



2026:DHC:3364-DB



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

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Judgment reserved on: 15.01.2026

Judgment pronounced on: 23.04.2026

+ **W.P.(C) 2804/2024**

RAJBIR SINGH

.....Petitioner

Through: Dr. S. S. Hooda and Mr. Shaurya
Banshtu, Advs.

versus

COMMISSIONER OF POLICE & ORS.Respondents

Through: Ms. Radhika Bishwajit Dubey,
CGSC.

CORAM:

HON'BLE MR. JUSTICE ANIL KSHETARPAL

HON'BLE MR. JUSTICE AMIT MAHAJAN

J U D G M E N T

AMIT MAHAJAN, J.

1. The present petition is filed under Article 226 read with Article 227 of the Constitution of India assailing the order dated 22.12.2023 (hereafter '**impugned order**') passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereafter '**Tribunal**') in O.A. No. 4276/2015. The Petitioner's challenge to the rejection of his representation for grant of seniority from an earlier date was dismissed by the impugned order.

2. Succinctly stated, the Petitioner was appointed as Sub-Inspector (Exe.) in the Delhi Police on 21.11.1991. In recognition of his service, he was granted an out-of-turn *ad hoc* promotion to the rank of Inspector



(Exe.) on 17.02.1998 under Rule 19(ii) of the Delhi Police (Promotion & Confirmation) Rules, 1980 (hereafter '**Delhi Police Rules**'). Subsequently, by order dated 31.12.1999, the said out-of-turn promotion was antedated with effect from 02.11.1994. Thereafter, the Petitioner's promotion was regularised with effect from 02.07.1997 vide order dated 24.01.2000.

3. Thereafter, in the year 2014, the Petitioner preferred a representation to the Respondents seeking antedating of his regularisation in promotion to 02.11.1994, i.e., the date from which his out-of-turn promotion had been given effect, along with all consequential benefits.

4. However, the said representation was rejected by the Respondents vide order dated 09.10.2015. The relevant portion of the rejection order is reproduced as under: -

"The representation dated 14.09.2015 submitted by Inspector (Exc.) Rajbir Singh Malik, No. D-I/309 for fixation of his seniority in the rank of Inspector by extending the benefit of judgement dated 06.05.2013 delivered by the Hon'ble High Court of Delhi in CWP No.6626/2011- Commissioner of Police, Delhi Vs. Brahmjeet Singh & Ors. has been considered in this Hdqrs. It has been found that the representationist was granted out turn promotion in the rank of Insp. (Exe) on adhoc basis under Rule-19(ii) of Delhi Police (Promotion & Confirmation) Rules 1980 w.e.f 22.11.1994 and his seniority was fixed in the bottom of Promotion List-F (Exe.) dated 12.08.1994,

It has also been found that the Hon'ble CAT vide common judgement dated 10.06.2011 in O.A. No. 2612/2005- Brahmjeet Singh Vs. UOI & ors. and in another similar OA directed to fix the applicants' seniority with reference to the year in which they have been given out of turn promotion by placing their names at the bottom of the respective promotion lists of the year in which out of turn promotion has actually been given to them. The said order of the Hon'ble CAT



has also been upheld by the Hon'ble High Court of Delhi vide its judgement dated 06.05.2013 in CWP No. 6626/2011 - Commissioner of Police, Delhi Vs. Brahmjeet Singh & Ors. and the same has been challenged by the department in the Hon'ble Supreme Court of India in SLP No. 11470/2014.

Inspector (Exe.) Rajbir Singh Maiik, No. DI/ 309 was granted out of turn promotion in the rank of Insp. (Exe.) on adhoc basis under Rule-19(ii) of Delhi Police (Promotion & Confirmation) Rules, 1980 w.e.f. 22.11.1994 and his seniority was fixed by placing his name in the bottom of Promotion List-F (Exe.) dated 12.08.1994 i.e. in the same year in which he had been granted out of turn promotion which is already in consonance with the judgement dated 10.06.2011 delivered by the Hon'ble CAT duly upheld by Hon'ble High Court of Delhi vide its judgement dated 06.05.2013, referred to above. This also dispose off his earlier representation dated 11.04.2014 received in this Hdqrs. vide U.O. No.9315/Estt. Br. (DAI/ Sec., dated 16.04.2014.

