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* IN THE HIGH COURT OF DELHI AT NEW DELHI

% Date of decision: 03rd February, 2023

+ W.P.(C) 5846/2022

VINITA ANTHWAL & ORS. Petitioners

Through: Ms. Saahila Lamba, Advocate.

versus

UNION OF INDIA & ORS. Respondents

Through: Mr Manish Mohan, CGSC, Mr. Abhigyan Siddhant, Govt. Pleader, Ms. Akanksha Singh & Mr. Rohit Kumar, Advocates with Mr. Hemendra Singh, DC Law, BSF for UOI.

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 petitioners are seeking following reliefs:

“(i) Issue a writ mandamus directing the respondents to the respondents to conduct cadre review of OT Technician, Dietician, ECG Technician, Laboratory Technician, Blood Bank Technician, Radiographer, Dental Technician & Dresser trades of Border Security Force in a time bound manner and take into consideration suggestions given by petitioners for creation of promotional avenues in said trades while conducting the cadre review consequently provide adequate promotional avenues for the personnel working in said trades in Border Security Force including the petitioners.”

2. It is stated in the Paragraph 2 of the counter-affidavit filed by the respondents as under:

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“2. That the contents of the para No.2 of the Writ Petition are denied save and except the contents which are matter of record or specifically admitted herein. It is submitted that as far as Cadre review of Paramedical Cadre (Group- 'A' to 'C') of BSF is concerned, the following actions are already undertaken by the Department:-

(a) To undertake the exercise for Cadre review of Paramedical Cadre (Group 'A' to 'C'), a duly constituted Cadre Review Committee (CRC) was detailed vide FHQ BSF (Pers Dte) order dated 2309.2016 and subsequent orders.

(b) Consequent upon submission of cadre review proceedings by Cadre Review Committee, a cadre review proposal along with cadre review proceedings duly approved by the DG BSF, was submitted to MHA vide FHQ BSF (Pers Dte) UO Note dated 28.08.2020.

(c) The details of proposal submitted to MHA and returned by the MHA with observation are enumerated below:-

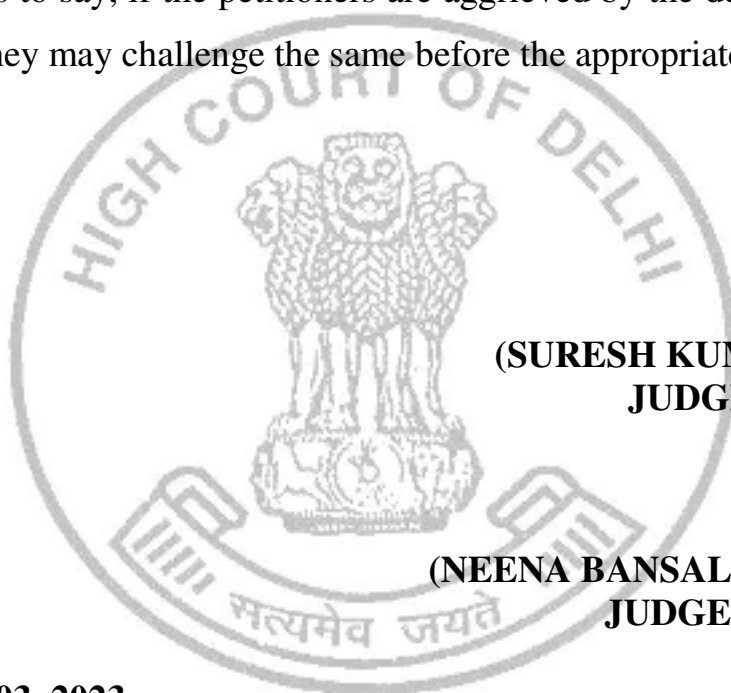
Submitted by BSF	Returned by MHA	Observation raised by MHA
28.08.2020	15.09.2020	Cost-neutral proposal
14.06.2021	24.06.2021	Re-submit proposal in Hindi
13.08.2021	02.11.2021	Seeking functional justification for creation of each proposed Post
22.11.2021	23.03.2022	Cost-neutral proposal

(d) In order to get rectified MHA's observations, the Cadre review proceedings were returned to CRC. The CRC submitted the cadre review proceedings vide UO Note dated 13.06.2022 and accordingly, a revised cost-neutral cadre review proposal along with cadre review proceedings, has been re-submitted to MHA vide Pers Section UO Note dated 21st July, 2022, which is presently under consideration in MHA.”

3. On perusal of the same, a revised cost-neutral proposal along with cadre proceedings has been re-submitted to MHA vide Pers Section UO

Note dated 21.07.2022 which is pending consideration.

4. Learned counsel on behalf of the respondents submits that the final decision shall be taken within three months.
5. Accordingly, the respondents are directed to take final decision within three months from today.
6. The present petition along with pending application(s), if any, is disposed of.
7. Needless to say, if the petitioners are aggrieved by the decision of the respondents, they may challenge the same before the appropriate forum.



(SURESH KUMAR KAIT)
JUDGE

(NEENA BANSAL KRISHNA)
JUDGE

FEBRUARY 03, 2023

S.Sharma