

(2021) 03 DEL CK 0286

In the Delhi High Court

Case No : Civil Writ Petition No. 3533 Of 2021, Civil Miscellaneous No. 10690-10691 Of 2021

Prem Prakash

APPELLANT

Vs

Union Of India & Ors

RESPONDENT

Date of Decision : 25-03-2021

Acts Referred:

Citation : (2021) 03 DEL CK 0286

Hon'ble Judges : Manmohan, J;Asha Menon, J

Bench : Division Bench

Advocate : Anilendra Pandey, Dev P. Bhardwaj

Final Decision : Disposed Of

Judgement

Manmohan, J

1. Present writ petition has been filed seeking issuance of directions to the respondents to promote the petitioner and other similarly situated persons from the post of Head Constable (Armor) to ASI (Armor) w.e.f. 2018.

2. Learned counsel for the petitioner states that the petitioner was promoted from Constable [Armor] to Head Constable [Armor] on 8th August, 2005 and, thereafter, the petitioner has been continuously serving without any promotion.

3. He further states that MHA vide memo dated 03rd August, 2018 had created the post of ASI for General Duty CRPF and the same had been accepted by the Directorate for the Armor CRPF vide order dated 21st December, 2018. He points out that while replying to the petitioner's legal notice, the respondent No. 3 in reply dated 10th February, 2021 stated that the draft Recruitment Rules of ASI (Armor) is under consideration with MHA and on receipt of the same, promotion of eligible HC (Armor) to the post of ASI (Armor) will be released at the earliest.

4. He states that the delay in promotion is causing double loss to the petitioner, inasmuch as, there is requirement of five years' service at least on any post for

promotion and had the petitioner been promoted in 2018, the petitioner would have served approximately three years at the post of ASI by now and become eligible for promotion to the post of SI in next two years. According to him, the delay in promotion at the post of ASI would lead to further delay in promotion to the post of SI.

5. Issue notice. Mr.Dev P.Bhardwaj, CGSC accepts notice. He states that the recruitment rules have to be drafted in co-ordination with four Ministries i.e. Ministry of Home Affairs, Ministry of Law, Ministry of Finance and Department of Personnel and Training.

6. In view of the aforesaid, the present writ petition and pending application are disposed of with a direction to respondent no.1 to frame recruitment rules for ASI (Armor) within six months. In the event, the recruitment rules are not framed within the stipulated time, the petitioner is given liberty to file contempt proceedings against the respondent no.1.