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

\# **CNR No. DLHC011349812018**

\+ W.P.(C) 5462/2018

G. EDISON .....Petitioner

Through: Mr. Nikhil Palli, Ms. Shailvi Gupta, Mr. Anish Venkatesh Bindlish & Ms. Tanishka Maurya, Advocates.

versus

UNION OF INDIA AND ORS. .....Respondents

Through: Mr. Vijay Joshi, CGSC.
Mr. Ajay Pal (Law Officer) & Inspector Athurv, CRPF.

CORAM:
HON'BLE MR. JUSTICE NITIN WASUDEO SAMBRE
HON'BLE MR. JUSTICE SANJAY SHARMA

O R D E R

% 01.10.2026

1. Heard learned counsel for the parties.

2. The prayer in the petition reads as under:

"*(A) Issue a writ of mandamus directing the Respondents to grant similar promotional opportunity to all the personnel recruited as Constable (Bandman) in the C.R.P.F. and grant promotion to the Petitioner to the rank of Inspector at par with persons engaged in playing Band in the Band Cadre;*"

3. The facts which are necessary for deciding the petition are as under:

a) Mr. C. George, the petitioner, whose son has approached this Court seeking the aforesaid relief, was a Musician by profession and an expert in playing Pipe band. He was recruited in September, 1986, with the Central Reserve Police Force.

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b) Having regard to the promotional avenues available to him, he was promoted to the post of Sub-Inspector.

c) The original petitioner died during service, and as such, his son is pursuing the present petition.

4. The contention of counsel for the petitioner are that there are two wings for administrative reasons, divided by the respondent employer *viz* Brass band and Pipe Band.

5. It is urged that the original petitioner was a member of the Pipe band and was entitled for promotion to the post of Inspector at par with that of his counterpart in the Brass band category.

6. It is urged that failure on the part of the respondent in creating/having the post of Inspector - Musician in Pipe band category and providing such privileged opportunity to the musicians from Brass band category not only violates Articles 14, 15 and 16 but is also a failure on the part of the respondent to provide equal opportunities.

7. As such, it is urged that the respondent be directed to promote the deceased officer to the post of Inspector rank be providing all consequential benefits at par with that of the members of the Brass band who were occupying the post of Inspector and who were recruited along with the deceased officer.

8. As against above, the counsel for the respondent states that in the staffing pattern of the respondent, there is no post created or sanctioned of that of the Inspector - Musician Pipe band though such post was created in the Brass band category.

9. It is urged that in the absence of there being a sanctioned post, the promotional avenue as was claimed was not available.

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10. It is further urged that having regard to the stagnation, the MACP benefits were extended to the deceased employee.

11. As such, dismissal is sought.

12. Having considered the rival claims, it is apparent that the deceased petitioner was admittedly a member of the Pipe band group and as per the sanctioned staffing pattern, the post of Inspector to be filled in by promotional mode in the Pipe band category was not available, as such post was never sanctioned and approved on the establishment of respondents.

13. Similar post of Inspector was available in the Brass band category.

14. There is compartmentalisation in between the two groups, *viz.*, Pipe band category and Brass band category, as could be inferred from the staffing pattern, and there cannot be *inter se* exchange of the positions *qua* the promotional avenues or the post to be filled in by the promotion.

15. The last promotional post available in the Pipe band category was that of Sub-Inspector, which was duly granted to the deceased petitioner. Having regard to the stagnation, the deceased petitioner was also granted MACP benefits.

16. In absence of there being any sanctioned post of Inspector, it cannot be said that the respondents were in default or committed illegality by acting contrary to the mandate of Articles 14, 15 and 16 of the Constitution of India.

17. However, in the facts and circumstances of the case, we deem it appropriate to direct the respondents to treat the petition of the petitioner as a representation in the matter of cadre restructuring and consider whether the post of Inspector - Pipe Band can be created at par with that of the Brass band category.

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18. With the above observation, the writ petition stands dismissed.

19. Pending application, if any, also stands disposed of accordingly.

NITIN WASUDEO SAMBRE, J

SANJAY SHARMA, J

OCTOBER 1, 2026/ *'AN'/ 'is'*

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