



2025:DHC:196-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI***Date of decision: 15.01.2025*+ W.P.(C) 453/2025
TAPAN CHETRY

.....Petitioner

Through: Mr. A. K. Mishra with Mr.
Arpit Mishra and Mr.
Sudhanshu Dwivedi, Advs.

versus

UNION OF INDIA AND ORS

.....Respondents

Through: Mr. Vivekanand Mishra, SPC.

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 petitioner, being aggrieved of the Office Order dated 18.12.2024 issued by the respondents, informing the petitioner that his case for promotion to the rank of Assistant Sub Inspector (General Duty) has been kept in a sealed cover.

2. The learned counsel for the petitioner submits that pursuant to the allegation that the petitioner had submitted false claims for the Leave Travel Concession, the respondent/Sashastra Seema Bal ("SSB") has already imposed a penalty/punishment *vide* the Orders dated 01.11.2021 and 07.02.2022, on him, which Orders were not challenged by the petitioner though he was aggrieved of the same.

3. The learned counsel for the petitioner submits that as on the date of the Departmental Promotion Committee ("DPC"), no disciplinary proceedings or Charge-Sheet had been filed against the petitioner, therefore, in terms of the Judgment of the Supreme Court in



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Union of India & Ors. v. K. V. Janakiraman and Ors, (1991) 4 SCC 109, the respondents could not have resorted to the sealed cover procedure.

4. Issue notice.

5. Notice is accepted by Mr. Vivekanand Mishra, the learned counsel on behalf of the respondents.

6. He submits that a Charge-Sheet in a criminal case has been filed by the Central Bureau of Investigation making the petitioner accused therein. It is for this reason that the sealed cover procedure was followed against the petitioner.

7. Having considered the submissions made, as the Impugned Order does not give any reason for resorting to a sealed cover procedure against the petitioner, we direct the respondents to give reasons for the same to the petitioner within a period of three weeks from today. While giving reasons, the respondents must also keep in view the Judgment of the Supreme Court in *K. V. Janakiraman* (supra) and act accordingly.

8. In case the petitioner is aggrieved of the reasons supplied to him, it shall be open to the petitioner to challenge the same in accordance with law.

9. The petition is disposed of with the above directions.

NAVIN CHAWLA, J

SHALINDER KAUR, J

JANUARY 15, 2025/ss/sk/IK

Click here to check corrigendum, if any