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

+ W.P.(C) 3310/2022 & CM APPL. 10242/2024 –E-hearing.

SURINDER SINGH

.....Petitioner

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

versus

UNION OF INDIA & ORS.

.....Respondent

Through: Mr.Ripu Daman Bharadwaj, CGSC
with Mr.Kushagara Kumar, Mr.Abhinav
Bhardwaj, Advs.

Mr.Vikrant N Goyal with Ms.Satvika Goyal,
Advs.

+ W.P.(C) 3740/2022 & CM APPL. 11113/2022 –Stay., CM APPL.
30632/2024 –Vac. of stay.

HIMANSHU PRASAD SINGH & ORS.

.....Petitioner

Through: Ms. Saahila Lamba, Adv.

versus

DIRECTOR GENERAL, BORDER SECURITY FORCE AND ORS.

.....Respondent

Through: Mr.Ripu Daman Bharadwaj, CGSC
with Mr.Kushagara Kumar, Mr.Abhinav
Bhardwaj, Advs.

+ W.P.(C) 214/2023

GAJRAJ SINGH

.....Petitioner

Through: Ms. Saahila Lamba, Adv.

versus

UNION OF INDIA & ORS.

.....Respondent

Through: Mr.Ripu Daman Bharadwaj, CGSC



with Mr.Kushagara Kumar, Mr.Abhinav Bhardwaj, Advs.
Ms.Nidhi Raman, CGSC with Mr.Zubin Singh,
Adv. Ms.Archana Surve, GP.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MS. JUSTICE SHALINDER KAUR

ORDER

09.07.2024

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1. The present petitions have been filed by personnel, who are working as Inspector/Senior Aircraft Mechanic in the BSF Air Wing, seeking a direction to the respondents to fill-up the promotional posts of Deputy Commandant/Junior Aircraft Maintenance Engineer before resorting to fill these posts through deputation or direct recruitment.
2. The record shows that on 20.02.2024, this Court had granted time to the learned counsel for the respondents to obtain instructions as to the outer limit within which the Departmental Promotion Committee (DPC) for carrying out the said promotion will be conducted. For the sake of convenience, the said order is being reproduced hereinbelow:-

“1. The issue in these petitions relates to promotion to the post of Deputy Commandant.

*2. Mr. Bhardwaj, learned counsel appearing for the respondents in W.P.(C) 3740/2022 submits as per his instructions, the **DOP&T has advised that the promotions need to be carried out as per the existing rules.** He also submits that the approval of the Ministry of Home Affairs needs to be taken before the DPC is held.*

3. This submission of Mr. Bhardwaj is contested by the learned counsel for the petitioners.

4. Mr. Bhardwaj to take instructions within four weeks as an outer limit as to by what time, the DPC shall be convened.

5. Re-notify on March 20, 2024.

(emphasis supplied)”



3. Today, after almost five months there is no satisfactory response coming from any of the learned counsel for the respondents or the officials assisting them in the Court regarding the timeframe in which the DPC will be convened.
4. In these circumstances and taking into account the admitted position that as per the DoPT's instructions & recruitment rules, the DPC is required to be held expeditiously, we dispose of the petitions along with pending applications by directing the respondents to hold a DPC for promotion to the post of Deputy Commandant/Junior Aircraft Maintenance Engineer within a period of three months from today.
5. Needless to state, when the respondents hold the necessary DPC, the petitioners and all other eligible candidates will be considered as per law.
6. It is, however, made clear that this Court has not expressed any opinion on the merits of the petitioners' eligibility and, in case, the petitioners are not found fit by the DPC, it will be open for the petitioners to seek legal recourse as permissible in law.

REKHA PALLI, J

SHALINDER KAUR, J

JULY 9, 2024
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