



2024:DHC:9954-DB



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

Date of Decision: 19.12.2024

+ W.P.(C) 10431/2023
KRISHNA DEVI AND ORSPetitioners
Through: Mr. Joby P. Varghese, Adv.

versus

INDO TIBETAN BORDER POLICE AND ANR
.....Respondents
Through: Mr. Manish Mohan, CGSC, Mr.
Jitendra Kumar Tripathi, G.P.
with Mr. Jatin Teotia and Mr.
Mohit Bangwal, Advs. for UOI.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA
HON'BLE MS. JUSTICE SHALINDER KAUR

NAVIN CHAWLA, J (ORAL)

1. This petition has been filed challenging the Order dated 15.05.2023 by which, pursuant to the Cadre Review of Group 'B' & 'C' of Para Medical Cadres of Indo Tibetan Border Police Force ("ITBPF"), it was *inter-alia* provided that 19 more posts of Subedar Major, in addition to the posts already existing, shall be created as promotional post for the Inspector (Staff Nurse).
2. The petitioners further pray for a direction to be issued to the respondents to increase the overall strength of the Nursing Cadre and to provide promotional posts upto the post of Commandant (Chief Nursing Officer) in the Nursing Cadre.



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3. It is the case of the petitioners that in terms of the Indo Tibetan Border Police Force, Para Medical Cadre (Group 'A', 'B' and 'C') posts Recruitment Rules, 2010 ("Recruitment Rules"), there were four posts of Assistant Commandant (Assistant Nursing Superintendent), which were to be filled by way of promotion from the Inspector (Staff Nurse) of the ITBPF. The petitioners made multiple representations to the respondents for creation of more promotional posts keeping in view the stagnation in the Service. The petitioners claim that they have been working at the post of Inspector (Staff Nurse) since 1994-1999, however, due to non-availability of promotional posts, are facing stagnation.

4. The petitioners are aggrieved of the Impugned Order as they claim that in the Cadre Review, instead of increasing the posts of Assistant Commandant, the posts of Subedar Major have been increased by 19 to a total of 23, while the post of Assistant Commandant have been decreased from 4 to 1, thereby, instead of increasing the promotional avenues, decreasing the same.

5. The learned counsel for the petitioners, placing reliance on the clarification issued by the Ministry of Home Affairs as reflected in the Memorandum dated 15.03.2011, submits that the post of Subedar Major is to be treated as an appointment post and not a promotional post. He submits that therefore, it is only on paper that a promotional post is stated to have been created, while in effect, it is the same post with a different pay band.

6. The learned counsel for the petitioners further submits that even for the post of Sub-Inspector (Staff Nurse), there has been no increase



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in number of posts, which is contrary to the Indian Public Health Standards, 2022.

7. On the other hand, the learned counsel for the respondents submits that considering the representations, in the Cadre Review Exercise additional posts of Subedar Major have been created as promotional avenues for the petitioners.

8. Keeping in view the nature of submissions made and being aware of the limited jurisdiction that we can exercise in such matters, we are of the opinion that the respondents should consider the contents of the present petition as a representation of the petitioners especially keeping in view the submissions made by the learned counsel for the petitioners as recorded hereinabove.

9. For the said purpose, the Director General, ITBPF may also grant a personal audience to the representatives of the Nursing Cadre. Decision on the representation should be expedited as far as possible.

10. The petition is disposed of with the above directions.

NAVIN CHAWLA, J

SHALINDER KAUR, J

DECEMBER 19, 2024/akc/sk/VS

Click here to check corrigendum, if any