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

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Date of decision: 03.10.2023.

W.P.(C) 11488/2018

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KAILASH CHAND SAINI AND ORS. Petitioners

versus

UNION OF INDIA & ANR. Respondents

Advocates who appeared in this case:

For the Petitioner: Mr. G S Chauhan, Mr. Nikhil Hooda and
Mr. Vishal Rathee, Advocates.
For the Respondents: Mr. Bhagvan Swarup Shukla, CGSC with
Mr. Sarvan Kumar and Mr. Saksham Sethi,
Advocate.

CORAM:-

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

HON'BLE MR. JUSTICE MANOJ JAIN

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner seeks direction to the respondent to review the cadre exercise being undertaken by respondent ITBP.
2. Learned counsel for petitioner submits that in identical circumstances in WP(C) No. 5968/2020 titled *Lokesh Kumar Arya and Ors. vs. Union of India and Ors.* by order dated 04.09.2020, a



Coordinate Bench of this Court has directed the respondents to review the cadre exercise is being under taken.

3. He submits that the said judgment applies on all force to the present case and prays that in the case of petitioners as well as similar directions be issued.

4. Learned counsel for respondents concedes that the said judgment applies to the facts of the present case and submits that the petition be disposed of in terms of directions issued in *Lokesh Kumar Arya and Ors.*

5. In view of the above, applying the ratio of the decision in *Lokesh Kumar Arya* (supra), it is directed as under:

“(i) We accordingly dispose of this petition by directing the respondents ITBP to, within four weeks hereof as sought, review the cadre exercise impugned in this petition, by treating the writ petition as a representation of the petitioners and by granting a personal hearing to the senior most Assistant Commandant (pioneer) in ITBP and the petitioners, in which hearing the petitioners and the said Assistant Commandant (pioneer) shall have a right to place further relevant data for consideration of the respondents and to, thereafter, it find any merit, review the cadre review already undertaken and/or to make corrections/modifications therein and, if not finding any merit in the claim of the petitioners, pass an order, giving reasons for rejecting the various claims/representations of the petitioner. It is further clarified that in the said exercise, the parameters/principles laid down by the Courts in the judgment relating to cadre review as well as the OMs and Monograph of DoPT, be followed.

(ii) It is further clarified that the review, if required,



so ordered, would not suspend or come in the way of the operation of the cadre review already done/undertaken.”

6. The petition is disposed of in the above terms.

SANJEEV SACHDEVA, J

MANOJ JAIN, J

OCTOBER 3, 2023/sw



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