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

% *Date of decision: 23rd March, 2023*

+ **W.P.(C) 3690/2023 & CM APPLs. 14272/2023, 14273/2023**

MOHAMMED ISHAM Petitioner
Through: Mr. Nikhil Bhardwaj,
Advocate.

versus

UNION OF INDIA AND ORS. Respondents
Through: Mr. Farman Ali, Sr. Panel
Counsel, Mr. Vivek Nagar,
Govt. Pleader, Mr. Krishan
Kumar & Ms. Usha Jarnal,
Advocates for UOI & Insp.
Anand Kumar & S.I. Prahlad
Devenda, CISF.

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

J U D G M E N T (oral)

1. *Vide* the present petition, the petitioner is seeking following reliefs:

“a.) Issue Writ of Mandamus thereby directing respondents to consider the case of petitioner by conducting Review DPC for promotion to the post of Assistant Commandant (fire) with effect from the date when his juniors were promoted and consequently re-fixation/correction of his seniority by placing petitioner above his juniors, for all purposes including promotion, pension and other retirement benefits;

b.) Or in alternative issue a Writ of Mandamus thereby directing respondents that if juniors have not yet been promoted, then record of petitioner be put forth before the DPC

for his promotion to the post of Assistant Commandant (Fire). ”

2. The case of the petitioner is that as per the Communication dated 29.03.2022, which is Annexure P-4 in the present petition, the petitioner is eligible for the promotion to the Post of Assistant Commandant.
3. Thereafter, the Zone of Consideration List dated 11.05.2022 was issued by the respondent No. 3/Inspector General (Pers.), wherein the name of the petitioner was missing, and the same came to the knowledge of the petitioner very late. After becoming aware of the Zone of Consideration List dated 11.05.2022, the petitioner made a Representation dated 13.03.2023 to the respondent No. 2/Director General, CISF for consideration of his candidature to the Post of Assistant Commandant. However, till date, no response to this effect has been received by the petitioner.
4. Learned counsel appearing on behalf of the respondents, on advance notice, submits that the petitioner became eligible on 29.03.2022, whereas the cut-off date was 01.01.2023.
5. Learned counsel on behalf of the petitioner submits that in the Zone of Consideration List dated 11.05.2022, the names of the personnel, who are junior to petitioner, have been mentioned, but the name of the petitioner is not there.
6. Accordingly, in view of the above, we hereby dispose of the present petition directing the respondent No. 2/Director General, CISF to decide the Representation dated 13.03.2023 of the petitioner within three weeks from today.
7. The decision, so taken, shall be communicated in writing with a reasoned order to the petitioner within one week thereafter.
8. Accordingly, the present petition along with pending applications is

disposed of.

9. We hereby make it clear that if the respondents have decided to constitute the Departmental Promotion Committee (DPC), the same shall be deferred till the Representation dated 13.03.2023 of the petitioner is decided.

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

(SURESH KUMAR KAIT)
JUDGE

(NEENA BANSAL KRISHNA)
JUDGE

MARCH 23, 2023
S.Sharma

