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

+ **W.P.(C) 6506/2025**

ISHWAR SINGH YADAV AND ORS

.....Petitioners

Through: Ms. Saahila Lamba and Ms. Nidhi
Sharma, Advs.

versus

UNION OF INDIA AND ORS

.....Respondents

Through: Mr. Ashok Kashyap, SPC with Mr.
Chetan Jadon and Mr. Kartik Goyal,
Advs.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

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19.02.2026

1. This petition has been filed with the following prayers:

“(i) Issue a writ of mandamus directing the respondents to grant Senior Time Scale to the petitioners with effect from 30.12.2006 in terms of judgments dated 14.11.2018, 08.10.2020, 14.07.2022 and 03.05.2024 passed by this Hon’ble Court in W.P. (C) Nos.8809/2017, 12711/2019, 10612/2022 and 2290/2024 titled as ‘Satya Dev Yadav & Anr. Vs. Union of India & Ors’, ‘Santosh Kumar & Ors vs. Union of India & Ors’ and ‘Ram Singh Yadav & Ors vs. Union of India & Ors’;

(ii) Pass any such other orders as it may deem fit to this Hon’ble Court in the facts and circumstances of the case.”



2. In effect, the petitioners are seeking grant of Senior Time Scale w.e.f. 30.12.2006, in view of the judgments of this Court in W.P. (C) No. 8809/2017, W.P. (C) 12711/2019, W.P.(C) 10612/2022 and W.P.(C) 2290/2024.

3. Ms. Lamba has drawn our attention to Annexure P-14, which is a judgment in W.P. (C) 2290/2024, **Ram Singh Yadav & Ors. V. Union of India**, which was allowed in favour of the petitioners therein by this Court by stating in paragraph 3 onwards, as under:

3. The submission of Mr. Lamba is that the petitioners have actually got the benefit of 'Senior Time Scale' w.e.f January 06, 2007 whereas in view of the change in the date of appointment from January 05, 2003 to December 30, 2002, the petitioners are seeking the advancement in the date of grant of 'Senior Time Scale' to December 30, 2006. The only objection taken by Mr. Ali, learned counsel for the respondents is that the respondents do not have the medical categorization of the petitioners in Shape-I prior to December 30, 2006. According to him, as per his instructions, the record has been weeded out on March 14, 2022. Since the issue is only for advancing the date of grant 'Senior Time Scale' from January 06, 2007 to December 30, 2006, and in view of the fact that the record is not available, we do not see any reason to disbelieve that the petitioners would not be in Shape –I medical category on the date preceding December 30, 2006.

4. Accordingly, we deem it appropriate to hold that the petitioners shall be entitled to the benefit of the judgment in the case of Satya Dev Yadav (supra), for grant of 'Senior time Scale' w.e.f December 30, 2006. The same shall be granted to the petitioners, but notionally. The resultant orders shall be issued within a period of 10 weeks.

5. Ms. Lamba states that she shall file an application seeking withdrawal of the contempt petition within a week.

6. This order has been passed in the facts of this case.

7. The petition stands disposed of.



4. She has also drawn-our attention to the counter affidavit filed by the respondents wherein at paragraph 13 onwards the following has been stated

“13. The contents of paras 17 are not being dealt with separately for the sake of brevity, as the issues raised therein have already been adequately replied to in para 8 above.

14. The contents of para 18 are admitted to the extent that Signal No. R-3237 dated 04.01.2024 was issued, directing the concerned HQs/Units to furnish the medical category along with the date of AME of the Petitioners and other officers pertaining to the years 2005 and 2006, by 05.01.2024. As per Para 14 of the Review DPC dated 05.12.2023, it was specifically laid down that 23 Assistant Commandants of the 28th batch, who had not produced a valid medical category i.e. SHAPE-I as on 30.12.2006, could be considered for grant of STS w.e.f. 30.12.2006 only if they were able to produce AME (SHAPE-I) valid on the said date, failing which their earlier date of grant of STS w.e.f. 06.01.2007 (05.02.2007 for petitioner No.4) would attain finality. In compliance, the concerned HQs/Units were duly apprised and repeatedly reminded to forward the valid AME i.e. SHAPE-I as on 30.12.2006 in respect of the affected officers of 28th Batch AC (DE). It is a matter of record that despite such directions and adequate opportunities, 09 Assistant Commandants of the 28th batch, including the Petitioners, failed to produce valid AME (SHAPE-I) as on 30.12.2006, The non availability of this mandatory record has alone resulted in their being left out from the grant of STS benefit w.e.f. 30.12.2006. The Department, therefore, cannot be held responsible, as no further course of action could be initiated in the absence of the requisite medical category.

15. The contents of para 19 are denied as being incorrect. It is submitted that it was the duty of the Petitioners themselves to maintain and produce their medical category records, which were required for consideration in the Review DPC. The reply contained in para 11 above is reiterated herein for the sake of



brevity. However, in compliance with the directions of the Hon'ble Delhi High Court dated 03.05.2024, 14 Assistant Commandants of the 28th batch (the Petitioners therein) have already been granted STS w.e.f. 30.12.2006 vide DG BSF (Pers Dte GOs Promotion Desk) Order No. 17/69/2023/Pers/BSF/17213-17562 dated 18.02.2025. It is further submitted that only 09 Assistant Commandants of the 28th batch, including the present Petitioners, still remain to be granted STS w.e.f. 30.12.2006, solely due to their failure to produce a valid medical category i.e. SHAPE-I as on 30.12.2006.

5. In view of the aforesaid position, for parity of reasons, this writ petition is allowed by holding that the petitioners shall be entitled to benefit of the judgment in the case of **Satya Dev Yadav and Anr. v. Union of India**¹ decided on 14.11.2018, wherein paragraphs 7, 8 and 9 read as under:

“7. Among the reasons given for rejecting the Petitioners’ request is ‘that Rule 3 of the BSF Rules is quite clear’ and that ‘the seniority cannot be assigned prior to their birth in the cadre’. The above conclusion is in fact contrary to Rule 3 (3) (iv) which has been quoted hereinbefore which makes it clear that the seniority will count from the date when the direct entry officer reported for training. It also ignores the fact that the Directorate of BSF has itself reassigned the date of appointment of the Petitioners from 6th January, 2003 to 30th December, 2002. Consequently, the Court is not in agreement with the reason given by Respondent No.1 for rejecting the Petitioners’ request.

8. It must be clarified that counsel for the Petitioners has on instructions stated that the Petitioners are not claiming the actual financial emoluments for the zero week. They are only concerned that for the purposes of seniority and financial benefits their date of appointment should be treated as 30th December, 2002.

¹ W.P.(C) 8809/2017



9. Accepting this request of the Petitioners, the writ petition is allowed and a direction is issued to the Respondent to treat the date of appointment of the Petitioners for the purposes of seniority and financial benefits as 30th December, 2002.”

6. We take on record the submission made by Ms. Lamba, learned counsel for the petitioners that all the petitioners are in SHAPE-I as required for Senior Time Scale w.e.f. 30.12.2006. We make it clear that the Senior Time Scale shall be granted to the petitioners.

7. Noting the position of law and also taking her submission on record, we allow the writ petition. The resultant order shall be issued within a period of ten weeks, granting Senior Time Scale w.e.f., 30.12.2006, but notionally.

8. The petition stands disposed of.

V. KAMESWAR RAO, J

MANMEET PRITAM SINGH ARORA, J

FEBRUARY 19, 2026/hp