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

+ **W.P.(C) 3653/2020**

JAGDISH CHAND SINGLA & ORS.

..... Petitioners

Through: Mr. Ankur Chhibber and Mr.
Anshuman Mehrotra, Advs.

Versus

UNION OF INDIA & ORS.

..... Respondents

Through: Mr. Arun Bhardwaj, CGSC, Mr.
Abhishek Sharma, Ms. Aakanksha
Kaul, Mr. Nikhil Bhardwaj, Mr.
Manek Singh and Mr. Piyush Gaur,
Advs.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

HON'BLE MS. JUSTICE ASHA MENON

ORDER

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16.07.2020

[VIA VIDEO CONFERENCING]

1. The seven petitioners, holding the rank of Deputy Inspector General (DIG) with the respondents Border Security Force (BSF), have filed this petition seeking mandamus directing the respondents BSF to convene Departmental Promotion Committee (DPC) for promotion to the rank of Inspector General (IG), against six vacancies coming up/already existing in the year 2019-2020, and out of which four vacancies were stated to be already existing as on 1st June, 2020, and to immediately consider the petitioners against the said vacancies for promotion to the post of Inspector General and if found fit, to promote the petitioners.

2. It was the contention of the counsel for the petitioners on 22nd June, 2020, when the petition had come up first before this Court that the relief sought was identical to that in judgment dated 29th May, 2020 in W.P.(C)

No.3275/2020 titled *Satpal Rawal & Ors. Vs. Union of India & Ors.* However on the statement of the counsel for the respondents, this petition was ordered to be taken up along with a group of petitions which were pending consideration, being W.P.(C) 12052/2019, W.P.(C) 12751/2019, W.P.(C) 12875/2019, W.P.(C) 13014/2019 and W.P.(C) 13588/2019 and in which the hearing has been concluded on 9th July, 2020 and orders have been reserved. However on 9th July, 2020, on the contention of the counsel for the petitioners herein that this petition was different from the group of petitions in which arguments were heard, this petition was segregated and ordered to be listed today.

3. The counsel for the petitioners states that the petitioners, subject to the outcome of the group of petitions aforesaid, are today seeking orders only with respect to the ‘promotee’ quota in respect of the post of IG. It is informed that out of the 45 posts of IG, 23 posts are for the ‘promotee’ quota and 22 posts for the ‘deputationist’ quota, which is under challenge in the group of petitions aforesaid.

4. The counsel for the respondents has drawn our attention to the order dated 6th December, 2019 in W.P.(C) No.12875/2019 titled *Mahendra Singh Deo Vs. Union of India and Ors.*, being a part of the group of petitions aforesaid in which orders have been reserved, directing that the respondents, before commencing exercise for promotion to the post of IG, should inform the Court. He contends that the said order has been interpreted by the respondents as applicable to both, ‘promotee’ quota as well as ‘deputationist’ quota. He also contends that he is today not sure of the number of vacancies against ‘promotee’ quota of the post of IG.

5. We are of the view that such senior level posts should not be kept

vacant and such vacancies are found to adversely affect the functionality and operations of the BSF and which is vital for the security of the country. Moreover, since the orders in the group of petitions aforesaid are likely to be pronounced next week, we are of the view that direction as sought in this petition ought to follow immediately.

6. We therefore, notwithstanding the order dated 6th December, 2019 in W.P.(C) No.12875/2019 supra, dispose of this petition with the direction to the respondents to forthwith consider the eligibility of the petitioners and all others who may be in the zone of consideration, for consideration for the post of IG in the 'promotee' quota of BSF and to on or before 30th August, 2020 hold a DPC for considering all those who may be eligible for promotion to the post of IG in the promotee quota of BSF and to within further period of fifteen days announce the result of the said DPC and to immediately thereafter give effect to the promotions, if any recommended.

RAJIV SAHAI ENDLAW, J.

ASHA MENON, J.

JULY 16, 2020

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