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* IN THE HIGH COURT OF DELHI AT NEW DELHI

% *Date of decision: 21st March, 2023*

+ W.P.(C) 3508/2023, CM APPL. 13579/2023

N C SUNDAR SINGH AND ORS Petitioners
Through: Mr. Nikhil Bhardwaj, Advocate.
versus
UNION OF INDIA AND ORS Respondents
Through: Mr. Syed Abdul Haseeb and Ms.
Theepa Murugesan, Advocates along
with Sh. Hemdra Singh, DC (Law)
BSF.

CORAM:
HON'BLE MR. JUSTICE SURESH KUMAR KAIT
HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

J U D G M E N T (oral)

CM APPL. 13579/2023 (Seeking Exemption)

1. Allowed, subject to just exceptions.
2. The application is disposed of.

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3. The present Writ Petition under Articles 226 and 227 of the Constitution of India has been filed on behalf of the petitioners seeking following reliefs:

“(i) Issue a Writ of Mandamus or any other Writ, direction or order thereby directing the respondents to Conduct forthwith the Cadre Review of Water Wing

Cadre of BSF by reviving the 03 Commandant (WW) post; or

(ii) Pass such further and other orders and directions as this Hon'ble Court may deem fit and proper."

4. It is informed by the learned counsel for the petitioners that the petitioner no.1 was interviewed and appeared before the DG and after his interview the communication was issued to the petitioner no.1 dated 15.11.2022, wherein it was mentioned as under:

"Accordingly, the officer was interviewed by the ADG(HR) on 25th October 2022 through video conferencing. The outcome is that the cadre review proceedings of water wing cadre along with a draft cadre review proposal to MHA have been processed on file for financial concurrence of JS & FA and approval of DG, BSF wherein, 03 post of commandant water wing have been proposed to be created. Upon financial concurrence of JS & FA and approval of DG BSF, the cadre review proposal would be sent to MHA. This disposes of the grievance of the officer".

5. Learned counsel appearing on behalf of the respondents on advance Notice submits that since the issue pertains to cadre review, it will take substantial time in taking the concurrence of the other Ministries. Therefore, the petition may be disposed of and the respondents shall take the final decision.

6. Accordingly, we hereby dispose of the present petition directing the respondents to take final decision within six months. If the petitioners are aggrieved by the decision so taken by the respondents, they may challenge

the same before the appropriate Forum.

7. The petition is accordingly disposed of.

(SURESH KUMAR KAIT)
JUDGE

(NEENA BANSAL KRISHNA)
JUDGE

MARCH 21, 2023/va

