



\$~55

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

+ **W.P.(C) 7181/2024**

MAJ GEN VINAYAK SAINI SM VSMPetitioner

Through: **Mr. Indra Sen Singh, Mr. Nasir
Mohd. & Ms. Kaberi Sharma,
Advs.**

versus

UNION OF INDIA THROUGH & ORS.Respondents

Through: **Mr. Harish Vaidyanathan
Shankar, CGSC with Mr. Srish
Kumar Mishra, Mr. Alexander
Mathai Paikadar, Advs. with
Col. Sarika and Major Anish
Muralidhar for UOI**

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE SHALINDER KAUR

ORDER

%

23.10.2024

CM APPL. 62589/2024

1. This is an application filed by the petitioner for seeking directions to the respondents to produce, on the next date of hearing, the original record of the consideration given to the petitioner by the Review Special Selection Board held on 10.10.2024 as well as the Original Selection Board proceedings of the SSB held on 09.02.2023.
2. This writ petition was disposed of by an Order dated 12.08.2024 directing as under:



35. In the light of the aforesaid, we allow the writ petition by setting aside the impugned order and directing the respondents to re-consider the petitioner's case for promotion as a Lt. General in the Corps of Engineers with respect to the SSB held on 09.02.2023 by taking into account the vacancies as existing on the said date and applying the same benchmark criteria as was applied for consideration of the other officers by the said SSB.

36. It is further directed that in case the petitioner is recommended for promotion, on the basis of the same parameters as applied by the SSB for the Corps of Engineers held on 09.02.2023, he will be granted promotion as a Lt. General with retrospective seniority and notional fixation of pay, without any arrears of wages. However, since the Officers empanelled pursuant to the recommendations made by the SSB for the Corps of Engineers held on 09.02.2023 are not before us, we are consciously not issuing any directions qua them, leaving it open for the respondents to pass appropriate orders in this regard. Taking into account that if the petitioner is not promoted to the next rank of Lt. General, he will superannuate on 31.10.2024, we direct that the exercise in terms of this order be carried out within four weeks.”

3. The petitioner filed an application, being CM APPL. 60543/2024, stating that the respondents have yet to decide in terms of the above directions of this Court.

4. The said application is now listed for consideration before this Court on 28.10.2024, as the learned counsel for the respondents had assured this Court that the case of the promotion of the petitioner has already been considered and the final decision thereon is still pending consideration with the competent authority.



5. By the present application, the petitioner in anticipation of such a decision, is praying for the calling of the record of the said selection board. In our view, the same cannot be a subject matter of this petition.

6. Accordingly, we find no merit in the present application and the same is dismissed.

NAVIN CHAWLA, J

SHALINDER KAUR, J

OCTOBER 23, 2024/ab/sk/DG

[Click here to check corrigendum, if any](#)