



2025:DHC:1195-DB



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IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of decision: 24.02.2025

+ W.P.(C) 2327/2025, CM APPL. 10994/2025

SUDHANSHU AND ORS

.....Petitioners

Through: Mr. Rajat Arora, Mr. Niraj Kumar, Mr. Sourabh Mahla and Mr. Om Prakash, Advs.

versus

UNION OF INDIA AND ANR

.....Respondents

Through: Mr. Bhagwan Swarup Shukla, CGSC with Mr. Gokul Sharma, Ms. Priyanka Singh and Mr. Satyam Singh, Advs.

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, praying for the following relief:

“(a) Pass a writ Mandamus or any other appropriate Writ / Orders/Directions to the Respondents to consider the name of the petitioners in the list of Shortlisted Candidates in terms of the Office Order dated 19.08.2024 for the deployment at HCI Dhaka , AHCI Chittangong, AHCI Rajshahi, AHCI Khulna & AHCI Sylhet and issue a Writ of Certiorari to quash clause 4 b (x) of the Office Order dated 15.11.2024.

(b) Pass any other further order/direction as the Hon’ble Court may deem fit and proper in



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the facts and circumstances of the present case”

2. It is the case of the petitioners that the petitioners are not being considered for deployment at the High Commission of India, Dhaka, AHCI Chittagong, AHCI Rajshahi, and AHCI Sylhet from 27.03.2025 to 04.04.2027 only for the reason that they are in the promotion zone and are likely to be detailed to attend the PCC/PPC during their deployment abroad.

3. Clause 04(b)(x) of the Office Order dated 15.11.2024, on the basis of which the petitioners are not being shortlisted for deployment, and of which the petitioners are aggrieved by, is re-produced hereinunder:

“04. Further, it has been directed that while preparing the selection list of personnel for deployment at HCI Dhaka, the recommendations vide letter No. DAC/SW/TS/2018/222 dated 18.07.2018 may be kept in mind.

a. Xxxxx

b. The common Criteria as circulated vide FHQ letter No. (446) dt 09.04.2014, No. (511) dt. 12.05.2016, (334) dt 04.05.2017 & (446) dated 24.05.2018 is as follows:-

xxxxx

x. Officers/personnel who are in the promotion zone/ZOC are likely to be detailed to attend PCC/PPC during their deployment abroad may also not be shortlisted. In this regard action will be taken by Pers. Branch in respect of GOs &



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*Estt. Branch in respect of
NGOs to scrutinize their
records,”*

4. The learned counsel for the petitioners, on instructions, submits that the petitioners are willing to provide an undertaking to the respondents and to this Court, stating that they will not claim any right to promotion, which they may forfeit, due to their not being able to attend the PCC/PPC Course at the time of their deployment or likely to become eligible for during the period of their deployment.

5. Keeping in view the above submission, *prima facie*, we are of the view that once the petitioners are willing to forgo their right of promotion, there can be no reason for the respondents to still insist that they be not considered for their deployment abroad only for the reason that they are within the promotion zone and may have to be detailed to attend the PCC/PPC. It is for the petitioners to decide what would be the best course for their career progression.

6. Keeping in view the above, we direct the respondents to consider the case of the petitioners afresh. However, with the consent of the learned counsel for the petitioners, who states that he has instructions to state so, we make it clear that in case the petitioners are to be detailed for the deployment abroad, they shall have to forgo their right to promotion and shall not claim any equity for not being able to attend the PCC/PPC during the period of their deployment abroad. They shall also not be entitled to any leave or additional benefit in case they later decide to attend the PCC/PPC. In fact, they shall not be



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detailed for this Course during the period of their deployment.

7. The decision on the above shall be taken by the respondents within a period of two weeks from today and be communicated the same to the petitioners.

8. It is made clear that we have not expressed any opinion on the claim of the petitioners for being detailed for posting abroad, and it shall be considered by the respondents on their own merits.

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

NAVIN CHAWLA, J

SHALINDER KAUR, J

FEBRUARY 24, 2025/ss/sk/IK

Click here to check corrigendum, if any