

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**MONDAY, THE EIGHTH DAY OF JANUARY
TWO THOUSAND AND TWENTY FOUR**

PRESENT

**THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI
AND
THE HON'BLE SRI JUSTICE NAMAVARAPU RAJESHWAR RAO**

WRIT APPEAL NO: 15 OF 2024

Writ Appeal under clause 15 of the Letters Patent preferred against the order dated 12- 07- 2023, passed in the W.P.No. 39235 of 2014 on the file of the High Court.

Between:

Babu Sahadevan, S/o. Sahadevan Aged about 45 years, Occ Constable CRPF, R/o. R/o. Q. No. 1776, Lodhi Road Complex, Lodhi Road, New Delhi - 110 003.

...APPELLANT/PETITIONER

AND

1. The Union of India, Rep. by its Secretary, Ministry of Home Affairs, North Block, Central Secretariat, New Delhi - 110 001.
2. The Director General, Central Reserve Police Force (CRPF), Block No. 1, CGO Complex, Lodhi Road, New Delhi.
3. The DIGP Estt. ,, Central Reserve Police Force (CRPF), Block No. 1, CGO Complex, Lodhi Road, New Delhi.
4. The Commandant, 83 Battalion, Head Quarter, Central Reserve Police Force (CRPF), Lalwas, Ramgarh Road, Jaipur, Rajasthan.

...RESPONDENTS/RESPONDENTS

Counsel for the Appellant: SMT. VEDULA CHITRALEKHA

**Counsel for Respondents: SRI GADI PRAVEEN KUMAR
DEPUTY SOLICITOR GENERAL OF INDIA**

The Court made the following: ORDER

**THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI
AND
THE HON'BLE SRI JUSTICE NAMAVARAPU RAJESHWAR RAO**

WRIT APPEAL No.15 OF 2024

JUDGMENT: (Per Hon'ble AKS,J)

This Writ Appeal is filed aggrieved by the order, dated 12.07.2023, passed in W.P.No.39235 of 2014 by a learned Single Judge of this Court.

2. Heard Smt. Vedula Chitralekha, learned counsel for the appellant and the learned Deputy Solicitor General of India appearing for the respondents.

3. Learned counsel for the appellant had contended that the appellant is working as Constable in Central Reserve Police Force (for short, 'CRPF') and he has rendered gallantry service. Therefore, the respondents were pleased to award Gallantry Medal to the appellant. The grievance of the appellant is that though he has secured Gallantry Medal, his case was not considered for promotion to the next higher post on out of turn basis. Learned counsel further contended that as per promotion policy, 10% of the posts are liable to be filled from among unqualified candidates and many of the persons, who secured Gallantry Medals, were promoted to the higher posts under 10%

unqualified quota based upon the Gallantry Medals secured by them. As per Rule 70 of CRPF Rules, 1955, the Commandant may, on the recommendation of a Company Commander, promote to the rank of Lance Naik, Naik or Head Constable, respectively, a Constable, a Lance Naik or a Naik, who, although not qualified for promotion, is considered in all respects capable of acting as an Under Officer, provided that the number of unqualified Naik and Head Constables permanent and officiating may not at any time exceed 10 percent of the sanctioned number of posts of each rank. Learned counsel further contended that the appellant has submitted a representation to the respondents to consider his case for promotion based upon the Gallantry Medal awarded to him, as it was done in the case of several other individuals. But, the case of the appellant was not considered for promotion and therefore, he has approached this Court by filing the subject Writ Petition and the learned Single Judge of this Court was pleased to dismiss the subject Writ Petition *vide* impugned order, dated 12.07.2023, without appreciating any of the contentions raised by the appellant.

4. Learned counsel for the appellant had further contended that several individuals, who have secured Gallantry Medals, were

promoted under 10% unqualified quota, but when it came to the case of the appellant, the respondents are trying to discriminate. Therefore, the learned Single Judge ought to have allowed the subject Writ Petition by directing the respondents to consider the case of the appellant for promotion to the next higher post under 10% unqualified quota, based upon the Gallantry Medal awarded to him. Therefore, appropriate orders be passed in the Writ Appeal by setting aside the impugned order, dated 12.07.2023, and further, direct the respondents to promote the appellant to the next higher post, under 10% unqualified quota, based upon the Gallantry Medal awarded to him.

5. On the other hand, learned Deputy Solicitor General of India appearing for the respondents had contended that Clause 9 of Paragraph No.11.31 of CRPF Establishment Manual, 1976, makes it clear that the cases for the Act of Gallantry and for achievement of National/International records in Sports/Games will not be included under the category for promotion under unqualified quota. Learned Deputy Solicitor General further contended that as the posts under 10% unqualified quota were already filled up, the case of the appellant was rightly not considered by the respondents and the learned Single Judge has rightly dismissed

the subject Writ Petition on the ground that the Gallantry Medal cannot be taken into account for considering the case of the appellant for promotion to the next higher post, in view of the promotion policy as per CRPF Establishment Manual, 1976.

6. Learned Deputy Solicitor General of India appearing for the respondents had further contended that as and when vacancy arises under 10% unqualified quota, the case of the appellant would be considered irrespective of the fact whether he has been awarded Gallantry Medal or not. Hence, there are no merits in the Writ Appeal and the same is liable to be dismissed.

7. This Court, having considered the rival submissions made by the learned counsel for the parties, is of the considered view that the learned Single Judge has relied upon the CRPF Establishment Manual, 1976 and came to a conclusion that the Gallantry Medals cannot be considered for promotion under 10% unqualified quota. The learned Single Judge has rightly dismissed the subject Writ Petition. However, this Court is of the considered view that as and when vacancy arises under 10% unqualified quota, the case of the appellant shall be considered irrespective of the fact that the appellant has secured Gallantry Medal or not.

8. With the above observations, the Writ Appeal is disposed of.

There shall be no order as to costs.

Miscellaneous Applications, if any, pending in this appeal, shall stand closed.

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Sd/- T. SRINIVAS
DEPUTY REGISTRAR

SECTION OFFICER

To,

1. The Secretary, Ministry of Home Affairs, State of Telangana, North Block, Central Secretariat, New Delhi - 110 001.
2. The Director General, Central Reserve Police Force (CRPF), Block No. 1, CGO Complex, Lodhi Road, New Delhi.
3. The DIGP Estt. ,, Central Reserve Police Force (CRPF), Block No. 1, CGO Complex, Lodhi Road, New Delhi.
4. The Commandant, 83 Battalion, Head Quarter, Central Reserve Police Force (CRPF), Lalwas, Ramgarh Road, Jaipur, Rajasthan.
5. One CC to Smt. Vedula Chitralekha Advocate [OPUC]
6. One CC to Sri Gadi Praveen Kumar, Deputy Solicitor General of India [OPUC]
7. Two CD Copies

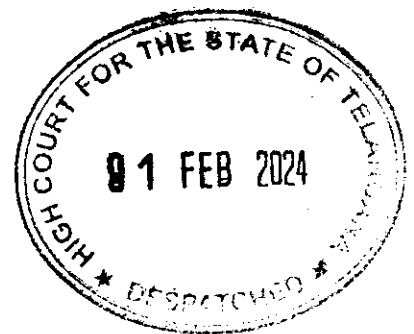
MBC

An

HIGH COURT

**AKS,J
&
RRN,J**

DATED: 08/01/2024



JUDGMENT

WA.No.15 of 2024

DISMISSING THE WRIT APPEAL

WITHOUT COSTS

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