



Neutral Citation Number 2023:DHC:5926-DB

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

% Judgment delivered on: 16th August, 2023

+ W.P.(C) 10777/2023 & CM APPL. 41777/2023

KUMAR RAGHVENDRA & ORS. Petitioners

versus

UNION OF INDIA & ORS. Respondents

Advocates who appeared in this case:

For the Petitioners: Mr.Abhay Kumar Bhargava with Mr.Satyaarth Sinha,
Advocates.

For the Respondent: Mr. Sandeep Kumar Mahapatra, CGSC for UOI with
Ms.Kritika Sharma, Advocate.

CORAM:-

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

HON'BLE MR. JUSTICE MANOJ JAIN

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner seeks quashing of order dated 24.03.2023 whereby the seniority of the petitioners, who are local promotees, vis-à-vis the directly appointed officers was determined and the directly appointed officers were placed senior to the petitioners.

2. Some of the directly appointed officers had filed a petition before this Court being WP(C)1409/2021 titled *Pramod Kumar Singh & Ors. Vs. Union of India* impugning the seniority list. Said petition was disposed of by order dated 18.11.2022 with a direction to the respondents to take a final decision qua the seniority of petitioners vis-à-vis local promotees.



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3. Respondents by the impugned order dated 24.03.2023 have finalized the seniority list and determined the seniority placing the direct appointees above the local promotees. This order is impugned by petitioners herein.

4. Petitioners contend that the local promotees were appointed prior to the direct recruits and that the date of appointment and the date of joining are later than the date of promotion of the local promotees. Learned counsel accordingly contends that the seniority list drawn up is contrary to the Recruitment Rules as also the judgment of the Supreme Court in *K. Meghachandra Singh vs. Ningam Siro*: (2020) 5 SCC 689 as also the Office Memorandum Dated 13.08.2021.

5. Reliance has been placed by the learned counsel for the petitioners on Rule 3(i) and (ii) of the Central Reserve Police Force Group "A" (General Duty) Officers Recruitment Rules, 2010 to contend that the *inter se* seniority has to be reckoned with reference to batch of training from the date of appointment.

6. Per contra, learned counsel for the respondents submits that the impugned order has been passed keeping in view the Recruitment Rules notified on 10.08.2010.

7. The subject Rule relied upon by the parties dealing with seniority of officers reads as under:-

"6. Seniority (1) All officers holding a higher rank shall be senior to officers holding a lower rank.



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(2) In a particular rank seniority of officers appointed to any post shall be determined in accordance with the order of selection for appointment to the post.

(3) Subject to the provisions of sub-rule (2), inter-se-seniority amongst officers holding the same rank shall be as stipulated in the Central Reserve Police Force Standing Order No. 1/2009 dated the 12th January, 2009.

(i) Seniority of directly appointed gazetted officers through Union Public Service Commission and direct entry gazetted officers (Limited Departmental competitive examination quota) shall be reckoned with reference to their batch of training from the date of appointment, irrespective of the batch in which they were selected and the date of appointment in respect of directly appointed gazetted officers through Union Public Service Commission shall ordinarily mean the date of commencement of training, unless the candidate had reported late but within thirty days of commencement of training.

(ii) Within a batch of training, whether directly appointed or through limited departmental competitive examination, the inter-se-seniority shall be determined as per clause (ii) of sub rule (b) of rule 8 of the Central Reserve Police Force Rules, 1955, in the order of merit and the merit shall mean the aggregate of marks obtained at the time of selection and the marks obtained at the time of passing out examination at the Central Reserve Police Force Academy:

Provided that the seniority of directly appointed gazette officers and direct entry gazetted officers shall be reckoned from the date of declaration of results and that of the local promotees from the date of departmental promotion committee by whom they were empanelled.



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(iii) *Seniority of re-employed officers in a particular rank shall be determined from the date of their re-employment in that rank.*

(iv) *A serving army officer shall maintain his seniority as between himself and other army officers within a particular rank and a serving officer of the Indian Police Service shall maintain his seniority as between himself and other officers of the Indian Police Service within particular rank."*

8. Reliance placed by the learned counsel for the petitioners on Rule 6 (3)(i) and Rule 6 (3) (ii) is misplaced.

9. Rule 6(3)(i) deals with *inter se* seniority of directly appointed gazetted officers with direct entry gazetted officers (Limited Departmental Competitive Examination Quota) which is to be reckoned with reference to the batch of training from the date of appointment irrespective of the batch in which they are selected.

10. Rule 6(3)(ii) deals with the *inter se* seniority within the batch of training of officers whether directly appointed or appointed through the Limited Departmental Competitive Examination Quota.

11. Rule 6(3)(i) deals with seniority between two groups of direct entrants, i.e., directly appointed officers through UPSC and direct entry through the Limited Departmental Competitive Examination Quota and stipulates that seniority is to be reckoned from the date of commencement of training unless the candidate had reported late but within 30 days of commencement of training.

12. Rule 6(3)(ii) deals with their *inter se* seniority which is to be



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reckoned based on the aggregate of marks obtained at the time of selection and marks obtained at the time of passing out of examination at the Academy.

13. Rule which is applicable to the facts of the present case is proviso to Rule 6(3), which stipulates that the seniority of directly appointed gazetted officers and direct entry gazetted officers is to be reckoned from the date of declaration of results and the seniority of the local promotees from the date of the departmental promotion committee empanelment.

14. In the present case, the final result of the selected direct recruits candidates was declared by the UPSC on 12.10.2010. On the other hand the Departmental Promotion Committee meeting to empanel the local promotees was held on 20.10.2010 and the empaneled list was published on 03.11.2010.

15. Since the final result of the directly appointed officers was notified on 12.10.2010 by the UPSC and the empanelment of the local promotees was done on 03.11.2010, respondents have correctly placed the direct appointees senior to the local promoters, in terms of the proviso. The seniority of the direct appointees being reckoned from the date of declaration of their result and the local promotees from the date of their empanelment by the DPC.

16. Judgment in the case of *K. Meghachandra Singh* (supra) will not be applicable to the facts of the present case for the reason that the Supreme Court had passed the order referring to the Recruitment



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Rules as applicable to the litigants in that petition. The Recruitment Rules in consideration of *K. Meghachandra Singh* (supra) were not similar to the Recruitment Rules in the case of the present petitioners.

17. Further, Reliance placed by the petitioner on the Officer Memorandum dated 13.08.2021 is also misplaced for the reason that the said Officer Memorandum dated 13.08.2021 was issued to revise directions pursuant to the judgment of *K. Meghachandra Singh* (supra). In the instant case, there are Recruitment Rules in place as referred to herein above and Officer Memorandum dated 13.08.2021 would not override the statutory Recruitment Rules enacted in exercise of powers conferred by Section 18 of the Central Reserve Police Force Act, 1949.

18. In view of the above, we find no error in the order dated 24.03.2023 issued by respondent No.3 placing the direct appointees above the local promotees.

19. We find no merit in the petition. The petition is, consequently, dismissed.

SANJEEV SACHDEVA, J

MANOJ JAIN, J

AUGUST 16, 2023
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