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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 158/2021 & CM APPL. 460/2021**
DIPENDER SINGH

..... Petitioner

Through: Mr. S.C. Malhotra, Adv. with
Mr. Kunal Kishore, Adv.

versus

DIRECTOR GENERAL & ANR.

..... Respondent

Through: Ms. Arunima Dwivedi, CGSC with
Ms. Ashi Sharma & Mr. Ved
Prakash, Advs. for UOI with
Mr. Hemendra Singh, Deputy
Commandant (Law), BSF

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

ORDER

26.04.2024

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1. This petition has been filed by the petitioner with the following prayers:

“In view of the facts and circumstances as stated herein above, it is most respectfully prayed that this Hon’ble Court may be pleased to issue appropriate writ(s)/order(s)/direction(s), including writ in the nature of Certiorari/Mandamus and:

a) Set aside condition of promotion of junior logistics officer (AC) to Logistics Officer (DC) mentioned at Para 13 Column 11(1)(ii) of BSF AW RR-2011.

b) Directing/commanding respondents no.1 and 2 to Conduct DPC in respect of the petitioner for the vacancy year 2020 w.e.f. 01.01.2020, the crucial date of consideration against the existing vacancies of DEPUTY COMMANDANT (LOGISTICS) in BSF Air Wingby providing waiver for the 09 years experience required as against 05 years of qualifying regular service for next higher post. &



b) Issue appropriate writ(s)/order(s)/direction(s), including writ in the nature of Stay or injunction by restraining the Respondents (particularly Respondent No.1) to withhold any appointment to the post of Deputy Commandant (Logistics) in BSF Air Wing until final disposal of this Writ Petition by this Hon'ble Court.

c) Pass any such order/s as this Hon'ble Court may deem fit."

2. Ms. Arunima Dwivedi, learned CGSC appearing for the respondents on instructions submits that the Recruitment Rules to the post of Logistics Officer (DC) have been amended in terms of the notification dated October 20, 2023 and the petitioner has been promoted to the post of Logistics Officer (DC).

3. The plea of Mr. Malhotra, learned counsel appearing for the petitioner is that the said amendment should relate back to the year 2019. We say nothing on this submission.

4. At this stage, Mr. Malhotra states that, he shall withdraw the writ petition and challenge the notification dated October 20, 2023.

5. Accordingly, the petition is disposed of as withdrawn with liberty to the petitioner to challenge the notification but in accordance with law.

CM APPL. 460/2021

Dismissed as infructuous.

V. KAMESWAR RAO, J

RAJNISH BHATNAGAR, J

APRIL 26, 2024/aky