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

W.P. (C) 2651/2021, CM APPL. 7855/2021

DARYAV SINGH & ANR.Petitioners

Through: Ms.Saahila Lamba, Advocate.

Versus

UNION OF INDIA & ORS.Respondents

Through: Mr. Nirvikar Verma, Advocate.

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Date of Decision: 26th 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. Present petition has been heard by way of video conferencing.
2. Present writ petition has been filed challenging the Letter dated 11th January, 2021 whereby the names of the Petitioners have been shown in the seniority list of Constables. Petitioners also seek direction to the Respondents to correctly re-fix the seniority of the Petitioners in the seniority list of Assistant Sub-Inspector of Railway Protection Force.
3. Learned counsel for the Petitioners states that the Petitioners are presently working in the rank of Assistant Sub-Inspector in RPF, Northern Railway.
4. She states that the Respondents issued Standing Order No. 70 on the subject of transfer of RPF/RPSF personnel. She states that one amendment which was carried out on Standing Order No. 70 prescribes that a RPF

personnel who is desirous of transfer from one zone to another and/or to RPSF should be ready to go to the bottom of seniority of his batchmates in the same rank.

5. Learned counsel for the Petitioners states that the DG, RPF approved the inter-railway transfer of the Petitioners who by then stood promoted to the rank of Head Constable and were placed on bottom of seniority in the same rank. She further states that the Petitioners were subsequently promoted to the rank of Assistant Sub-Inspector.

6. Learned counsel for the Petitioner states that the Respondents issued impugned Letter dated 11th January 2021, wherein the Petitioners were included in the seniority list of Constables.

7. Learned counsel for the Petitioners submits that vide judgment dated 17th December 2020, this Court in the matter of '**Ashok Singh Bhaduria vs. Union of India & Ors**' has clarified that the judgment passed in **W.P. (C) No.11293/2016 titled as 'Gurpratap Singh & Ors vs. Union of India & Ors** is not a judgment *in rem* as it did not quash Standing Order No.70 and thus would not bind such personnel who were not parties in **Gurpratap's** (supra) case.

8. Issue notice. Mr.Jagjit Singh, learned standing counsel accepts notice on behalf of the respondents.

9. 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.

10. With the aforesaid directions, present writ petition along with pending application is disposed of.

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

MANMOHAN, J

ASHA MENON, J

FEBRUARY 26, 2021
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