of the bed strength of the hospitals. The other prayers in the petition concerning the promotional avenues available to the Petitioners will also be addressed in the cadre review.

7. The decision of the cadre review, Undertaken in the manner directed hereinabove, will be communicated to the Petitioners not later than 15 days after it is taken. If the Petitioners are aggrieved by such decision, it will be open to them to seek appropriate remedies in accordance with law.

8. The petition is disposed of in the above terms.

S. MURALIDHAR, J.

TALWANT SINGH, J.

OCTOBER 30, 2019

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