



2024:DHC:8779-DB



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

Date of decision: 13.11.2024

+ W.P.(C) 4544/2019

SAMESEN PAT AND ANR.

.....Petitioners

Through: Mr. P. Sureshan, Adv.

versus

UNION OF INDIA AND ORS.

.....Respondents

Through: Mr. Ripudaman Bhardwaj,
CGSC with Mr. Kushagra
Kumar and Mr. Abhinav
Bhardwaj, Advs.

Mr. R. D. S. Bhardwaj, SPC
with AC Raj Kumar, SI P.
Devendra and SI Amit Kumar,
CISF.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE SHALINDER KAUR

NAVIN CHAWLA, J. (ORAL)

1. By way of the present petition, the petitioners challenge the Order dated 01.08.1981 issued by the Ministry of Home Affairs, Government of India, *inter-alia* holding that the non-gazetted Central Industrial Security Force (CISF) personnel who are required to perform duty on a “weekly off” day should also be allowed compensatory leave and granted cash compensation in lieu thereof, subject to the following conditions:

(a) It will be necessary for the appropriate



authorities to certify that for special circumstance/reasons, an employee was required to perform duty even on a “Weekly Off” day.

(b) The payment of cash compensation in lieu of duty performed on a “Weekly Off” day should be kept to the barest minimum and allowed only in connectional circumstances.

(c) The maximum number of days for which cash compensation may be granted to an individual for working on Gazetted Holidays, second Saturdays, restricted holidays and “Weekly Off” days will remain limited to 30 days in a year.

2. The grievance of the petitioners is that the CISF personnel are getting only a few weekly offs out of the total 52 available to them, on account of manpower shortages, and for working on those off days, the petitioners are not getting any additional financial benefits.

3. The learned counsel for the petitioners submits that the petitioners, while being posted at the Indira Gandhi International (IGI) Airport and also with the Delhi Metro Rail Corporation (DMRC) do not get their regular weekly offs even as compared to the CISF personnel posted elsewhere. The learned counsel submits that these aspects have not been considered by the respondents while issuing the Impugned Order dated 01.08.1981.

4. On the other hand, the learned counsel for the respondents submits that there is no discrimination between personnel who are posted at the IGI Airport or the DMRC and/or those personnel who are posted elsewhere. He submits that as a common policy, the personnel are granted compensatory leave and even leave encashment of a maximum period of 30 days in a year. He submits that, therefore,



no special benefit can be granted to the personnel who are posted at the IGI Airport or at the DMRC.

5. We have considered the submissions made by the learned counsels for the parties.

6. Presently, we do not have adequate material before us to determine whether the personnel who are posted at the IGI Airport or the DMRC are in any manner treated less fairly, as far as the entitlement to a weekly off is concerned, than personnel who are posted elsewhere. We also find that the Impugned Order dated 01.08.1981 has not dealt with this issue at all, and as is rightly contended by the learned counsel for the respondents, if at all, these would have been subsequent developments.

7. We, therefore, are of the opinion that the respondents must consider the contents of the present petition as a representation of the petitioners and decide upon the same by taking into account if there is any difference in the weekly offs that are granted to the CISF personnel who are posted at the IGI Airport or at the DMRC *vis-a-vis* those who are posted anywhere else. As the Impugned Order is of 01.08.1981, the respondents would also re-visit their general policy on the weekly offs and consider if further benefits are to be granted to the CISF personnel on this account.

8. We make it clear that we have not expressed any opinion on the above claims of the petitioners and these shall be considered by the respondents in accordance with law.

9. To facilitate the proper consideration of all issues relevant to the controversy, we permit the petitioners to file a further detailed



2024:DHC:8779-DB



representation, if so advised, within a period of four weeks from today. The respondents shall consider the present petition and also the additional representation and pass a speaking order thereon within a period of twelve weeks thereafter. If aggrieved, it will be open to the petitioners to challenge the decision taken by the respondents, in accordance with law.

10. The petition is disposed of in the above terms.

NAVIN CHAWLA, J

SHALINDER KAUR, J

NOVEMBER 13, 2024/ss/sk/SJ

Click here to check corrigendum, if any