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

+ **W.P.(C) 2372/2026**

RAJ KUMAR BASATTA

.....Petitioner

Through: Mr. Sahil Chandra, Adv.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Ms. Anshula L. Bakhru, SPC with
Ms. Shambhavi Sharma, GP

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

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19.02.2026

CM APPL. 11566/2026 (Exemption)

1. Exemption is allowed, subject to all just exceptions.
2. The application stands disposed of.

W.P.(C) 2372/2026

3. This petition has been filed with the following prayers:-

“a. Issue a Writ, order or direction in the nature of Mandamus directing the Respondent nos. 1, 2 and 3 to give full and effect to the Order bearing Ref. No. C-14011/54/2013/CC/Pers/BSF/23306-12 dated 17.09.2021, issued by the Director General, Border Security Force; and/or

b. Issue a Writ, order or direction in the nature of Mandamus directing the Respondent Nos. 1, 2 and 3 to re-fix the seniority of the Petitioner strictly in accordance with



the terms of the Order dated 17.09.2021 and place the Petitioner in the same position as he would have occupied but for the now-remitted punishment; and/or

c. Issue a Writ, order or direction in the nature of Mandamus directing the Respondent Nos. 1, 2 and 3 to convene and conclude all pending review Departmental Promotion Committees (DPCs) for the Petitioner for retrospective consideration of promotion from the rank of Second-in- Command to Commandant, from the rank of Commandant to Deputy Inspector General and thereafter grant the Petitioner notional and actual promotions with all consequential benefits; and/or

d. Issue a writ, order or direction in the nature of Mandamus directing the Respondents to consider the Petitioner for promotion to the rank of Inspector General, subject to eligibility, after completion of the aforesaid review DPCs, without being prejudiced by the earlier illegal punishment or delay caused by the Respondents; and/or

e. Issue a writ, order or direction directing the Respondent nos. 1, 2 and 3 to grant consequential pay fixation and release all arrears of pay and allowances, together with interest at such rate as this Hon'ble Court may deem fit, in view of the prolonged and unexplained delay attributable solely to the Respondents; and/or

f. Issue appropriate order(s)/direction(s) an order awarding awarding costs and/or compensation in favour of the Petitioner for the prolonged harassment, reputational harm, career stagnation and financial deprivation suffered by the Petitioner for no fault on his part; and

g. Pass any other/ further order(s) or direction(s) as this Hon'ble Court may deem fit and proper in the interest of justice."

4. Though the prayers in the petition are for giving effect to the order dated 17.09.2021, we also note that in a further communication dated 01.12.2025, the respondents have in paragraph no.4 stated as under:-



“4. Accordingly, after following the due procedure, your promotion from DC to 2IC was issued wef 29.06.2004 (Notionally) vide O/No.60867-61217 dated 10.09.2025. Thereafter, the proposal for holding of review DPC for next promotion from 2IC to Comdt approved by MHA on 07.11.2025, and the case for review DPC is under progress with Confd Section. Subsequent DPCs will be conducted step by step as mentioned at para 3 of this letter.”

5. The aforesaid would clearly reveal that the respondents concede to the fact that the petitioner's promotion from the post of Deputy Commandant to 2IC has been issued w.e.f., 29.06.2024 though notionally and a proposal for holding review DPC for next promotion from 2IC to Commandant is under consideration with the confidential section and secondly, DPC will be conducted step by step as mentioned in paragraph no.3 of the said communication.

6. Learned counsel for the petitioner would submit that the petitioner is entitled to promotion to the post of DIG and thereafter to the post of IG by advancing the date of consideration for promotion to those posts on the basis of the petitioner getting promoted from DC to 2IC w.e.f., 29.06.2004.

7. He states that appropriate shall be, the respondents be directed to consider the petition as a representation on behalf of the petitioner and decide the same by a reasoned and speaking order and if required taking consequential action.

8. Accordingly, we dispose of the petition by granting 12 weeks time to the respondents to decide this petition as a representation and pass a reasoned and speaking order. If the respondents agree with the claim of the petitioner in this writ petition, to take consequential action thereof.

9. Petition is disposed of.



10. If the petitioner has any grievance against the order to be passed by the respondents, he shall be at liberty to seek such remedy as available in law.

V. KAMESWAR RAO, J

MANMEET PRITAM SINGH ARORA, J

FEBRUARY 19, 2026

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