

(2023) 03 DEL CK 0139

In the Delhi High Court

Case No : Civil Writ Petition No. 3492 Of 2023

Sandeep Kumar & Ors

APPELLANT

Vs

Union Of India & Anr

RESPONDENT

Date of Decision : 21-03-2023

Acts Referred:

Citation : (2023) 03 DEL CK 0139

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

Bench : Division Bench

Advocate : Abhay Kumar Bhargava, Satyarth Sinha, Raghvendra Shukla, Anil Devlal, Mimansak Bhardwaj

Final Decision : Disposed Of

Judgement

1. Vide the present petition, the petitioners are seeking following reliefs:

"a.) Issue a Mandamus or any other appropriate writ, order or direction thereby directing the respondents to carry out the exercise initiated by the Org. Branch of CRPF vide UO dated 12/07/2019 for restoration of 200 posts which were abolished vide GoI/MHA letter dated 18/06/2019 as mentioned in Annexure P-15 which is pending before ADG (Medical) CAPFs from 04/09/2020 in a time bound manner.

b.) Issue a writ of Certiorari or any other appropriate writ, order or direction thereby calling for records of the impugned order dated 18.06.2019 and quash the same."

2. Learned counsel for the petitioners submits that pursuant to the directions passed vide Judgement dated 01.02.2023 in W.P.(C) 1257/2023 titled Sandeep Kumar & Anr. vs. Union of India And Ors., the Board of Officer was constituted vide Medical Dte Signal No. O.IV-2/2023-Med-II dated 14.02.2023 to take a final decision on the Representation dated 08.12.2022 of the petitioners. The recommendations/decision of the said Board are as under:

"The issue has been examined by the Board in the light of communication/updates provided by the Organization Branch of Directorate, CRPF and extant instructions of the Government issued from time to time in connection with Cadre Reviews and Board opined that:-

Creation/abolition/up-gradation of any Post does not come under the sole domain of CRPF. There is a very comprehensive and well defined exercise for creation/abolition of posts which are processed by CRPF, examined by MHA and approved by MHA/Ministry of Finance. In this case MHA also undertook comprehensive exercise/going through the present scenario/all the pros & cons by which many posts in various ranks have been created/abolished/up-graded. Further, proposal for restoration/creation of 200 posts (190 posts of ASI/Pharmacist & 10 posts of CT/NA/Medics) is presently under consideration & held with ADG (Medical) CAPFNSG& AR due to ban imposed by MoF (DoE) for creation of posts vide OM dated 04/09/2020. Same is being pursued/processed. Moreover government reserves the right to Create or Abolish any post as per administrative feasibility."

3. Learned counsel appearing on behalf of the respondents, on advance notice, submits that since the above-mentioned issue is still pending consideration before the respondents, therefore, the present petition is premature and is not maintainable.

4. In view of the above, we hereby dispose of the present petition directing the respondents to take a final decision on the Recommendations dated 22.02.2023 made by the Board within three months from today.

5. The decision, so taken, shall be communicated in writing to the petitioners within one week thereafter.

6. Accordingly, the present petition is disposed of.