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

% *Date of decision: September 21, 2022*

+ W.P.(C) 1800/2018

CHAMPA LAL PRAJAPAT Petitioner
Through: Mr. Jitender Kumar Singh &
Ms. Anjali Kumar, Advocates

Versus

UNION OF INDIA & ORS. Respondents
Through: Mr. Anil Soni, CGSC & Mr. Rahul
Maurya, Advocate
Mr. Hemendra Singh, Deputy
Commandant (Law)

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT
HON'BLE MR. JUSTICE SAURABH BANERJEE

J U D G M E N T (oral)

1. The present petition has been filed by the petitioner seeking a direction to the respondent to create promotional avenues for the post of Constable (Tradesman) in trade of cobbler and to grant due promotion to the petitioner.
2. Petitioner claims to have been recruited in the services of Border Security Force (BSF) in the year 1989 as a Constable (Tradesman) (Male) in the trade of Cobbler. However, even after contributing his services of more than 27 years, he has been working on the same post without any



promotion. Petitioner has averred that initially the post of Constable (Tradesman) (Male) in the trade of Cobbler had promotional avenue to the post of Hawaldar but after coming into effect the changed recruitment rules in the year 1986, petitioner has remained without any promotion in this cadre, which is essential service condition.

3. On 01.11.2019, learned counsel appearing on behalf of respondents had informed the Court that the present petition has been treated as a non-adversarial and the proposal for carving out a promotional avenue for petitioner was under consideration of Finance Department and Ministry of Home Affairs. On the next date i.e. 17.12.2019, the Under Secretary, Ministry of Home Affairs, assured the Court that the file shall be placed before the IFD (Integrated Finance Division /Department of Expenditure of Ministry of Finance) and the Court directed the Director IFD to appear on the next date if file is not placed before the Union Minister of Home Affairs.

4. On the next date i.e. 20.12.2019, this Court was informed by learned Standing Counsel for respondents that the decision of Union Home Minister would be made available within a week. Thereafter on 04.02.2020, this Court was informed that the representatives of Department of Expenditure (DoE), Ministry of Finance (MoF), Ministry of Home Affairs (MoHA) and BSF had met on the issue and the matter is pending with BSF for consideration of ratio as regards promotion to the rank of Head Constables. Again on 12.02.2020, this Court was informed that the file of case was with the Minister of Finance and is expected to be returned to Ministry of Home Affairs within a week.

5. The sequence of above orders shows that this Court has been



monitoring the issues raised by the petitioner, however, without commenting on the conduct of respondents i.e. Ministry of Home Affairs and Ministry of Finance, we hereby dispose of the present petition directing the concerned Secretaries under these Ministries to sit together and take a final decision thereon within four weeks from today.

6. We also make it clear that if any other Ministry, other than the one mentioned above, are required to be involved in taking a final decision, they shall also be called to sit along, but the final decision shall be taken within the stipulated period of four weeks, as directed by this Court. The decision so taken be communicated to be petitioner within a week thereafter.

7. Needless to say, if the outcome of decision is to the benefit of the petitioner, the consequential benefits be granted to him within one week of decision. However, if the petitioner is aggrieved of the decision taken by the respondents, he shall be at liberty to challenge the same before the appropriate forum.

8. With aforesaid directions, the present petition is accordingly disposed of.

(SURESH KUMAR KAIT)
JUDGE

(SAURABH BANERJEE)
JUDGE

SEPTEMBER 21, 2022

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