



2026:DHC:4684-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 7109/2026, CM APPLs. 34821/2026, 34822/2026 & 34823/2026

UNION OF INDIA AND ORSPetitioners
Through: Mr. P.S. Singh, CGSC with Mr. Rajneesh Kumar Sharma, Ms. Shivangi Sharma, Mr. Aditya Tomar and Ms. Annu Singh, Advs.

versus

SHRI VIRENDRA SINGHRespondent
Through: Mr. L.R. Khatana, Adv.

CORAM:
HON'BLE MR. JUSTICE C. HARI SHANKAR
HON'BLE MR. JUSTICE OM PRAKASH SHUKLA

ORDER (ORAL)
22.05.2026

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C. HARI SHANKAR, J.

1. This writ petition assails order dated 11 August 2025 passed by the Central Administrative Tribunal¹ in OA 4638/2018.

2. The pivotal issue, on which the Tribunal has decided the OA, is the question of whether the respondent should be treated as deemed to have been confirmed in the post of Senior Field Assistant (Motor Transport) on the completion of two years of probation. The Tribunal has adopted the view that, as the applicable Rules envisaged a maximum period of probation of two years, on the completion of the



said period, the respondent would *ipso facto* deemed to have been confirmed.

3. One of the documents which was placed before the Tribunal was the following order:

“ORDER

Shri Virendra Singh (ID No.09240-V), appointed to the rank of SFA(MT) on 19.08.2014, was put on probation for a period of two years w.e.f. 19.08.2014. The Appointing authority has extended his period of probation for one year i.e. upto 18.08.2017 under Rule 140(3) of the R&AW (RC&S) Amendment Rules, 2008² in view of legal proceedings pending against him.

2. He will not be granted any increment of pay until he is declared to have successfully completed his probation by the Appointing Authority.

3. This issues with the approval of JS (Pers.).

Sd/-
(RASHMI BHANOT)
DEPUTY SECRETARY (WSU)”

4. As “Rule 140(3) of the Research and Analysis Wing (Recruitment, Cadre and Service) Rules³, 1975 as amended in 2008”, to which the above letter refers, was not on record, the Tribunal, by order dated 10 March 2023, required the petitioner, i.e., the respondent before the Tribunal, to place on record the relevant Rules, particularly Rule 140(3) to which the above letter dated 22 September 2016 makes reference.

5. The petitioner, however, placed on record only Rule 140 of the

¹ “Tribunal” hereinafter

² “the 2008 Amendment Rules” hereinafter

³ “the 1975 Rules” hereinafter



1975 Rules. The amended rule read thus:

“140 PROBATION: (1) Every direct recruit to a grade in any service or cadre of the Research and Analysis Wing shall be on probation for a period of two years.

(2) Every person other than a direct recruit shall, when first appointed to a grade in any service or cadre of Research and Analysis Wing, be on probation for a period of two years from the date of such appointment. However, in case of promotion, probation will be applicable if promotion involves change in a Group, eg. from Group 'C' to Group 'B' or from Group 'B' to Group 'A' and so on. There shall be no probation period if the promotion is within the same Group.

(3) The period of probation specified in sub-rules (1) and (2) above may, if the Head of the Organisation or the Appointing Authority deems fit, be extended or curtailed in any case, but the total period of extension of period of probation shall not, save where it is necessary by reason of any departmental or legal proceeding pending against the officers, exceed one year.

(4) During the period of probation, an officer may be required to undergo such training and to pass such tests as the Controlling Authority may from time to time prescribe for rule 143, the following shall be substituted, namely: -

REVERSION OF AN OFFICER ON PROBATION

If a person, on probation, in any grade who is not considered suitable continuance in that grade during or at the end of the period of probation as prescribed in sub-rule (2) or the extended period, if any, under sub-rule (3) of rule shall be reverted to the grade in which he holds a lien or in which he was regularly officiating at the time of his promotion on probation.

(a) in the said rules, in SCHEDULE IV,

(i) after the heading “METHOD OF RECRUITMENT TO THE POSTS IN THE JUNIOR EXECUTIVE CADRE OF RESEARCH AND ANALYSIS WING”, the following shall be inserted, namely;

(ii) serial numbers 1, 2, 3 and 5 relating to the posts of Senior Field Officers, Field Officer, Deputy Field Officer and Senior Field Assistant, and the entries shall be omitted;



(iii) at the end of Part-A and the entries relating thereto, the following Part shall be inserted, namely;

Part B

Name of Post	Number of Post	Classification	Scale of pay	Whether selection -cum- seniority or selection by merit.	Whether benefit of added years of service admissible under rule 30 of the Central Civil Services (Pension) Rules, 1972	Age limit for direct recruits	Educational and other qualification required for direct recruits.
1	2	3	4	5	6	7	8
Senior Field	215*	General Central	Rs.8000-275-13500/-	Selection	No	30 years [Relaxable upto	Graduate of a recognised University

6. Mr. Singh, learned CGSC for the petitioner, has, however, in Court, drawn our attention to Rule 144 of the 1975 Rules, from a compilation of the Rules of the R&AW, dated 26 September 2003. The rule reads thus:

“144. CONFIRMATION

Where a probationer has completed his period of probation to the satisfaction of the Head of the Organization or the Appointing Authority, as the case may be, he shall, subject to the other provisions of these rules, be confirmed at the end of the probation in the grade to which he was appointed on probation.

A copy of the Rule has also been handed over to Mr. Khatana in Court.

7. Mr. Khatana submits that as Rule 144, from the copy provided to him in Court, is from a compendium of the Rules of 26 September



2003, it is not known whether, when Rule 144 was amended in 2008, Rule 144 continued to remain in the same form.

8. Be that as it may, as Rule 144 has not been seen by the Tribunal, and if the Rule did continue as it was, it would be of relevance, we deem it appropriate to require the Tribunal to reconsider the matter on the aspect of whether the respondent would be entitled to be treated as having been confirmed in service after completion of two years of probation in the light of the Rules, which would include Rule 144.

9. We may note that Mr. Khatana's contention, obviously without prejudice, is that even if Rule 144 were to be treated as being applicable, it would nonetheless not affect the merits of his case and he would be entitled to be treated as confirmed after expiry of two years of probation. We do not express any view on the merits of that contention. It would be for the Tribunal to take a call thereon.

10. Needless to say, the Tribunal would also have to satisfy itself that Rule 144 as extracted by us from the compendium of Manual of Rules provided across the Bar was applicable at the relevant point of time, especially as Rule 144 was actually amended in 2008.

11. In that view of the matter, we quash and set aside the impugned order. OA 4638/2018 would stand remanded to the Tribunal for reconsideration keeping in view our observations as above.



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12. We make it clear that we have not examined the merits of the matter and that it would be for the Tribunal either to retain the order which it has passed or pass any other order as may be deemed appropriate to it.

13. In order to expedite matter, we direct the parties to appear before the Tribunal on 3 July 2026.

14. Neither party would take adjournment on the said date.

C. HARI SHANKAR, J.

OM PRAKASH SHUKLA, J.

MAY 22, 2026/AR