The Inspector may be informed accordingly.”

5. Thereafter, the Petitioner approached the learned Tribunal by way of O.A. No. 4276/2015, assailing the order of rejection dated 09.10.2015. The said application was, however, dismissed by the learned Tribunal *vide* the impugned order. The learned Tribunal held that the Respondents had rightly placed the Petitioner at the bottom of the promotion list dated 12.08.1994, which had been prepared in the same year in which he was granted out-of-turn *ad hoc* promotion.

6. Aggrieved, the Petitioner has approached this Court by way of the present petition.

7. Learned Counsel for the Petitioner submitted that Rule 19(ii) of the Delhi Police Rules requires that out-of-turn promotees be placed at the bottom of the Promotion List prepared *for the year* of such promotion, and not a list merely prepared *in that year*. He places reliance



on the judgment of the Hon'ble Apex Court in **Civil Appeal No.6283/2015** titled **GNCTD & Ors Vs. Ravinder Pal**.

8. He submitted that the Petitioner was placed at the bottom of Promotion List-F (Exe.) dated 12.08.1994, as a result of which his regularisation was effected only on 02.07.1997, i.e., after the last officer in the said list was promoted. He submitted that the "promotion list for the year 1994" ought to refer only to officers actually promoted in that year, and not an extended list operating over subsequent years.

9. The learned counsel for the Petitioner provided details of certain Police officers who were granted out of turn promotion under Rule 19(ii) of the Delhi Police Rules in 1994, the same are reproduced as under:

Name of the Police officer	Date of OTP	Sl. No. in the Promotion List "F" drawn on 12.08.1994	Date regularization of ad-hoc promotion
SI Niyam Pal Singh, No. D/1760 (DI/ 765)	15.04.1994	110	18.08.1994
SI Raj Kumar, No. D/3 (D-I/945)	15.04.1994	211	18.08.1994
SI Rajbir Singh, No. D/162 (DI/ 814)	05.08.1994	220	18.08.1994
SI Raja Ram, No. D/1728 (D-I/748)	05.08.1994	76	18.08.1994
SI Surender Kumar, No. D/996 (DI/ 196)	05.08.1994	140	18.08.1994



10. He submitted that the contents of the aforementioned table, clearly establish that the year in which the said police officers were granted out of turn promotion and the year in which out of turn promotion was regularized is the same i.e. 1994. He submitted that the last promotion order in the year 1994 was issued on 18.08.1994 and the Respondents have clearly placed the said officers at the bottom of the Promotion List for the year 1994 in accordance with the mandate of Rule 19(ii) of the Delhi Police Rules. He submitted that the Petitioner has not been treated similarly and has been singled out by not placing him at the bottom of the promotion list of Sub-Inspectors who were actually promoted in the year 1994.

11. He submitted that the Respondents in their Counter-Affidavit before the learned Tribunal admitted that ad-hoc promotions of as many as 267 Sub-Inspectors were regularised with effect from 18.08.1994 out of whom, promotion of 7 Sub Inspectors was discontinued. He submitted that conjoint reading of Rule 19(ii) and the judgment of the Hon'ble Apex Court in ***GNCTD & Ors Vs. Ravinder Pal (Supra)***, leads to the irresistible conclusion that the Petitioner ought to be placed at the bottom of the list of 267 Sub-Inspectors who were given regular promotion with effect from 18.08.1994.

12. He submitted that *vide* order dated 16.04.2014, the Delhi Police regularised the promotion of a similarly situated officer, one Brahmjeet Singh in terms of the judgment of the Hon'ble Apex Court in ***GNCTD & Ors Vs. Ravinder Pal (Supra)***. He submitted that similar orders dated 17.12.2013, were also passed by the Delhi Police in the case of one



Constable Banay Singh. However, the same relief was denied to the Petitioner.

13. *Per Contra*, the learned Central Government Standing Counsel vehemently opposed the present petition. She submitted that the impugned order does not suffer from any infirmity, whatsoever.

14. She submitted that the last candidate in the said Promotion List-F (Exe.) came to be regularised with effect from 02.07.1997, and consequently, the Petitioner's ad hoc promotion was also regularised from the same date vide order dated 24.01.2000, strictly in accordance with Rule 19(ii). She further submitted that the Petitioner did not raise any objection to the said order at the relevant time and approached the authorities only after an inordinate delay of over 14 years, whereafter his representation was rightly rejected.

