

Satyandra Kumar & Ors vs Union Of India & Anr on 14 October, 2020

Author: Rajiv Sahai Endlaw

Bench: Rajiv Sahai Endlaw, Asha Menon

\$~VC-9, 10 & 12 to 14

* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ W.P. (C) 2748/2019

SATYANDRA KUMAR & ORS Petitioners

Through: Mr. M.A.Niyazi, Advocate

Versus

UNION OF INDIA & ANR Respondents

Through: Mr. Ripudaman Bhardwaj CGSC with

DC Sudhansu (SSB) for UOI

+ W.P. (C) 6451/2019

RAJ PRATAP SINGH & ANR. Petitioners

Through: Mr. M.A.Niyazi, Advocate

Versus

UNION OF INDIA & ANR Respondents

Through: Mr. Vinod Diwakar, CGSC

+ W.P. (C) 1818/2020, C.M. Appl. No.6322/2020 (of petitioners for ex-parte ad interim stay)

RAJIV DOLEY & ANR. Petitioners

Through: Mr. M.A.Niyazi, Advocate

Versus

UNION OF INDIA & ANR. Respondents

Through: Mr. Naginder Benipal, Senior Panel
Counsel for R/UOI

+ W.P. (C) 3688/2020, C.M. Appl. No.13205/2020 (of the petitioners for stay on pre-mature repatriation from deputation)

MUKESH A. CHAUDHARY & ORS. Petitioners

Through: Mr. Shanker Raju and Mr. Nilansh
Gaur, Advocates

Versus

UNION OF INDIA & ANR. Respondents

Through: Mr. Arun Bhardwaj CGSC with Mr.
Abhishek Sharma and Mr. Nikhil
Bhardwaj, Advocates for UOI

+ W.P. (C) 4134/2020, C.M. Appl. No.14868/2020 (of the petitioners for stay on pre-mature repatriation from deputation)

W.P. (C) Nos. 2748/2019, 6451/2019, 1818/2020, 3688/2020 & 4134/2020 Page 1 of 4

JATINDER KUMAR & ANR. Petitioners

Through: Mr. Shanker Raju and Mr. Nilansh
Gaur, Advocates

Versus

UNION OF INDIA & ANR. Respondents
Through: Mr. Arun Bhardwaj CGSC with Mr.
Abhishek Sharma and Mr. Nikhil
Bhardwaj, Advocates for UOI

CORAM:
HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW
HON'BLE MS. JUSTICE ASHA MENON

ORDER

% 14.10.2020
[VIA VIDEO CONFERENCING]

1. This order is in pursuance to the detailed order dated 24 th August, 2020 in W.P. (C) 3688/2020 and W.P. (C) 4134/2020.

2. Mr. Arun Bhardwaj, counsel for the respondents in W.P. (C) 3688/2020 & W.P. (C) 4134/2020 has informed/proposed, (i) that in all 246 Constables/Head Constables appeared in the Limited Departmental Competitive Examination (LDCE) for promotion to the post of Sub-Inspectors, beyond the maximum chances permitted under the Rules to take the said LDCE; (ii) that of the said 246, 230 failed and only 16 passed; (iii) of the 230 which failed, 200 were meted out different punishments and which punishments were implemented; (iv) out of 30 which failed, but have not been punished, 12 are on deputation to Central Bureau of Investigation (CBI)/National Investigation Agency (NIA) and the remaining 18 continue to remain with the respondents Sashastra Seema Bal (SSB);

(v) all the said 30 Constables/Head Constables who have not been punished, are already facing departmental action; (vi) that the said 30 can be meted out the same punishments as were meted out to the 200 others i.e. without detailed inquiry, if the proceedings are for the same violation; (vii) as far as the 16 who have illegally procured promotions are concerned, the Court may proceed to decide their cases on merits; and, (viii) out of 16 who have so secured promotions, 9 have filed petitions, being W.P. (C) Nos.2748/2019, 6451/2019 & 1818/2020 of today, before this court and the remaining 7 have filed petitions before the Allahabad High Court and Patna High Court and which are pending.

3. The aforesaid proposal of the respondents SSB, as conveyed by Mr. Arun Bhardwaj, Advocate, appears reasonable and we have called upon the counsel for the petitioners in W.P.(C) Nos.2748/2019, 6451/2019 & 1818/2020, to address us on the merits of this case i.e. why his clients, who have secured promotions to the rank of Sub- Inspectors by availing more than the permissible number of chances to clear the LDCE, be not reverted as Constables/Head Constables, as the case may be.

4. The counsel for the petitioners in W.P. (C) Nos.2748/2019, 6451/2019 & 1818/2020 then states that he is not ready to address the arguments and some documents also are required to be filed.

5. Though the matters were posted today for hearing but it is deemed apposite to accede to the request of the counsel for the petitioners in W.P. (C) Nos.2748/2019, 6451/2019 & 1818/2020.

6. However we make it clear that the orders in other petitions also i.e. W.P. (C) 3688/2020 & W.P. (C) 4134/2020 also shall be passed along with the orders in W.P. (C) Nos.2748/2019, 6451/2019 & 1818/2020 and what is proposed/informed and recorded hereinabove is tentative till then.

7. Counter affidavits, if any remaining in W.P. (C) Nos.2748/2019, 6451/2019 & 1818/2020, be filed on or before 6th November, 2020, failing which no further time will be given.

8. Rejoinders thereto, if any be filed on or before 18th November, 2020.

9. List on 3rd December, 2020.

10. Interim orders to continue.

RAJIV SAHAI ENDLAW, J ASHA MENON, J OCTOBER 14, 2020 ck