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

% ***Date of decision: October 12, 2022***

+ **W.P.(C) 5027/2019**

KARUNA NIDHAN

..... Petitioner

Through: Mr. Ankur Chibber with Mr. Nikunj
Arora, Advocates

versus

UNION OF INDIA AND ORS.

..... Respondents

Through: Mr. Tanveer Ahmed Ansari, SPC,
Mr. Nitin Chaturvedi, DC, BSF and
Mr. R. P. Singh, Insp./GD.

CORAM:

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

J U D G M E N T (oral)

1. By way of the present petition, the petitioner seeks following reliefs:-

i. Issue a writ of certiorari for quashing of order dated 25.02.2019 rejecting the representation dated 18.12.2018 AND

ii. Issue of a writ of certiorari for quashing of the order dated 09.11.2017 and order dated 21.12.2017 declining grant of Transport Allowance to the petitioner; AND

iii. Issue a writ of mandamus directing the respondent to grant the petitioner Back wages, Deputation Allowance and Transport Allowance and other consequential benefits from the time the petitioner was on attachment for Flying Duty i.e. w.e.f 23.01.2009 in the Post of Co-Pilot/Commandant.



2. In the counter-affidavit filed by the respondents, it is stated that vide DO letter No. M.V-1/2011-DA-4(Fin) dated 31.05.2011 addressed to Home Secretary, the DG CRPF had expressed that the petitioner continues to lose out in terms of financial benefits and requested for intervention of MHA for settling the status of the officer either on absorption basis in BSF or on deputation with clear terms and conditions and also to issue clear terms & conditions to enable the petitioner to draw the flying incentive. Thereafter, as per DO letter No. M.V-1/2011-DA-4(Fin) dated 27/06/2011 addressed to Home Secretary, the DG CRPF had also submitted that the status of CAPF Pilots in BSF Air Wing still remains un-addressed and requested for deciding the status of CAPF officers flying with BSF Air Wing and to take them on deputation as per the terms and conditions laid down for other similarly placed officers.
3. Learned counsel appearing for the respondents submits that the issues raised in the present petition are lying for the final decision of the Secretary, Ministry of Home Affairs.
4. With a view to close the lid over the pending unaddressed issues involved, it is deemed appropriate to direct the Secretary, Ministry of Home Affairs to take a final decision qua the two letters dated 31.05.2011 and 27.06.2011 issued by the DG, CRPF mentioned above, within three months from today.
5. The petitioner being one of the concerned/effected parties, the Secretary, MHA is also directed to convey the outcome thereof to the petitioner within one week thereafter.
6. In view thereof, nothing further survives in this petition. The writ



petition is accordingly disposed of.

7. Needless to state that if the petitioner is still aggrieved by the decision, he may challenge the same before the appropriate forum.

(SURESH KUMAR KAIT)
JUDGE

(SAURABH BANERJEE)
JUDGE

OCTOBER 12, 2022/akr