15. She submitted that in the DPC dated 12.08.1994, 337 eligible Sub-Inspectors (Exe.) were admitted to Promotion List-F (Exe.), out of which 267 were promoted on regular basis with effect from 18.08.1994, 21 were granted proforma promotion, and 4 were deferred on account of censure. She submitted that the remaining 45 officers were granted ad hoc promotion on 18.08.1994, i.e., prior to the Petitioner's promotion, out of which 7 were later discontinued and the remaining 38 were regularised with effect from 02.07.1997. She submitted that since these 38 officers, who were already borne on the said Promotion List, were regularised from 02.07.1997, the Petitioner's regularisation was also correctly effected from the same date.



16. She submitted that the contention of the Petitioner regarding certain officers, namely, S.I Niyam Pal Singh, S.I. Raj Kumar, S.I. Rajbir Singh, S.I. Raja Ram and S.I. Surender Kumar, being granted out-of-turn promotion and regularisation in the same year is misplaced, as those officers had been granted such promotion prior to the DPC dated 12.08.1994 and were duly considered by the DPC in accordance with their seniority, belonging to earlier batches (1979–1982), unlike the Petitioner who was appointed as Sub-Inspector (Exe.) only on 22.11.1991.

Analysis

17. In the present case the Petitioner has been granted out of turn *ad hoc* promotion in terms of Rule 19(ii) of the Delhi Police Rules, hence, this Court, at the outset considers it apposite to discuss the provision of Rule 19(ii) of the Delhi Police Rules. Rule 19(ii) of the Delhi Police Rules has been reproduced hereunder:

*“(ii) To encourage outstanding sportsmen, marksmen, officers who have shown exceptional gallantry and devotion to duty, the Commissioner of Police may, with prior approval of Administrator, promote such officers to the next higher rank provided vacancies exist. Such promotions shall not exceed 5 per cent of the vacancies likely to fall vacant in the given year not in the rank. Such promotions shall be treated as ad-hoc and will be regularised when the persons so promoted have successfully completed the training course prescribed like (Lower School Course), if any. **For purposes of seniority such promotees shall be placed at the bottom of the promotion list drawn up for that year.**”*
(emphasis supplied)



18. Rule 19(ii) of the Delhi Police Rules provides that officers who have shown exceptional gallantry and devotion to duty may be promoted to the next higher rank provided vacancies exist. The said rule further provides that, for the purpose of seniority, such promotees shall be placed at the bottom of the promotion *list drawn up for that year*.

19. The Hon'ble Apex Court in ***GNCTD & Ors Vs. Ravinder Pal*** (*Supra*) held that the correct interpretation of Rule 19(ii) of the Delhi Police (Promotion and Confirmation) Rules, 1980 is that the official(s) promoted out of turn in any year shall be placed, for the purpose of seniority, at the bottom of the Promotion List of the year in which out of turn promotion is given. The Hon'ble Apex Court while also discussing Rule 19(ii) of the Delhi Police Rules held as under:

“We are persuaded to take this view as a reading of the Rule 19, sub-Rule (ii) makes it clear that for purposes of seniority, they would be placed at the bottom of the promotion list drawn up for that year. This would, in turn, imply that the promotions are earned in the year when the vacancy accrued. They are given ad hoc promotions first because of certain special circumstances i.e. for an act of bravery, gallantry and devotion to duty. How the seniority would be reckoned would be clarified from the last portion of the Rule which provides that for purposes of seniority, such promotees shall be placed at the bottom of the promotion list drawn up for that year. Thus, the High Court was correct opining in para 17 of the impugned order that the plain and simple English language should guide that in the promotion list drawn up that year i.e. the year of promotion, the names of the subordinate officers have to be entered and for the purposes of seniority to be so placed at the bottom of the promotion list drawn up for that year which, in turn, would imply that the year of the promotion and not any other year.”



20. In the facts of the present case, the Petitioner, keeping in view his exceptional gallantry and devotion to duty, was promoted (on *ad hoc* basis) as Inspector (Exe.) on out of turn basis under Rule 19(ii) of the Delhi Police Rules on 17.02.1998. This promotion was antedated with effect from 02.11.1994 *vide* order dated 31.12.1999. The out of turn promotion of the Petitioner was regularised with effect from 02.07.1997, by an order dated 24.01.2000.

