

\$~73

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

+ W.P.(C) 9192/2021 & CM APPL. 28625/2021

AMRENDRA KUMAR & ORS. Petitioners

Through: Ms. Saahila Lamba, Advocate.

versus

UNION OF INDIA & ORS. Respondents

Through: Mr. Dhawal Uniyal with
Mr. Abhishek Khanna, Advocates.

% Date of Decision: 27th August, 2021

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

HON'BLE MR. JUSTICE NAVIN CHAWLA

J U D G M E N T

MANMOHAN,J: (Oral)

1. The hearing has been done by way of video conferencing.
2. Present writ petition has been filed challenging the Office Memorandum dated 16th October, 2020 and Signal dated 30th June, 2021 whereby the post of Constable/Kahar has been merged with the post of Constable (Kitchen Services). Petitioners also seek direction to the Respondents to either continue the petitioners on the post of Constable (Kahar) or assign them on any post in para medical cadre of Border Security Force [BSF].
3. Learned counsel for the Petitioners states that the Petitioners applied

for the post of Constable (Kahar) which was announced vide advertisement issued by the DG, BSF. She states that the Petitioners were appointed to the post of Constable (Kahar) and started performing their duties as provided in the Medical Manual issued by Medical Directorate, BSF, which were essentially to look after the patients admitted in the wards, OPD etc., as somewhat akin to a ward boy in a hospital.

4. She states that the Ministry of Home Affairs issued the impugned Office Memorandum dated 16th October, 2020 whereby, inter alia, the post of constable/kahar was merged with the post of Constable (Kitchen Services).

5. She contends that instead of scrapping the faulty decision of merging the post of Constable (Kahar) with that of Constable (Kitchen Services), the respondents went ahead with the same.

6. She emphasises that the Petitioners submitted a representation to the Director General, BSF praying for cancellation of merger of post of Constable (Kahar) with that of the post of Constable (Kitchen Services) but no response has been received thereto.

7. Issue notice. Mr. Dhawal Uniyal, learned counsel for respondents, accepts notice.

8. Keeping in view of the fact that petitioners representation to the Director General BSF has not been disposed of till date, this Court directs that the present writ petition be treated as a representation to the Director General BSF. He is directed to dispose of the same by way of a reasoned order within eight weeks in accordance with law. The rights and contentions of all the parties are left open.

9. It is clarified that in the event, the petitioners are aggrieved by the

decision of the Director General BSF, it shall be open to them to file appropriate proceedings in accordance with law.

10. With the aforesaid direction and liberty, the present writ petition along with pending application stands 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

NAVIN CHAWLA, J

AUGUST 27, 2021
AS

