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

Date of decision: 21st AUGUST, 2025

IN THE MATTER OF:

+ **W.P.(C) 9454/2016**

YOGINDER SINGH YADAV

.....Petitioner

Through: Mr. Saahila Lamba and Mr. Shayana
Das Pattanayak, Advocates.

versus

UNION OF INDIA AND ORS

.....Respondents

Through: Mr Mukul Singh CGSC with Ms Ira
Singh, Advs.

31

+ **W.P.(C) 9456/2016**

SANTOSH KUMAR SINGH

.....Petitioner

Through: Mr. Saahila Lamba and Mr. Shayana
Das Pattanayak, Advocates.

versus

UNION OF INDIA & ORS

.....Respondents

Through: Mr. Himanshu Pathak SPC with Mr.
Amit Singh, Advs.

32

+ **W.P.(C) 9459/2016**

TARA CHAND

.....Petitioner

Through: Mr. Saahila Lamba and Mr. Shayana
Das Pattanayak, Advocates.

versus

UNION OF INDIA AND ORS

.....Respondents



Through: Mr. Himanshu Pathak SPC with Mr.
Amit Singh, Advs.

33

+ **W.P.(C) 9461/2016**

BHUPENDER KUMAR

.....Petitioner

Through: Mr. Saahila Lamba and Mr. Shayana
Das Pattanayak, Advocates.

versus

UNION OF INDIA & ORS

.....Respondents

Through: Mr. Himanshu Pathak SPC with Mr.
Amit Singh, Advs.

34

+ **W.P.(C) 9464/2016**

K. KARTHIK

.....Petitioner

Through: Mr. Saahila Lamba and Mr. Shayana
Das Pattanayak, Advocates.

versus

UNION OF INDIA & ORS

.....Respondents

Through: Mr. Himanshu Pathak SPC with Mr.
Amit Singh, Advs.

35

+ **W.P.(C) 9502/2016**

TEJ PAL

.....Petitioner

Through: Mr. Saahila Lamba and Mr. Shayana
Das Pattanayak, Advocates.

versus

UNION OF INDIA AND ORS

.....Respondents

Through: Mr Mukul Singh CGSC with Ms Ira
Singh, Advs.

36

+ **W.P.(C) 11769/2016**

SURESH MEENA

.....Petitioner



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Through: Mr. Saahila Lamba and Mr. Shayana
Das Pattanayak, Advocates.

versus

UOI AND ORS

.....Respondents

Through: Ms. Arti Singh, SPC with Ms. Shruti
Goel, Advocates.

37

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W.P.(C) 11648/2017

ROMEO HAKIP

.....Petitioner

Through: Mr. Saahila Lamba and Mr. Shayana
Das Pattanayak, Advocates.

versus

UNION OF INDIA AND ORS.

.....Respondents

Through: Mr. Rajesh Kumar, Senior Panel
Counsel along with Mr Yash Narain
Advocate.

38

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W.P.(C) 2791/2018

ROHIT DIWAKAR

.....Petitioner

Through: Mr. Saahila Lamba and Mr. Shayana
Das Pattanayak, Advocates.

versus

UNION OF INDIA AND ORS.

.....Respondents

Through: Ms. Arti Singh, SPC, Ms. Shruti
Goel, Advocates.

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W.P.(C) 1642/2025

RAJEEV KUMAR

.....Petitioner

Through: Mr. Saahila Lamba and Mr. Shayana
Das Pattanayak, Advocates.



versus

UNION OF INDIA & ORS.

.....Respondents

Through: Ms. Shubhra Parashar Sr. Panel
Counsel and Mr. Virender Pratap
Singh Charak, Mr. Rishav Dubey
Advocates.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

HON'BLE MR. JUSTICE VIMAL KUMAR YADAV

JUDGMENT (ORAL)

SUBRAMONIUM PRASAD, J.

1. W.P.(C) 9454/2016 has been filed by the Petitioner seeking quashing of the Office Order dated 23.08.2016, passed by the Respondent No.3 herein rejecting the representation of the Petitioner for promotion to the rank of Assistant Sub-Inspector (Ministerial).
2. W.P.(C) 9456/2016 has been filed by the Petitioner seeking quashing of the Office Order dated 23.08.2016, passed by the Respondent No.3 herein rejecting the representation of the Petitioner for promotion to the rank of Assistant Sub-Inspector (Ministerial).
3. W.P.(C) 9459/2016 has been filed by the Petitioner seeking quashing of the Office Order dated 23.08.2016, passed by the Respondent No.3 herein rejecting the representation of the Petitioner for promotion to the rank of Assistant Sub-Inspector (Ministerial).
4. W.P.(C) 9461/2016 has been filed by the Petitioner seeking quashing of the Office Order dated 23.08.2016, passed by the Respondent No.3 herein rejecting the representation of the Petitioner for promotion to the rank of



Assistant Sub-Inspector (Ministerial).

5. W.P.(C) 9464/2016 has been filed by the Petitioner seeking quashing of the Office Order dated 30.05.2016, passed by the Respondent No.3 herein rejecting the representation of the Petitioner for promotion to the rank of Assistant Sub-Inspector (Ministerial).

6. W.P.(C) 9502/2016 has been filed by the Petitioner seeking quashing of the Office Order dated 28.07.2016, passed by the Respondent No.3 herein rejecting the representation of the Petitioner for promotion to the rank of Assistant Sub-Inspector (Ministerial).

7. W.P.(C) 11769/2016 has been filed by the Petitioner seeking quashing of the Office Order dated 23.08.2016, passed by the Respondent No.3 herein rejecting the representation of the Petitioner for promotion to the rank of Assistant Sub-Inspector (Ministerial).