21. At the outset, it is pertinent to mention that, the Petitioner made a representation before the Respondents to antedate his regularization in promotion after a considerable period of more than 14 years. Thereafter, upon rejection of the said representations, the Petitioner filed an O.A before the learned Tribunal. It has been contended that the present petition does not suffer from delay in latches since the Petitioner made representations before the authority pursuant to similarly situated persons being granted the same relief pursuant to orders of this Court. It is the contention of the Petitioner that the judgment granting relief to similarly situated officers is a judgment *in rem* and has produced orders of the Office of the Commissioner of Delhi Police, where the benefit of the judgment in ***GNCTD & Ors Vs. Ravinder Pal (Supra)***, has been granted to other officers without making any representations.

22. It is well settled that where an employee fails to challenge an allegedly wrongful action within a reasonable time and acquiesces therein, but seeks to raise the issue belatedly only upon the success of similarly situated employees before a court of law, such a claim is not liable to be entertained. In such circumstances, the employee is treated



as a fence-sitter, and the doctrines of delay, laches, and acquiescence constitute valid grounds to deny the benefit of judgments rendered in favour of others. However, considering the fact that the Respondents have granted the benefit of the judgment of ***GNCTD & Ors Vs. Ravinder Pal*** (*Supra*) to other officers without making any representations, in the opinion of this Court, the present case ought to be adjudicated on merits.

23. Adverting to the merits of the present case, a bare perusal of Rule 19 (ii) read with the judgment in ***GNCTD & Ors Vs. Ravinder Pal*** (*Supra*), makes it abundantly clear that the official(s) promoted out of turn in any year *shall be placed, for the purpose of seniority, at the bottom of the Promotion List for the year in which out of turn promotion is given.*

24. Admittedly, the Petitioner has been placed at the bottom of the Promotion List “F” dated 12.08.1994 i.e. the year in which he has been granted out of turn *ad-hoc* promotion (02.11.1994). The seniority of the Petitioner has also been fixed by placing him at the bottom of the said list. The same is also evident from the relevant extract of the order dated 09.10.2015, passed by the competent authority, which reads as under: -

“Inspector (Exe.) Rajbir Singh Maiik, No. DI/ 309 was granted out of turn promotion in the rank of Inspr. (Exe.) on adhoc basis under Rule-19(ii) of Delhi Police (Promotion & Confirmation) Rules, 1980 w.e.f. 22.11.1994 and his seniority was fixed by placing his name in the bottom of Promotion List-F (Exe.) dated 12.08.1994 i.e. in the same year in which he had been granted out of turn promotion which is already in consonance with the judgement dated 10.06.2011 delivered by the Hon'ble CAT duly upheld by Hon'ble High Court of Delhi vide its judgement dated



06.05.2013, referred to above. This also dispose off his earlier representation dated 11.04.2014 received in this Hdqrs. vide U.O. No.9315/Estt. Br. (DAI/ Sec., dated 16.04.2014.”

25. Though the above has not been disputed, the only grievance of the Petitioner remains that the last officer who was placed in the Promotion List “F” dated 12.08.1994, was regularised with effect from 02.07.1997, and since the Petitioner was placed right below him, he was also regularised with effect from 02.07.1997. It is the case of the Petitioner that the Petitioner ought to be placed at the bottom of the list *for the year* 1994 i.e. which was exhausted in 1994 itself, and not in the promotion list which exhausts in 1997. It is his contention that the list which exhausts in 1997 cannot be said to be the list *for the year* 1994 as per Rule 19 (ii). The Petitioner contends that he ought to be placed right below the last officer who has been regularised in the year 1994.

26. As per Rule 19 (ii) and the judgment of **GNCTD & Ors Vs. Ravinder Pal** (*Supra*) it is amply clear that the list would be *the list drawn up for that year i.e. the year of promotion and not any other year*. Promotion List “F” dated 12.08.1994 evidently is the list drawn up for the year 1994 and governs the sequence of promotions as well as the inter-se seniority of the officers therein. Undisputedly, every officer placed in Promotion List “F” dated 12.08.1994 had been granted promotion in the year 1994 itself, though regularized as and when the vacancies arose. The Petitioner was also granted promotion on *ad hoc* basis in the year 1994 for which this Promotion List “F” was drawn, and thus the contention of the Petitioner that the said list cannot be considered to be the promotion list *for the year* 1994, holds no merit.



