



2024:DHC:7695-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI*****Date of decision: 04.10.2024***

+ W.P.(C) 13933/2024
HC/STEWARD GULSHAN KUMAR FORCE NO 119150096
& ORS.Petitioners

Through: Mr.Anuj Aggarwal, Adv.

versus

THE UNION OF INDIA & ORS.Respondents

Through: Dr.Vijendra Singh Mahndiya,
CGSC with Mr.Jitendra Kumar
Tripathi, GP & Mr.Devendra
Kumar, Ms.Apurva Mahndiyan
& Ms.Anamika Bhatia, Adv.
along with Mr.Ajay Pal, Law
Officer CRPF & Mr.Shiv
Kumar Singh, SI.

CORAM:**HON'BLE MR. JUSTICE NAVIN CHAWLA****HON'BLE MS. JUSTICE SHALINDER KAUR****NAVIN CHAWLA, J. (ORAL)**

1. This petition has been filed by the petitioners under Article 226 of the Constitution of India, praying for the following relief:-

“(a) issue a writ of Mandamus or any other appropriate writ directing the Respondents to favorably consider the petitioners by creating promotional post/s for them in the next cadre review exercise, which is likely to be conducted in the near future.”

2. The learned counsel for the respondents, who appears on advance notice, submits that by an Order dated 06.08.2024, a Cadre Review of the paramedical staff of the Central Reserve Police Force (in short, ‘CRPF’) has been directed to be conducted. He submits that



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the representation of the petitioners shall also be considered by the Board of Officers, which has been constituted to review the Second Cadre Review.

3. The learned counsel for the petitioners submits that unfortunately, in this Cadre Review, the judgments of the Supreme Court in *State of Tripura & Ors. V. Sri K.K. Roy*, (2004) 9 SCC 65 and *Shri. Asok Bhattacharya v. the State of Tripura*, 2017 SCC OnLine Tri 59, may not be properly considered by the respondents, as was the case in the earlier reviews as well. For the present, we cannot presume the same.

4. On the other hand, the learned counsel for the respondents submits that the above judgments are not applicable to the facts of the present case.

5. We are of the view that as the respondents are themselves carrying out a Cadre Review exercise, the contents of the present petition, including the effect of the above referred two judgments, shall be considered as a representation of the petitioners by the Board of Officers while conducting the said exercise, in its correct perspective.

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

NAVIN CHAWLA, J

SHALINDER KAUR, J

OCTOBER 4, 2024/SG/rv/SJ/DG

Click here to check corrigendum, if any