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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 2125/2026 and CM APPL. 10338/2026

VIKASH KUMAR & ORS.

.....Petitioners

Through: Mr. Vivek Sheel, Adv.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr. Neeraj, SPC along with Mr. Sanjay Pal, GP, Mr. Rudra Paliwal and Mr. Soumyadip Chakraborty, Advs.

CORAM:

HON'BLE MR. JUSTICE ANIL KSHETARPAL

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

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21.04.2026

1. The Petitioners, herein, have been deputed temporarily to serve as Constable (Kitchen Services) on account of deficiency of kitchen service staff. This order has been passed on 11.09.2025 in view of the extraordinary shortage of kitchen staff prevailing in the Indo-Tibetan Border Police Force (ITBP).
2. The Petitioners were previously working as Constable Kitchen Staff and were re-mustered as Constable (GD). However, they have been directed to perform their services in the kitchen.
3. Learned counsel representing the ITBP has informed this Court that the process of recruiting the kitchen staff has been initiated and shall be completed by September 2026.
4. Learned counsel representing the Petitioners submit that the Respondent could have asked for options instead of passing an order compelli8ng the Petitioners to work in the kitchen.



5. Learned counsel representing the Respondent has also drawn attention of this Court to sub-Rule 5 of Rule 8 of the Indo Tibetan Border Police Force Act, 1994, which reads as under:

“(5) Any member of the Force shall be liable to perform any duties in connection with the task pf the Force mentioned in rule 8(1), the administration, discipline, training and welfare of the Force and such other duties as he may be called upon to perform in accordance with any law for the time being in force. Any order given in this behalf by a superior officer shall be a lawful command for the purpose of the Act.”

6. This Court has considered the submission, and is of the opinion that the present arrangement is temporary in nature and in need of the hour.

7. In the peculiar facts of this case, this Court does not find it appropriate to exercise extraordinary jurisdiction. Hence, the present Petition, along with pending application, stands dismissed.

ANIL KSHETARPAL, J.

AMIT MAHAJAN, J.

APRIL 21, 2026
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