



2024:DHC:9655-DB



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

*Date of decision: 10.12.2024*

+ W.P.(C) 16533/2024

**ANURAAG JASRAAJ SINGH**

.....Petitioner

Through: Mr. K. K. Rai, Sr. Adv. with  
Mr. Piyush Sharma, Mr. Anuj  
Kumar Sharma, Ms. Medha  
Tandon, Mr. Anshul Rai & Ms.  
Sreoshi Chatterjee, Advs.

versus

**UNION OF INDIA & ORS.**

.....Respondents

Through: Mr. P.S. Singh, CGSC with Ms.  
Archana Surve, Adv. & Mr.  
Subedan Ram Niwas, HQ  
DGBR.

**CORAM:**

**HON'BLE MR. JUSTICE NAVIN CHAWLA**

**HON'BLE MS. JUSTICE SHALINDER KAUR**

**NAVIN CHAWLA, J. (Oral)**

**CM APPL. 69920/2024**

1. Allowed, subject to just exceptions.

**W.P.(C) 16533/2024 & CM APPL. 69919/2024**

2. This petition has been filed by the petitioner praying for the following reliefs:

*“a. Direct the Respondent to open the sealed cover of the DPC which was held for the post of Superintending Engineer (Civil) from Executive Engineer (Civil) for the panel year of 2015, and implement the said direction of*



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*the DPC and restoration of his seniority as per the outcome of the then DPC of 2015;*

*b. Direct the Respondents to finalize the Review DPC for promotion from Superintendent Engineer (Civil) to Chief Engineer (Civil) for the panel Year 2024, while considering the petitioner's name as per the restored seniority, before initiating current year's (2024) Supplementary DPC and next Year's (2025) Regular DPC;*

*c. Direct the Respondents to stay all DPCs of Chief Engineer (Civil) from Superintendent Engineer (Civil) set in motion till the Review DPC for petitioner is not implemented."*

3. It is the case of the petitioner that the petitioner was selected to the post of the Assistant Executive Engineer (Civil) [in short, 'AEE (Civil)'] in the Border Roads Engineering Service through Engineering Service Exam in 1989. Later, he was promoted to the post of Executive Engineer (Civil).

4. The petitioner was issued a chargesheet on 24.12.2009 under Rule 14 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965 [in short, 'CCS (CC&A) Rules, 1965']. The assessment of the petitioner for promotion to the post of Superintendent Engineer (Civil) was kept in a sealed cover by the Departmental Promotion Committee (in short, 'DPC') up to panel year 2014-15 and the petitioner was not granted even the Non- Functional Upgradation (in short, 'NFU'), against the panel year 2015-16. Thereafter, various orders were issued whereby juniors of petitioner were promoted. A penalty of Censure was awarded to the petitioner pursuant to the departmental inquiry, under Rule 12 of CCS (CCA) Rules, 1965. The said order was challenged by the petitioner by way



of a writ petition before the High Court of Guwahati, being W.P.(C) 5638/2011 titled ***Sandeep Singh v, Union of India &Ors.***, and the same was allowed *vide* Judgment/Order dated 12.02.2024, passed by the High Court holding as under:

*“15. Situated thus, this Court is of the unhesitant opinion that there was no justifiable ground for the Disciplinary Authority either to initiate a disciplinary proceeding or to disagree with the findings of the Enquiry Officer so as to impose a penalty of ‘Censure’ upon the petitioner. Any order of penalty, is a stigma and, therefore, taints the service record of an officer. As such, unless there is cogent ground to impose a penalty, the order of penalty cannot pass the scrutiny by the Court of Law.”*

5. It is the case of the Petitioner that during the pendency of the petitioner’s first representation dated 27.02.2024, the Departmental Promotion Committee (DPC) for the panel year 2024, convened on 25.03.2024 at the Union Public Service Commission to consider promotions to the post of Chief Engineer (Civil), however, the petitioner’s name was not considered while recommending candidates to the Appointments Committee of the Cabinet, and instead, his juniors were considered. The DPC recommended the promotion of Shri Rajesh Rai, a junior to the petitioner, even though the petitioner’s representation was still pending, and the Judgment of the Hon’ble Guwahati High Court had completely exonerated him, setting aside the order dated 13.04.2016 imposing the punishment of Censure on the petitioner. The petitioner claims that the sealed cover relating to the petitioner’s promotion from Executive Engineer (Civil) to Superintendent Engineer (Civil) should have been opened in



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accordance with the Department of Personnel and Training (DoPT) Office Memorandum dated 14.09.1992, and consequently, the petitioner's seniority should have been restored and his promotion duly considered, as directed by the DPC.

6. The petitioner claims that on 08.10.2024, the respondent no.1 issued an order accepting the order of the High Court of Guwahati, however, the sealed cover has not been opened, and a promotion to the post of Chief Engineer (Civil) has been made on 17.08.2024. The petitioner apprehends that the supplementary DPC is likely to be held for promotion to the post of Chief Engineer (Civil), and if the sealed cover pertaining to the petitioner is not opened, he may lose out in this process as well.

7. The learned counsel for the respondents, who appears on advance notice, submits that *vide* an Order dated 08.10.2024, the petitioner has been "*cleared*" from the vigilance angle and as far as the opening of the sealed cover, a proposal in respect thereof and for promotion to the next higher rank of Superintendent Engineer (Civil) has been submitted to the Ministry of Defence *vide* letter dated 22.10.2024; orders in this regard are awaited. He submits that promotion to the post of Chief Engineer (Civil) can be considered only once the petitioner is promoted to the rank of Superintendent Engineer (Civil) first against the vacancy year 2014-15 and his seniority is re-fixed.

8. Having considered the submissions made by the learned counsels for the parties, we are of the opinion that the present petition can be disposed of by directing the respondents to take a final decision



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regarding the opening of the sealed cover of the petitioner, adopted by DPC for the vacancy year 2014-15 for the post of Superintendent Engineer (Civil), within a period of four weeks from today. Further consequential orders on the opening of the sealed cover shall also be passed within the same period.

9. In the meantime, the respondents will not hold further DPC for the post of Chief Engineer (Civil) in the Border Road Organisation.

10. The petition along with the pending application is disposed of with the above directions.

**NAVIN CHAWLA, J**

**SHALINDER KAUR, J**

**DECEMBER 10, 2024/ab/sk/Dg**

*Click here to check corrigendum, if any*