

\$~Suppl.-30 & 32

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

+ W.P. (C) 2273/2021, CM APPLs. 6601-6602/2021

JAS RAM AND ORS

.....Petitioners

Through: Mr.Sushail Dutt, Sr.Advocate with
Mr.D.K.Thakur, Abhishek Kumar and
Mr.Rituparn Uniyal, Advocates.

Versus

UNION OF INDIA AND ORS

.....Respondents

Through: Mr.J.K.Singh, standing counsel for
Railway with Mr.Amit Kumar,
Advocate.
Mr.Rajan Sabharwal with Mr.Raghav
Sabharwal, Advocates.

AND

+ W.P. (C) 2279/2021, CM APPLs. 6618-19/2021

TILAK RAJ AND ORS

.....Petitioners

Through: Mr.Sushail Dutt, Sr.Advocate with
Mr.D.K.Thakur, Abhishek Kumar and
Mr.Rituparn Uniyal, Advocates.

Versus

UNION OF INDIA AND ORS

.....Respondents

Through: Mr.J.K.Singh, standing counsel for
Railway with Mr.Amit Kumar,
Advocate.
Mr.Rajan Sabharwal with Mr.Raghav
Sabharwal, Advocates.

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Date of Decision: 18th February, 2021

CORAM:
HON'BLE MR. JUSTICE MANMOHAN
HON'BLE MS. JUSTICE ASHA MENON

J U D G M E N T

MANMOHAN, J: (Oral)

1. The petitions have been heard by way of video conferencing.
2. Present writ petitions have been filed seeking directions to the Respondents to re-fix the seniority of the Petitioners in the seniority list of Head Constables and remove the name of the Petitioners from the Letter dated 11th January 2021, i.e., Seniority List of Constables.
3. Learned counsel for the Petitioners states that the Petitioners were appointed in Railway Protection Force and Railway Protection Special Force as Constables. He states that the Petitioners were promoted to the rank of Head Constable between 2015 and 2018 by the Respondents.
4. He states that the Respondents passed an order dated 18th April 2019, which relates to the order passed in case of WP(C) No.11293/2016 (Gurupratap's case) for compliance to which the present Petitioners were not parties. He emphasises that the grievance of the Petitioners was aggravated when the Respondents vide the Impugned Letter dated 11th January, 2021 passed orders and prepared a seniority list of Constables where the Petitioners names appeared in the list of Constables instead of Head Constables without considering that the Petitioners were promoted under Rule 70 of RPF Rules, 1987.
5. Learned senior counsel for the Petitioners submits that this court in ***Ashok Singh Bhadauria & Ors. vs Union of India & Ors.*** and ***Ranveer***

Singh & Ors. vs. Union of India & Ors. judgment dated 17th December 2020 has held that the decision in ***Gurupratap Singh & Ors. vs Union of India*** is not a judgment *in rem* but a judgment *in personam*. He submits that it was also clarified in the subsequent judgment that Standing Order No. 70 was not quashed by the earlier decision.

6. Issue notice. Mr.J.K.Singh, Advocate and Mr.Ranjan Sabharwal, Advocate accept notice on behalf of the respondents.

7. Having heard learned counsel for the parties, this Court in the interest of justice directs the Petitioners to make a representation against the letter dated 11th January, 2021 within three weeks. The said representation shall be disposed of by way of a reasoned order within twelve weeks thereafter. Till the Petitioners' representation is disposed of, the letter dated 11th January, 2021 shall not be given effect to.

8. With the aforesaid directions, present writ petitions along with pending applications are disposed of.

9. The order be uploaded on the website forthwith. Copy of the order be also forwarded to the learned counsel through e-mail.

मान्यमेव जयते

MANMOHAN, J

ASHA MENON, J

**FEBRUARY 18, 2021
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