



2024:DHC:7489-DB



\$~50

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

+ **W.P.(C) 14821/2023**

SHIVAJI CHAUHAN

.....Petitioner

Through: Mr. Mayank Sapra and Ms.
Lalima Das, Advs.

versus

COMMISSIONER OF POLICE, DELHI

AND ORS.

....Respondents

Through: Ms. Radhika Bishwajit Dubey,
CGSC with Ms. Gurleen Kaur, Ms. Drishti
Rawal and Mr. Karan Khetani, Advs. Mr.
Gigi C George and Mr. Sunil Kumar, Advs.
for UOI, Mr. Narender Singh, SI, Delhi
Police/PHQ.

CORAM:

HON'BLE MR. JUSTICE C.HARI SHANKAR

HON'BLE DR. JUSTICE SUDHIR KUMAR JAIN

ORDER (ORAL)

%

26.09.2024

C. HARI SHANKAR, J.

1. The impugned order in this case, passed by the learned Central Administrative Tribunal, reads thus:

“Present OA has been filed by the applicant seeking the following reliefs:-

“1. Direct the respondents to consider and promote the applicant to the post of ACP/Programmer with effect from March 2000. Call for the records;

2. Direct the respondents to grant all consequential

Signature Not Verified

Digitally Signed By: AHT
KUMAR W.P.(C) 14821/2023
Signing Date: 27.09.2024
20:11:56



2024:DHC:7489-DB



benefits to the applicant.

3. Award costs of the proceedings.

4. Pass any such other and/or further orders, as this Hon'ble Tribunal deems fit."

2. At the outset, learned counsel for respondents submits that they have already given the adhoc promotion to the applicant to the post of Asst. Commissioner of Police and the request for amendment in the Recruitment Rules for creating further promotion are under formulation.

3. In view of the above, the applicant is directed to make a fresh comprehensive representation to the respondents. Thereafter, the respondents are directed to consider and dispose of the same by passing a reasoned and speaking order within three weeks from the date of receipt of such representation, relaxing the rules for the time being.

4. The OA is disposed of in view of the aforesaid terms. No costs."

2. After some hearing, Mr. Sapra, learned Counsel for the petitioner submits that the main grievance of his clients is that, as the Recruitment Rules¹ for the post of ACP (Programmer) in the Delhi Police have not been framed since 2002, despite various orders having been passed by the learned Tribunal to that effect from time to time, his client has not been able to obtain any meaningful consequential benefits consequent on his promotion as ACP. In fact, his client has not been able to get regular promotion as ACP which was, in fact, the intent of the prayer in the OA.

3. He, therefore, prays that a direction may be issued to the respondents to frame the RRs for the post of ACP (Programmer) as expeditiously as possible.

¹ "RRs" hereinafter



2024:DHC:7489-DB



4. Mr Sapra has drawn our attention to an order dated 18 April 2011 passed by the learned Tribunal in OA 3547/2010 (*Virender Singh v GNCTD*) in which the learned Tribunal directed the Ministry of Home Affairs and the Government of National Capital Territory of Delhi² to notify the RRs for the post of ACP (Programmer) within three months of receipt of a certified copy of that order. Since then, he submits that thirteen years have been passed and the RRs for the post of ACP (Programmer) are yet to be notified. He submits that the direction for framing of the RRs for ACP (Programmer) was reiterated by the learned Tribunal in its judgment dated 9 December 2019 in OA 2048/2014 (*Kuldeep Singh Dhull v Comm. of Police*).

5. Both these decisions are on record and, on perusal thereof, we find that what Mr. Sapra says is correct.

6. It appears that, despite 13 years having been passed since the judgment of the learned Tribunal in OA 3547/2010, the RRs for ACP (Programmer) are yet to be finalised.

7. We, therefore, dispose of this writ petition, with consent of learned Counsel for the petitioner, with a direction to the respondents to finalise the RRs for the post of ACP (Programmer) as expeditiously as possible and positively within six months from today. In the event that any grievance survives thereafter, liberty shall stand reserved to the petitioner to take appropriate steps as may be available in law.



2024:DHC:7489-DB



8. The petition stands disposed of in the aforesaid terms.

C.HARI SHANKAR, J.

DR. SUDHIR KUMAR JAIN, J.

SEPTEMBER 26, 2024

ar

Click here to check corrigendum, if any