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

+ W.P.(C) 14351/2025

MRINAL ANAND & ANR.Petitioners

Through: Ms. Sonika Gill, Advocate.

versus

DEDICATED FREIGHT CORRIDOR
CORPORATION OF INDIA LIMITEDRespondent

Through: Mr. V.S.R. Krishna, Advocate.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **17.09.2025**

1. Issue notice. Mr. V.S.R. Krishna, learned counsel, accepts notice on behalf of the respondent – Dedicated Freight Corridor Corporation of India Limited [“DFCCIL”].
2. The petitioners are serving in DFCCIL in Grade E-0/E-1. This is the second round of litigation concerning the rules applicable to their eligibility for appearing in the competitive examination for promotion to the post of Junior Manager (Grade E-2).
3. The grievance of the petitioners is that the minimum qualifying service in Grade E-0/E-1 for appearing in the examination has been increased from 3 years to 4 years. It is contended that this change has been brought about by a Circular dated 09.10.2023, without protecting the petitioners, who have been in service since 24.01.2020. The submission is that the petitioners are liable to be protected by



consideration of their candidature in terms of the pre-amendment eligibility criteria.

4. The petitioners submitted a representation dated 01.04.2025 to DFCCIL in this regard, specifically relying upon Clause 3.1.3 of an Office Memorandum [“O.M.”] dated 31.12.2010, issued by the Department of Personnel & Training [“DoPT”], by which guidelines on framing/amendment/relaxation of recruitment rules were issued. Clause 3.1.3 of the guidelines reads as follows:

“3.1.3 Where the eligibility service for promotion prescribed in the existing rules is being enhanced (to be in conformity with the guidelines issues by this Department) and the change is likely to affect adversely some persons holding the feeder grade posts on regular basis, a note to the effect that the eligibility service shall continue to be the same for persons holding the feeder posts on regular basis on the date of notification of the revised rules, could be included in the revised rules.”

5. Ms. Sonika Gill, learned counsel for the petitioners, further submits that an O.M. dated 20.09.2022, issued by the DoPT, also addresses this subject in the following terms:

“6. The Recruitment/Service Rules are of statutory nature. Moreover, any amendment in these Rules generally have prospective effect. Therefore, in terms of para 3.1.3 of DoPT OM No. AB.14017/48/2010-Estt. RR dated 31.12.2010, wherever required, suitable ‘protection clause’ may be incorporated in the amendment proposed in the Recruitment/ service Rules, providing for retention of existing eligibility service for existing incumbents holding the feeder posts on regular basis, where the eligibility service for promotion prescribed in the existing rules is being enhanced and where the change is likely to affect the promotion of these incumbents.”

6. In the first round of litigation [W.P.(C) No. 10350/2025: *Mrinal Anand & Anr. v. Dedicated Freight Corridor Corporation of India Limited*], this Court disposed of the petition by order dated 21.07.2025,



directing DFCCIL to consider the petitioners' representation and pass a reasoned order. The grievance now is that, in its order dated 20.08.2025, DFCCIL has merely reiterated its position that the petitioners were ineligible to participate in the competitive examination, without addressing the effect of the aforesaid Circular/OMs at all.

7. In these circumstances, Mr. Krishna submits that the matter will be reconsidered by DFCCIL, and an appropriate order, dealing with the OMs, will be passed within a period of four weeks from today.

8. The impugned order dated 20.08.2025 is therefore set aside, and DFCCIL is directed to reconsider the matter in light of the Circular and OMs, and to take a reasoned decision within a period of four weeks. The decision be communicated to the petitioners within one week thereafter.

9. The writ petition stands disposed of in the aforesaid terms.

10. The rights and remedies of the parties remain reserved.

PRATEEK JALAN, J

SEPTEMBER 17, 2025

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