

\$~2

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

%

Date of decision: 10.05.2023

+ W.P.(C) 5673/2023 & CM APPL.22204/2023

AMITABH GUPTA

..... Petitioner

Through: Mr.Hashmat Nabi, Ms.Shariqa Aftab,
Advts. with petitioner in person.

versus

UNION OF INDIA & ANR.

..... Respondents

Through: Mr.Nirvikar Verma, SPC with
Mr.Abhishek Khanna (GP)
Sh.Nitin Chaturvedi, DC (Confd.)
BSF & Sh.Hemandra Singh, DC
(LAW) BSF.

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

HON'BLE MS. JUSTICE MINI PUSHKARNA

J U D G M E N T (oral)

1. Vide the present petition, petitioner prays as under:

- a. *To quash the impugned letter of respondent no.2 dated 19.04.2023;*
- b. *To direct the respondents to exercise the power of relaxation vested under Rule 12 of the Border Security Group 'A' Recruitment Rules, 2017 read with exemption clause in Para 5(i) of the memorandum dated 02.06.2012 relating to grant of relaxation in condition of 2/3 years Mandatory Field Service (MFS) issued by respondent no.1;*
- c. *To direct the respondents to reconsider the case of the petitioner after the aforesaid relaxation and pass appropriate orders for promotion of the petitioner to the rank of commandant;*
- d. *To declare the action of the respondents in not considering*

the petitioner for promotion to the post of Commandant in the DPC held on 19.04.2023 as illegal and issue directions to the respondents to consider the claim of the petitioner for promotion to the post of Commandant by holding a review DPC without insisting on the condition of the completion of 2 years MFS;

e. To decide the request application dated 21.02.2023 and addendum request application dated 27.03.2023 at the earliest preferably within a particular time frame.

2. Learned counsel appearing on behalf of the petitioner, on instructions from the petitioner who is present in court, seeks permission to withdraw the present petition and requests that the representations dated 21.02.2023 and 27.03.2023 may be directed to be disposed of in a time bound manner.

3. Accordingly, we hereby dispose of the present petition by giving directions to the respondents to take final decision on the abovementioned representations filed by the petitioner within four weeks from today and communicate the decision thereof to the petitioner within one week thereafter with reasoned order.

4. With the aforesaid directions, the present petition as well as pending application stand disposed of.

5. Needless to say, if the petitioner feels aggrieved by the decision of the respondents on his representations, he may approach the appropriate forum.

(SURESH KUMAR KAIT)
JUDGE

(MINI PUSHKARNA)
JUDGE

MAY 10, 2023/ab

W.P.(C) 5673/2023

Page 2 of 2