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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 13013/2023**
SHRI RAJESH KUMAR BHAWAREKAR & ORS. Petitioners
Through: Ms. Saahila Lamba, Adv.
versus
UNION OF INDIA & ORS. Respondents
Through: Mr. Piyush Beriwal, Mr. Siddhant
Gupta and Mr. Nikhil Kumar
Chaubey, Advocates

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

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08.02.2024

1. This petition has been filed by the petitioners with the following prayers:

"In the facts and circumstances of the case, it is most respectfully prayed that this Hon'ble Court be pleased to:-

i) Issue a writ of mandamus directing the respondents to revive the 48 posts of Administrative Officer in BRO in time bound manner which fell in deemed abolished category with effect from 26.05.2022 and thereafter convene a Supplementary Departmental Promotion Committee (DPC) for making promotion to the said revived posts and consider petitioners for promotion for the vacancy year 2023 in the Supplementary DPC and if adjudged fit by DPC, promote petitioners to the post of Administrative Officer on said basis with all consequential benefits;

ii) Pass any such other orders as it may deem fit to this Hon'ble Court in the facts and circumstances of the case."

2. Our attention has been drawn to the status report filed by the respondents wherein paragraphs 9, 10 and 11 thereof reads as under:

"9. D PC meeting to finalize the DPC proposal for the vacancy year 2024 for promotion from AAO to AO was held at UPSC on 02 February 2024. Minutes of DPC and promotion order is still awaited.



*10. Regarding revival of deemed abolished post of Administrative Officer, a case was taken up with MoD (BR) for obtaining sanction, but at the same time MoF /DoE vide their OM No 7(1)/E.Coord-1/2017 dated 05 January 2024 issued the directions that the posts lying vacant for less than 5 years would be considered live and no revival would be required for such posts. (MoF/DoE vide their OM No 7(1)/E.Coord-1/2017 dated 05 January 2024 is marked and annexed herewith as **Annexure R/13 (Page 91 to 104)**).*

11. Review DPC proposal for the vacancy year 2024 for promotion from Assistant Administrative Officer (AAO) to Administrative Officer(AO) for eligible officer is under preparation and will be submitted to MoD (BR) soon for their consideration.”

3. Mr. Beriwal, learned counsel appearing for the respondents would submit that as the posts lying vacant are considered as live and no revival would be required, the DPC proposal for the vacancy year 2024 to be conducted by the UPSC has been finalised and as per his instructions, minimum three months are required to hold the DPC as the DPC is to be held under the aegis of the UPSC.

4. We have been informed that the petitioner no.1 is retiring in the month of May, 2024. We expect that the DPC shall be convened within a period of three months from today.

5. It goes without saying that further action in so far as the promotion from AAO to AO shall be in terms of the recommendations made by the UPSC and on approval of the competent authority.

6. The petition is disposed of.

V. KAMESWAR RAO, J

SAURABH BANERJEE, J

FEBRUARY 8, 2024/So..