27. As regards the other aspect, that the promotion of the Petitioner should have been regularized along with the officers who were regularized the year 1994 itself, the manner in which the promotions under the Promotion List “F” were made becomes relevant.

28. It has been brought on record that a total of 337 eligible Sub-Inspectors (Exe.) were admitted to the Promotion List “F” dated 12.08.1994. Out of which 267 Sub-Inspectors (Exe.) were promoted on regular basis with effect from 18.08.1994. 21 Sub-Inspectors were given proforma promotion (on deputation) and promotion of 04 Sub-Inspectors (Exe.) were deferred for a period of 6 months (punishment of censure).

29. The remaining 45 Sub-Inspectors, in the said list, were promoted on *ad hoc* basis on 18.08.1994 to the rank of Inspector (Exe.), however the promotion of 7 of those officers was discontinued due to certain reasons. The remaining 38 Sub Inspectors (Exe.) whose names were already on Promotion List “F” and were given *ad hoc* promotion to the rank of Inspector (Exe.) with effect from 18.08.1994.

30. It is pertinent to note that availability of vacancies is *sine qua non* to appointment on promotion. In terms of Rule 19(ii), the Petitioner was rightly placed at the bottom of the promotion list for the year 1994, however, the said promotion of the Petitioner could only be regularised after these officers placed above the Petitioner are regularised. Since, the promotion of the last officer on the list (i.e. from the batch of 38 officers whose *ad-hoc* promotion was w.e.f. 18.08.1994, i.e. before that of the Petitioner) was regularised with effect from 02.07.1997, the promotion



of the Petitioner was also regularised from 02.07.1997. The officers placed in the promotion list can only be regularised as and when a vacancy arises, and officers who were granted *ad hoc* promotions prior to the Petitioner, were only regularised in the year 1997, thus, his promotion was also rightly regularised with effect from 02.07.1997.

31. Evidently, the Petitioner has not been able to furnish any reason whatsoever, to demonstrate that he should have been placed above all these 38 Officers, and regularized before them.

32. Additionally, though it has been urged that similarly situated five officers namely S.I Niyam Pal Singh, S.I. Raj Kumar, S.I. Rajbir Singh, S.I. Raja Ram and S.I. Surender Kumar have been granted *ad-hoc* promotion in the year 1994 and their promotion was also regularized in the year 1994, however, it emerges that they were granted out of turn *ad hoc* promotion prior to the Petitioner in 15.04.1994 and 05.08.1994, and were also Sub Inspectors (Exe.) of the batches of 1979 to 1982. Considering the aforesaid, no case for parity with the aforesaid officers has been made by the Petitioner.

33. The Petitioner has also sought parity with certain police officials, namely, Shri Brahmjeet Singh and Baney Singh. It has been pointed out by the learned counsel for the Respondents that the cases of Shri Brahmjeet Singh and Banay Singh are quite distinct from the case of the Petitioner. Both the aforesaid Officers had been placed in promotion lists, subsequent to the year of their out turn promotion, due to the fact that no promotion list was drawn up in the year they were promoted.



Pursuant to the orders of the Tribunal, both the officers were placed at the bottom of the promotion list for the year of their out of turn promotion in accordance with Rule 19(ii) of the Delhi Police Rules. The Petitioner has failed to make any specific averments as to how his case is similar to that of Shri Brahmjeet Singh and Banay Singh, the same has also been rightly noted by the learned Tribunal.

34. Thus, in the opinion of this Court, the view adopted by the learned Tribunal appears to be a plausible view, and this Court in judicial review cannot sit as an Appellate Court over the findings arrived at by the learned Tribunal and substitute its own view. Hence, no interference is warranted in the impugned order in exercise of extraordinary Writ jurisdiction.

35. Accordingly, the petition is dismissed. The impugned order passed by the learned Tribunal is upheld.

AMIT MAHAJAN, J.

ANIL KSHETARPAL, J.

APRIL 23, 2026