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

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Date of decision: March 16, 2022

+ **W.P.(C) 4403/2022 & CM APPLN. 13136/2022**

VIJAY KUMAR

..... Petitioner

Through: Mr. A.K. Mishra, Advocate

Versus

DGCRPF AND ORS.

..... Respondents

Through: Mr. Rahul Sharma & Mr.C.K. Bhatt,
Advocates

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

HON'BLE MR. JUSTICE SUDHIR KUMAR JAIN

J U D G M E N T (oral)

1. By this petition, petitioner is seeking a direction to the respondent to promote the petitioner to the higher grade with all consequential benefits. In addition, petitioner is also praying for costs of filing the writ petition.
2. Notice issued.
3. Mr. Rahul Sharma, Advocate, accepts notice on behalf of respondents.
4. Learned counsel appearing on behalf of petitioner submits that petitioner had joined the services of Central Reserve Police Force (CRPF) on 24.07. 1985 on the post of ASI/GD and is presently posted in Jammu and Kashmir as ASI. Petitioner is aggrieved that though he is due for promotion since the year 2012, however, he has not been promoted.



5. During the course of hearing, learned counsel for petitioner has submitted that petitioner had made various communications to the respondent i.e. 13.03.2012; 16.05.2012 and 06.08.2012 regarding his grievances on the promotion aspect. A representation is also stated to have been made to the respondent-department on 20.05.2019. However, petitioner has come to know that vide communication dated 20.02.2020, Commandant-90 Battalion has directed the Company Commandant to instruct the petitioner to raise this issue before the Battalion where he was earlier posted, though petitioner has not received any official communication in respect thereof. Thereafter, petitioner is said to have made another representation on 08.07.2020, which is still pending consideration by the respondents.

6. Learned counsel for petitioner further submits that the batch mates of petitioner have received two promotions, whereas petitioner has received none and thereby, he is deprived of his fundamental rights.

7. Learned counsel appearing on behalf of respondents submits that he has been served with the advance notice of this petition only last night, however, states that if any such representation is filed by the petitioner, shall be considered and decided within the time frame as directed by this Court.

8. Upon hearing learned counsel representing both the sides and perusal of material placed on record, we find petitioner has time and again made several communications to the respondent-department for his promotion, which is said to be due and pending since the year 2012.

9. In this view of the matter, petitioner is directed to make a fresh representation to the respondent within two weeks. If any such representation is received by the respondent, the same shall be considered



and decided by the respondents within six weeks of receipt thereof. The fate of the representation be communicated to the petitioner within two weeks thereafter. If any grievance still persists, the petitioner may prefer a statutory appeal before the appropriate authority in accordance with the law.

10. With aforesaid, the present petition is disposed of. Pending application is also disposed of as infructuous.

(SURESH KUMAR KAIT)
JUDGE

(SUDHIR KUMAR JAIN)
JUDGE

MARCH 16, 2022

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