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

+ **W.P.(C) 3509/2021 & CM APPLs. 10622-10623/2021**

SUBHASH CHANDRA SHARMA AND ANR. Petitioners

Through: Mr. D.K. Thakur with Mr.
Abhishek Kumar and Mr.
Ritupuran Uniyal, Advocates

versus

UNION OF INDIA ANR ORS. Respondents

Through: Mr. J.K. Singh, Standing Counsel
for Railways.

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Date of Decision: 17th March, 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 writ petition has been filed challenging the letter dated 10th March, 2021 issued by the Respondents wherein the Petitioners were reverted from the posts of Assistant Sub-Inspector to Head Constable despite being promoted to the posts of ASI in the year 2016. Petitioners also seek directions to the Respondents to maintain the status quo in the rank of the Petitioners.
2. Learned counsel for the Petitioners states that the Petitioners were appointed in Railway Protection Force and Railway Protection Special Force as Constables and were promoted to the rank of Head Constable

in 2002. He further states that the Petitioners were subsequently promoted to the rank of Assistant Sub-Inspectors in 2016.

3. He states that 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 were aggravated when the Respondents vide the Impugned Letter dated 10th March, 2021 passed orders and prepared a seniority list where the Petitioners names appeared in the list of Head Constables instead of Assistant Sub-Inspectors without considering that the Petitioners were promoted under Rule 70 of RPF Rules, 1987.

4. Learned 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.* vide 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.

5. Issue notice.

6. Mr. J.K. Singh, Advocate accepts 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 10th March, 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 10th March, 2021 shall not be given effect to.

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

MANMOHAN, J

ASHA MENON, J

MARCH 17, 2021
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