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

+ **W.P.(C) 4535/2017**

DEBASIS PODDAR Petitioner
Through: Mr. Bhanu Gupta for Mr. Ankur
Chhibber, Advocate.

versus

UNION OF INDIA AND ORS Respondents
Through: Mr. Vivek Goyal, CGSC for UOI.

CORAM:
JUSTICE S.MURALIDHAR
JUSTICE TALWANT SINGH

ORDER
% **14.01.2020**

1. The prayer in the present petition is for quashing of an order dated 1st March, 2017 passed by the Directorate General, Central Reserve Police Force ('CRPF') rejecting the Petitioner's representation dated 13th December, 2016. The above representation was made by the Petitioner when his promotion from the rank of Deputy Commandant to the rank of 2 I/C for the vacancy year 2016-17 was not notified on account of his condition of 'colour blindness'.

2. In similar circumstances, this Court by its judgment dated 28th February, 2013 in W.P. (C) 356/2013 in *P Suresh Kumar v. Union of India & Ors*, which batch included W.P. (C) 361/2013 (*R.C. Mandi v. Union of India*), negatived the plea of the Respondents and directed them to issue orders granting promotion to all those who were denied such promotion on account

of ‘colour blindness’. The Court referred to the circulars dated 17th May, 2002, 31st July, 2002 and 11th March, 2011 issued by the Respondents which were held “to continue to bind the parties”. The Respondents were directed to issue consequential orders “wherever the promotions were actually been effected with effect from the date the Petitioner’s juniors were promoted”.

3. Against the above orders of this Court, Civil Appeal Nos. 3938-3961/2016 (*Union of India v. HC/GD R.C. Mandi*) were filed. The appeals were dismissed by the Supreme Court by a order dated 1st May, 2019 which reads as under:

“The Civil Appeals and the Special Leave Petition are dismissed in terms of the signed order.

After dismissing the matters, learned Senior counsel requested to us that question of law may be kept open.

Considering the above submissions made by the learned Senior counsel, the question of law, if any, is kept open”.

4. Counsel for Respondent points out that in the last line of the order of the Supreme Court, the question of law, if any, has been left open.

5. The Court notes that the facts in the decision of this Court in *P Suresh Kumar v. Union of India* (*supra*), which stands affirmed by the Supreme Court by its decision in *Union of India v. HC/GD R.C. Mandi* (*supra*) are no different from the facts of the present case. The Court, therefore, finds that the present Petitioner would be entitled to the same relief as was granted to the Petitioners in *P Suresh Kumar v. Union of India* (*supra*).

6. Consequently, the Respondents are directed to issue consequential orders promoting the Petitioner from the date which his juniors were promoted, with no benefits of arrears of pay, but the said date being relevant for the purposes of notional fixation of pay, seniority etc.

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

S.MURALIDHAR, J.

TALWANT SINGH, J.

JANUARY 14, 2020

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