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

+ **W.P.(C) 2290/2024**

RAM SINGH YADAV & ORS. Petitioners

Through: **Ms. Saahila Lamba, Advocate.**

versus

UNION OF INDIA & ORS. Respondents

Through: **Mr. Farman Ali, Sr. Panel Counsel
with Mr. Amit Gupta, SPC with Mr.
Kautilya Birat, GP for UOI.
Mr. Vedansh Anand, Govt. Pleader.**

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE MR. JUSTICE DHARMESH SHARMA

ORDER

% **03.05.2024**

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

“(i) Issue a writ of mandamus directing the respondents to grant Senior Time Scale to the petitioners with effect from 30.12.2006 in terms of the judgment dated 14.07.2022 passed by this Hon’ble Court in W.P. (C) No.10612/2022 titled as ‘Ram Singh Yadav & Ors vs. Union of India & Ors’;

(ii) Pass any such other orders as it may deem fit to this Hon’ble Court in the facts and circumstances of the case.”

2. In effect, the petitioners are seeking the benefit of the judgment rendered by this Court on 14.11.2018 in ***Satya Dev Yadav and Anr. Vs. Union of India and Anr.*** in W.P.(C) 8809/2017 whereby this Court had disposed of the said writ petition by stating in paragraphs 7, 8 and 9 as



under:

“7. Among the reasons given for rejecting the Petitioners” request is „that Rule 3 of the BSF Rules is quite clear” and that “the seniority cannot be assigned prior to their birth in the cadre”. The above conclusion is in fact contrary to Rule 3(3) (iv) which has been quoted hereinbefore which makes it clear that the seniority will count from the date when the direct entry officer reported for training. It also ignores the fact that the Directorate of BSF has itself re-assigned the date of appointment of the Petitioners from 6th January, 2003 to 30th December, 2002. Consequently, the Court is not in agreement with the reason given by Respondent No.1 for rejecting the Petitioners” request.

8. It must be clarified that counsel for the Petitioners has on instructions stated that the Petitioners are not claiming the actual financial emoluments for the zero week. They are only concerned that for the purposes of seniority and financial benefits their date of appointment should be treated as 30th December, 2002.

9. Accepting this request of the Petitioners, the writ petition is allowed and a direction is issued to the Respondent to treat the date of appointment of the Petitioners for the purposes of seniority and financial benefits as 30th December, 2002.”

3. The submission of Mr. Lamba is that the petitioners have actually got the benefit of ‘Senior Time Scale’ w.e.f January 06, 2007 whereas in view of the change in the date of appointment from January 05, 2003 to December 30, 2002, the petitioners are seeking the advancement in the date of grant of ‘Senior Time Scale’ to December 30, 2006. The only objection taken by Mr. Ali, learned counsel for the respondents is that the respondents do not have the medical categorization of the petitioners in Shape-I prior to December 30, 2006. According to him, as per his instructions, the record has been weeded out on March 14, 2022. Since the issue is only for advancing the date of grant ‘Senior Time Scale’ from January 06, 2007 to



December 30, 2006, and in view of the fact that the record is not available, we do not see any reason to disbelieve that the petitioners would not be in Shape –I medical category on the date preceding December 30, 2006.

4. Accordingly, we deem it appropriate to hold that the petitioners shall be entitled to the benefit of the judgment in the case of *Satya Dev Yadav (supra)*, for grant of ‘Senior time Scale’ w.e.f December 30, 2006. The same shall be granted to the petitioners, but notionally. The resultant orders shall be issued within a period of 10 weeks.

5. Ms. Lamba states that she shall file an application seeking withdrawal of the contempt petition within a week.

6. This order has been passed in the facts of this case.

7. The petition stands disposed of.

V. KAMESWAR RAO, J

DHARMESH SHARMA, J

MAY 3, 2024/ib