

(2023) 02 DEL CK 0009

In the Delhi High Court

Case No : Civil Writ Petition No. 1311 Of 2023

Harpreet Singh And Others

APPELLANT

Vs

Union Of India And Others

RESPONDENT

Date of Decision : 02-02-2023

Acts Referred:

Constitution Of India, 1950 — Article 226

Citation : (2023) 02 DEL CK 0009

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

Bench : Division Bench

Advocate : Augustene Peter, Zulfiker Ali, Lakshmi Sreep, Lebina Baby, Ajay Jain, Abhishek Singh

Final Decision : Disposed Of

Judgement

1. A Writ Petition under Article 226 of the Constitution of India has been filed by the petitioners seeking the following reliefs:

"(a) Issue a Writ of Mandamus thereby directing the Respondents to extend the application of the Standing Order 01/ 2004 which was discontinued w.e.f. 22/12/2004 till 26/07/2012, i.e., the staring date of coming into force of the Policy of 2012 so as to leave no gap between the Supersession of Standing Order of 01/2004 and the introduction of Policy of 2012;

(b)Issue a Writ of Mandamus thereby directing the Respondents to grant out of turn promotion to the Petitioners who won medals in National/ International/ All India Police Games retrospectively w.e.f date of conclusion of the competition in which the medal was earned by the Petitioners, satisfying the provision of Incentive Scheme-1998 and Standing Order 1/2004.

c) Issue a Writ of Mandamus thereby directing the Respondents to grant all the consequential benefits to the Petitioners including fixation of pay along with increment, back wages and seniority.

d) Pass any such orders as the Hon'ble Court may deem fit in the light of the abovementioned facts and circumstance of the case."

2. As stated in the present petition, the petitioners herein had been appointed as Constables/ Head Constables/ Sub Inspectors against the sports quota of respondent No.2 viz. Central Reserve Police Force. At the time of joining of the petitioners against the sports quota, the Standing Order bearing No.S.IV.1/I-TRG-8 (Policy of 1998) existed to grant incentives by way of promotion/ cash rewards to the sportsperson for their excellence in games and sports. The Policy, though was enacted on 14.07.1998, was made applicable with retrospective effect from 01.01.1997 and was floated in supersession of the Policy provided as per OM No.S.IV-/I-TRG-8 dated June 1994 (Policy of 1994) which provided for incentives in the form consisting of out of turn promotion along with cash reward. Subsequently, the Policy of 1998 was superseded by Standing Order No. 01/2004 dated 10.03.2004 bearing No.S-IV-1/Inst.-TRG-8 which provided that the incentive by way of promotion/ cash rewards to sportsmen/ sportswomen of the Force for their excellence in games and sports events in various disciplines, will be governed by the guidelines mentioned therein. Further, the Standing Order of 2004 endorsed the idea of uniformity of scales in granting incentives to sportsperson of the force as was done by the Policy of 1994 and 1998.

3. Learned Counsel appearing on behalf of the petitioners submit that by Office Memorandum bearing Number UO No.E-31012/1/2004-Estt. 1 dated 22.12.2004 issued by Ministry of Home Affairs, the Standing Order 01/2004 was discontinued w.e.f 22.12.2004 with an intention to bring a uniform policy across all paramilitary organizations.

4. On perusal of the present petition, there is no Policy on record to show on what ground the Standing Order 01/2004 was discontinued w.e.f 22.12.2004 till 26.07.2012. It is also not on record the current Policy whereby the Policy of 2012 is recalled or the terms and conditions for promotion/ cash reward has been changed.

5. Since the complete material is not placed before this Court, moreover, the petitioners have not challenged the Policy, therefore, we at this stage are not inclined to pass any order in the present petition.

6. Moreover, the Policy which was discontinued w.e.f 22.12.2004 till 26.07.2012 was not challenged for complete ten years. Meanwhile, number of promotions and appointments have been made, lot of water has flown and the petitioner continued to remain in slumber, however, has waken up after complete ten years. On the delays and laches also, we are not inclined to entertain the present petition.

7. The petition is accordingly disposed of.