

(2023) 01 DEL CK 0160

In the Delhi High Court

Case No : Civil Writ Petition No. 290 Of 2023, Civil Miscellaneous Application No. 1160 Of 2023

Harish Chandra Singh Negi

APPELLANT

Vs

Union Of India & Ors.

RESPONDENT

Date of Decision : 11-01-2023

Acts Referred:

Citation : (2023) 01 DEL CK 0160

Hon'ble Judges : Suresh Kumar Kait, J; Neena Bansal Krishna, J

Bench : Division Bench

Advocate : Abdul Azeem Kalebudde, Ruchir Mishra, Mukesh Kr. Tiwari, Poonam Shukla, Reba Jena Mishra, Komal Sharma, Sourabha Bhushan, Gokul Sharma

Final Decision : Disposed Of

Judgement

1. Vide the present writ petition, the petitioner seeks following relief(s):

"a. Quash/ set aside the Gradation List dated 31.07.2018 issued by the Respondents, wherein the seniority of the Petitioner has been depressed in violation of Arts. 14, 15 and 16 of Constitution of India, 1950 and also the same being contrary to the Office Memorandum No. 9/23/71-Estt.(D) dated 06.06.1978 & Office Memorandum No.35015/2/93-Estt.(D) dated 09.08.1995 & Ministry of Home Affairs Letter No. 1-45022/69/97 Pers-I dated 28.08.1997, and

b. Issue a writ, order or direction in the nature of mandamus and thereby direct the Respondents to re-fix the seniority of the Petitioner as per Union Public Service Commission (UPSC) ranking given in Central Police Forces (Assistant Commandant) Written Examination, 2004 i.e., in 38th Batch, by taking the initial date of appointment as 24.11.2006 and to hold that the Standing Order 1/2009 [No. A.VI-1/2008 Pers-I (AC)] dated 12.01.2009 is not applicable to the Petitioner, and

c. To provide all consequential benefit accruing to the Petitioner including grant of Local Rank of Deputy Commandant from the time it had fallen due.

d. Direct that the cost of the Petition may also be granted in favour of the Petitioner and against the Respondent.

e. Pass such other further order or orders as may be deemed fit and proper under the circumstances of the case;”

2. Learned counsel for petitioner submits that for the aforesaid relief(s), petitioner made representation dated 20.06.2022, however, till date, the said representation has not been decided by the respondents.

3. Learned counsel for the respondents, who is appearing on advance notice, has assured this Court that the representation dated 20.06.2022 filed by the petitioner shall be decided within six weeks.

4. In view of above, we hereby direct the respondents to decide the representation dated 20.06.2022 filed by the petitioner within six weeks from today and communicate the decision thereof to the petitioner within one week thereafter with reasoned order.

4. With the aforesaid directions, the present petition and pending application are disposed of.

5. Needless to say, if the petitioner feels aggrieved by the decision of the respondents on his representation, he may approach the appropriate forum.