

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15907 of 2014

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Ajay Kumar Sharma Son of Shri Thakur Singh resident of 456 - A, Nehru Nagar, P.S. Patliputra, Town and District Patna, at Present posted as Inspector RPF, RPF Training Centre, East Central Railway, Mokamaghat, District - Patna

... .. Petitioner/s

Versus

1. The Union Of India through the Chairman, Railway Board, Railway Board, New Delhi.
2. Member Staff, Railway Board, New Delhi
3. Director General, Railway Protection Force, Railway Board, New Delhi
4. Additional Director General, Railway Protection Force, Railway Board, New Delhi
5. IG Administration, Railway Protection Force, Railway Board, New Delhi
6. Chief Security Commissioner, Railway Protection Force, East Central Railway, Hajipur, Vaishali
7. Chief Security Commissioner, Railway Protection Force, Eastern Railway, Kolkata
8. Security Commissioner cum Principal, RPF Training Centre, Mokamaghat, District - Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Manish Kumar, Advocate Mr. Manoj Kumar, Advocate
For the Respondent/s	:	Dr. K.N. Singh, A.S.G. Sr. Advocate Mr. Awadhesh Kumar Pandey, Sr. CGC Mr. Ram Tujabh Singh, CGC Mr. A. K. Verma, Advocate Mr. Mahesh Prasad, SC Railway

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT

Date : 21-04-2025

Heard Learned Counsel for the petitioner and

Learned Senior Counsel appearing on behalf of the Union of

India.

2. The present writ petition has been filed with a



limited relief directing the respondent-authorities to shift the date of promotion of the petitioner as Inspector of RPF with effect from 25.06.1993, i.e., the date of occurrence, for which the petitioner was awarded Police Medal for gallantry.

3. Learned Counsel for the petitioner submits that the basis of the demand of the petitioner is a notification issued by Railway Board dated 24.08.2001 by which Railway Protection Force Amendment Rule, 2001 has been amended including Rule 73, according to which, a recipient of police medal for gallantry and Indian police medal for gallantry may be given one out of turn promotion to the rank of grade higher to the rank or grade held by the recipient. Counsel submits that though the said notification was published vide GSR-483 dated 24th of August, 2001, but the petitioner is seeking his promotion with retrospective effect as he has already been granted gallantry award much prior to the amendment in the said Rule. Learned Counsel has put emphasis that under the RTI, he sought information about the progress taken place on his representation for consideration to shift his date of promotion. He submits that those materials which he has obtained from RTI has been annexed as rejoinder to the counter affidavit. According to his argument, he submits that matter was placed at the highest, but



subsequently at the level of preparation of draft, some objection has come and it is due to this reason, final draft could not be prepared. Learned Counsel for the petitioner submits that the only grievance of the petitioner that even after decision taken at the highest level, the person who are responsible for preparation of draft are creating hurdle and only due to which petitioner could not get the benefit of the same.

4. Learned Senior Counsel for the Union of India submits that till date the Rule amended in 2001 is in existence and there is no law at present, according to which, benefit could be given to the petitioner. He further submits that so far as the matter placed before this Court through rejoinder that decision has been taken at the highest level and draft could not be reached at the highest level and, therefore, according to his submissions, he submits that it is absolutely internal matter of the department and in this regard the legal remedy available to the petitioner only to file representation and nothing else as law is presently not in favour of the petitioner.

5. Upon hearing the parties, it transpires to this Court that today on the date of hearing of this application, the Amendment Rule, 2001 is in existence. It is also true that decision has been taken at the highest level but final draft could



not be finalized till date. Petitioner is admittedly an employee of R.P.F. and the highest authority of the R.P.F. is the Director General R.P.F. Hence, this Court hereby direct the petitioner to represent afresh before the Director General, Railway Protection Force, Railway Board, New Delhi, within 30 days from today and the Director General, Railway Protection Force, Railway Board, New Delhi, is hereby directed to do all the needful, according to the materials place by the petitioner in his rejoinder, indicating that there is a decision that matter is pending at the level of drafting only. He is directed to place the draft before the competent authority and take approval within 90 days from the date of receipt/production of a copy of this order.

6. With the aforesaid directions, this writ petition is disposed off.

(Dr. Anshuman, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	24.04.2025
Transmission Date	NA

