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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 2368/2024 & CM APPL. 9801/2024**
TARUN PAL & ORS.

..... Petitioners

Through: Mr. Abhay Kumar Bhargava, Adv.

versus

UNION OF INDIA & ORS.

..... Respondents

Through: Mr. Ravi Prakash, CGSC with
Mr. Astu Khandelwal, Mr. Taha
Yasin, Advs., Mr. Abhishek Singh,
G.P. along with Mr. Hemender, BSF

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

19.02.2024

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1. The present petition has been filed by the petitioner with the following prayers:-

“a. Issue a writ of certiorari or any other appropriate writ, order or direction, thereby directing calling for records and quash the impugned order dated 01.02.2024 for Cadre Review of Nursing & Para-Medical posts in the Border Security Force issued by the MHA Le Respondent No. 1 only to the extent of abolition of 109 posts of Constable/Kahar.

*b. Issue a writ of mandamus or any other appropriate writ, order or direction, directing the respondents to take appropriate steps of Cadre Review in time bound manner in order to promote the Petitioners as per the recommendations given in **Annexure-P3, Annexure-P4 and Annexure-P5** with all the consequential benefits w.e.f. passing of the impugned order dated 01.02.2024.*



c. Issue a writ of mandamus or any other appropriate writ, order or direction, directing the respondents to take appropriate steps of creating promotional avenues in the Kahar Cadre of the Border Security Force.
d. Pass any other order, this Court deems fit in the interest of Justice.”

2. In effect, the petitioners are challenging the communication dated February 01, 2024, of the Ministry of Home Affairs addressed to the Director General, Border Security Force, in respect of cadre review of Nursing and Para Medical cadre (Group A, B and C) in Border Security Force.

3. The submission of Mr. Abhay Kumar Bhargava is, in terms of the said communication, the 109 posts of Constable (Kahar) cadre have been phased out to the prejudice of the petitioners. Mr. Ravi Prakash, learned counsel appearing for the respondents, submits that insofar as the petitioners are concerned they would not be affected by the decision to phase out the posts of Constable (Kahar) cadre but the same shall be subject to the outcome of the decision in the writ petition being W.P.(C) 5442/2022 pending in this Court wherein challenge is made to the merger of pots of Constable (Kahar) cadre with posts of Constable (Kitchen Services). His submission is taken on record.

4. The petition is disposed of.

V. KAMESWAR RAO, J

SAURABH BANERJEE, J

FEBRUARY 19, 2024/ds