



\$~26

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

% ***Date of decision: 01.06.2023***

+ **W.P.(C) 8003/2023**

MAJ GEN SHRI KANT SHARMA SM VSM RETD Petitioner

Through: Mr. Indra Sen Singh, Mr. Abhishek Singh and Mr. Aditya Bari, Advocates.

versus

UNION OF INDIA THROUGH & ORS. Respondents

Through: Mr. Harish V. Shankar, CGSC, Mr. Amit Acharya, GP, Mr. Srish Kumar Mishra and Mr. Alexander Mathai Paikaday, Advocates.
Lt Col Suchithra Chellapan and Major Partho Kayayan

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. The petitioner in his present petition has made following prayers:

a) To direct the respondents to notionally reinstate the petitioner in the service and thereafter hold no. 1 Selection Board in r/o the petitioner for promotion to the rank of Maj General relating back to petitioner's eligibility as on 12.08.2009 and notionally promote him to the said rank of Maj



General w.e.f 16.10.2009 with al consequential benefits including restoration of seniority as Oct 2009 promotee, and not May 2010 promotee as Maj General after granting the AE waiver if necessary was directed by this Hon'ble Court Order dated 11.01.2013.

b) To direct the respondents to hold special selection board in r/o the petitioner for promotion to the rank of Lt General relating back to petitioner's eligibility as on 18.08.2011 and notionally promote him to said rank of Lt General w.e.f, 28.09.2011, when the vacancy arose, with all consequential benefits.

2. Learned counsel for the petitioner submits that for the relief in the present petition, the petitioner has made a representation dated 19.04.2023. However, till date, the respondents have not taken the decision on the same.
3. Accordingly, we hereby dispose of the present petition directing the respondents to decide the aforesaid representation within 4 weeks.
4. The decision so taken shall be communicated within 1 week thereafter.
5. The petition is accordingly disposed of.

(SURESH KUMAR KAIT)
JUDGE

(NEENA BANSAL KRISHNA)
JUDGE

JUNE 01, 2023/PA