8. W.P.(C) 11648/2017 has been filed by the Petitioner seeking quashing of the Office Order dated 11.08.2017, passed by the Respondent No.3 herein rejecting the representation of the Petitioner for promotion to the rank of Assistant Sub-Inspector (Ministerial).

9. W.P.(C) 2791/2018 has been filed by the Petitioner seeking quashing of the Office Order dated 07.02.2018, passed by the Respondent No.3 herein rejecting the representation of the Petitioner for promotion to the rank of Assistant Sub-Inspector (Ministerial).

10. W.P.(C) 1642/2025 has been filed by the Petitioner seeking quashing of the Office Order dated 11.08.2017, passed by the Respondent No.3 herein rejecting the representation of the Petitioner for promotion to the rank of Assistant Sub-Inspector (Ministerial).

11. The facts, in brief, leading to the present Petitions are that the



Petitioners herein are enrolled in the Border Security Force (BSF) and are presently working in the rank of Head Constable in the Ministerial Cadre in BSF. It is stated that the Petitioners became eligible for promotion to the rank of ASI (Ministerial) and their names were considered for promotion by the Departmental Promotion Committee (DPC). However, the Petitioners were not recommended for promotion to the rank of ASI (Ministerial) primarily for the reason that punishment of reprimand/severe reprimand was imposed on the Petitioners during their tenure as Head Constable (Ministerial). A table showing the details of the Petitioners along with the nature of misconduct and the date of reprimand is given below as under:

S.I. NO.	NAME OF THE PETITIONER AND WPC NO.	REPRIMAND/SEVERE REPRIMAND DATE	NATURE OF MISCONDUCT	YEAR QUA WHICH PROMOTION DENIED
1	YOGINDER SINGH YADAV W.P.(C) 9454/2016	09.04.2012	Absent without leave (AWL) for two days. (Section 19 (a) of the BSF Act, 1968)	2016-17
2	SANTOSH KUMAR SINGH W.P.(C) 9456/2016	16.04.2012	Absent without leave (AWL) for two days. (Section 19 (a) of the BSF Act, 1968)	2016-17
3	TARA CHAND W.P.(C) 9459/2016	09.04.2012	Absent without leave (AWL) for two days. (Section 19 (a) of the BSF Act, 1968)	2016-17
4	BHUPENDER KUMAR W.P.(C) 9461/2016	09.04.2012	Absent without leave (AWL) for two days. (Section 19 (a)	2016-17



			of the BSF Act, 1968)	
5	K. KARTHIK W.P.(C) 9464/2016	08.01.2014	Failure to call for an explanation from ASI (Steno) Manpreet Singh as directed by the Commandant. (Section 40 of the BSF Act, 1968)	2016-17
6	TEJ PAL W.P.(C) 9502/2016	20.11.2015	Retrospectively endorsed entries of leave sanctioned to one constable for the year 2013	2016-17
7	SURESH MEENA W.P.(C) 11769/2016	19.01.2015 (Severe Reprimand)	Overstaying leave without authorization for 26 days. (Section 19 (b) of the BSF Act, 1968)	2016-17
8	ROMEO HAKIP W.P.(C) 11648/2017	30.04.2012 & 16.08.2013 (Severe Reprimand)	Absent without leave (AWL) and overstaying leave (OSL). (Sections 19 (a) and 19 (b) of the BSF Act, 1968)	2017-2018
9	ROHIT DIWAKAR W.P.(C) 2791/2018	25.05.2015	Disobedience of lawful command (Section 40 of BSF Act, 1968)	2017-2018
10	RAJEEV KUMAR	05.07.2013	Overstaying leave for 233	2017-2018



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	W.P.(C) 1642/2025		days. (Section 19 (b) of the BSF Act, 1968)	
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12. It is the case of the Petitioners that they have not been communicated the order of reprimand/severe reprimand and, therefore, they could not have been declared as unfit for promotion by the DPC on the basis of uncommunicated punishment. It is stated by the Petitioners that barring the uncommunicated reprimands, the APAR entries of the Petitioners range from very good to outstanding and the DPC has only taken into account the uncommunicated punishment/reprimands while deciding the suitability of candidates for promotion to the rank of ASI (Ministerial). It is stated by the Petitioners that uncommunicated reprimands cannot be the sole basis for denial of promotion to the Petitioners. The Petitioners, therefore, state that without seeking reply from the Petitioners, the punishment of reprimand could not have been given to the Petitioners.

13. Counter Affidavits have been filed. In the counter affidavit it is not stated as to whether the punishment of reprimand or the procedure for grant of punishment was followed and the Petitioners were communicated about the order of punishment on the basis of which the Petitioners have been adjudged unfit for promotion to the rank of ASI (Ministerial).

14. In the opinion of this Court an uncommunicated order cannot be a basis to declare the Petitioners unfit for promotion. Without communicating the reprimand orders to the Petitioners and seeking their reply/representation for the same, the Respondents could not have proceeded ahead. In view of the above, this Court is inclined to set aside the impugned Office Orders rejecting the representations of the Petitioners herein. The Respondents are



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directed to convey the reprimand orders to the Petitioners and call for an explanation from them regarding the punishments imposed on them which has become adverse to the Petitioners and the Petitioners' case for promotion has not been considered. The Respondents are directed to consider the explanations given by the Petitioners and proceed in accordance with the Rules and if the reprimand imposed on the Petitioners is removed, the Respondents are further directed to hold a review DPC to consider as to whether the Petitioners are fit for promotion to ASI (Ministerial) or not. Let the said exercise be concluded within six weeks from today.

15. With these directions, the Writ Petitions are disposed of, along with the pending applications, if any.

SUBRAMONIUM PRASAD, J

VIMAL KUMAR YADAV, J

AUGUST 21, 2025

Rahul