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

+ **W.P.(C) 4854/2020**

KRISHAN KUMAR AND ORS

..... Petitioners

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

versus

UNION OF INDIA AND ORS

..... Respondents

Through: Mr. Arun Bhardwaj, CGSC with Mr.
Abhishek Sharma and Mr. Nikhil
Bhardwaj, Advs. for UOI.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

HON'BLE MS. JUSTICE ASHA MENON

ORDER

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04.08.2020

[VIA VIDEO CONFERENCING]

CM APPL. 17504/2020 (exemption from filing duly affirmed affidavits(s) along with an undertaking to pay the court fees).

1. Allowed, subject to just exceptions and as per the extant rules.
2. The application is disposed of.

W.P.(C) 4854/2020

3. The 79 petitioners, being Head Constables (Driver/Driver-cum-Pump Operators) in the respondents Central Industrial Security Force (CISF), have preferred this petition impugning the orders dated 26th May, 2020 and 23rd June, 2020 of rejection of their representations to the respondents CISF to grant to them the same benefit as granted to the petitioners similarly placed as the petitioners herein vide judgment dated 30th November, 2018 in W.P.(C) No.10660/2016 titled *Vinoj V.V. & Ors. Vs. Union of India & Anr.*

4. The counsel for the respondents CISF appears on advance notice.

5. In the last few months, several petitions, petitioners wherein were claiming the same benefit as granted in ***Vinoj V.V.*** supra have been coming before us and we have been disposing of the same by directing the respondents to grant to the petitioners therein the same benefits as granted in ***Vinoj V.V.*** supra if the petitioners in each of these petitions was found to be similarly placed as petitioners in ***Vinoj V.V.*** supra and if not, directing the respondents to give reasons in writing why the petitioner/s was/were not entitled to the benefit of ***Vinoj V.V.*** supra.

6. The aforesaid conduct of the respondents CISF of, inspite of those claiming to be similarly placed as the petitioners in ***Vinoj V.V.*** supra preferring representations, claiming the same reliefs as granted in ***Vinoj V.V.*** supra, dismissing the said representations, merely by stating that nobody else other than the petitioners in ***Vinoj V.V.*** supra had been granted the relief, has disturbed us. In our view, at least personnel of the Armed Forces should not be compelled to approach the Courts, once the Court has already, in a petition filed by some of them, ordered a particular relief or directed a particular entitlement.

7. The counsel for the petitioners has drawn our attention to ***State of Uttar Pradesh Vs. Arvind Kumar Srivastava*** (2015) 1 SCC 347 to contend that inspite of the Supreme Court clearly spelling out that the benefit has to be granted to all similarly placed i.e. even to those not petitioners before the Court, the respondents continue to compel the petitioners, who are posted at far off places, to approach the Courts, to be entitled to the benefit.

8. The counsel for the respondents CISF has fairly stated that this should not be the state of affairs.

9. To prevent such status from continuing, we direct the Secretary, Ministry of Home Affairs to bestow attention to the aforesaid anomaly prevalent and to ensure that the personnel of the Central Armed Police Forces (CAPFs) who are entitled to a relief on the basis of judgments in petitions filed by those similarly placed, are granted the said relief without each of them, to their extreme hardship, being required to approach the Courts. The Director General, CISF is also directed to ensure that in future, personnel preferring representations for relief in accordance with the judgments in the case of some of the personnel and having general application, are not compelled to approach the Courts for being entitled to the same relief.

10. The orders dated 26th May, 2020 and 23rd June, 2020 Annexure-P1 to the petition, of rejection of the representations of the petitioners merely on the ground of the relief in **Vinoj V.V.** supra being not available to any other personnel even if similarly placed as the petitioners in **Vinoj V.V.** supra, are accordingly quashed.

11. The respondents CISF are directed to, within six weeks of today study the case of each of the petitioners and to, within the said period of six weeks grant to the petitioners/such of the petitioners who are found to be similarly placed as the petitioners in **Vinoj V.V.** supra, the same relief as granted vide judgment dated 30th November, 2018 in W.P.(C) No.10660/2016 including of payment of arrears. If the petitioners or any of them are not found to be similarly placed as the petitioners in **Vinoj V.V.** supra, the respondents to, within the said period of six weeks inform to the petitioners/such of the petitioners who are not found entitled to the relief, the reasons in writing

therefor. We make it clear that if there is any non-compliance, the respondents, besides being liable for the costs of litigation which the petitioners have been forced to undertake, would also be liable for interest at such rate as may be imposed for delay in payment.

12. The petition is disposed of.

RAJIV SAHAI ENDLAW, J

ASHA MENON, J

AUGUST 04, 2020
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