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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
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Judgment delivered on: 28th July, 2022

+ W.P.(C) 11264/2022 & CM APPL. 33111/2022 & CM APPL.
33112/2022

SUBHASH SINGH & ORS. Petitioners

versus

UNION OF INDIA & ORS. Respondents

Advocates who appeared in this case:

For the Petitioner : Mr. Sachin Chauhan, Advocate.

For the Respondents : Mr. Kirtiman Singh, CGSC with Mr. Waize
Ali Noor, Ms. Kunjala Bhardwaj and Mr.
Madhav Bajaj, Advocates

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA
HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

JUDGMENT

SANJEEV SACHDEVA, J (ORAL)

1. Learned counsel for the petitioners submits that the impugned order dated 22.07.2022 was not available even on the website of the Tribunal and as such could not be placed on record. During the hearing, he submits that the order has been just uploaded and copy of the order has been produced. The same is taken on record.



2. Perusal of the order shows that the Tribunal has deferred the consideration of the grant of interim relief to 08.08.2022.

3. Learned counsel for the petitioners submits that two of the officers i.e. petitioner no. 2 and petitioner no. 4 are to be repatriated and relieved from duties on 28.07.2022 and 02.08.2022, respectively and deferring the consideration to 08.08.2022 is going to prejudice their case. Learned counsel submits that as per his instructions, the respondents have declined to consider the case of the petitioners solely on the ground that they were posted in the Bureau of Immigration and understanding of the respondents is that the policy of absorption is not applicable to the officers who are posted in the Bureau of Immigration.

4. He relies on the judgment dated 18.11.2021 of a coordinate bench of this Court in W.P. (C) No. 11791/2021, titled Manoj Kumar Gope & Ors. Vs. Intelligence Bureau wherein a coordinate bench of this Court directed that the cases of the petitioners therein would be placed before the Screening Committee and not rejected solely on the ground that they were working in the Bureau of Immigration only.

5. Issue notice. Notice is accepted by learned counsel appearing for the respondents.

6. Learned counsel for the respondents under instructions submits that the policy is not applicable to the petitioners and they have not been



rejected solely on the ground that they were working in the Bureau of Immigration. He, however, submits that he does not have the record with regard to the reason of declining to accede to the request of each of the petitioners and prays for time.

7. Keeping in view the fact that the matter is already listed before the Tribunal on 08.08.2022 for the purposes of consideration of the interim relief, we dispose of this petition requesting the Tribunal to consider the application of the petitioners for grant of interim relief on the said date.

8. Since two of the petitioners are liable to be relieved prior to 08.08.2022, we direct that till the next date of hearing before the Tribunal i.e. 08.08.2022, the respondents shall maintain status quo with regard to the petitioners and not relieve the petitioners.

9. The continuance of interim protection thereafter shall be subject to the orders to be passed by the Tribunal, in any.

10. The petition is disposed of in the above terms.

SANJEEV SACHDEVA, J

TUSHAR RAO GEDELA, J

JULY 28, 2022

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