



\$~63

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 1577/2024, CM APPL. 11876/2024**
RAJENDER KUMAR

..... Petitioner

Through: Mr. Abhay Kumar Bhargava, Adv.
and Ms. Chandana Debnath, Adv.

versus

UNION OF INDIA & ORS.

..... Respondent

Through: Mr. Jivesh Kumar Tiwari, Sr. PC with
Ms. Samiksha Mittal, Adv. for UOI
with Mr. Hemendra Singh,
DC/Law (BSF)

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

27.02.2024

%

CM APPL. 11876/2024

1. This writ petition was dismissed as withdrawn on February 5, 2024,
with the following order:

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

*“(i) Issue a writ of Certiorari or any other writ
order or direction thereby calling for records and
quash the impugned order dated 02.01.2024
passed by the IG (Pers) FHQ BSF New Delhi.*

*(ii) Issue a writ of Mandamus or any other writ
order or direction thereby directing the
respondents promote the petitioner on an adhoc
basis in terms of the OM No: 22011/4/91-Estt. (A)
dated 14.09.1992 i.e. after expiry of two years from
the date of the meeting of the first DPC, which kept
its findings in respect of the Petitioner in a sealed*



cover.

(i) Pass any other order this Hon'ble Court deems fit in the interest of justice."

2. *It is conceded by Mr. Abhay Kumar Bhargava that the petitioner has challenged the penalty of reprimand imposed on him on February 02, 2023, in writ petition being W.P.(C) 10384/2023. He states that he shall withdraw this writ petition and seek amendment of that writ petition incorporating the prayer of ad-hoc promotion to the post of Assistant Commandant.*

3. *Noting the said submission made by Mr. Bhargava, this petition is dismissed as withdrawn."*

2. Today, Mr. Abhay Kumar Bhargava, learned counsel for the petitioner submits that the writ petition W.P.(C) 10384/2023 was withdrawn much before the order was passed. He states liberty be granted to the petitioner to file a fresh petition seeking *ad-hoc* promotion and also challenge the punishment order dated February 2, 2023.

3. The order is modified to the extent that the liberty shall be with the petitioner to file a fresh petition seeking *Ad-hoc* promotion to the post of Assistant Commandant and also the order of punishment in accordance with law.

4. The application is disposed of.

V. KAMESWAR RAO, J

SAURABH BANERJEE, J

FEBRUARY 27, 2024/aky