

Sr. No.	Date	Orders
		<p>* IN THE HIGH COURT OF DELHI AT NEW DELHI 16</p> <p>+ W.P.(C) 7531/2003</p> <p>AJIT SINGH MALIK &amp; OS. .... Petitioner Through: Mr. Vikas Singh, Sr. Advocate with Mr. Ravi Prakash, Advocate.</p> <p>versus</p> <p>UOI &amp; ORS. .... Respondent Through: Ms. Anjana Gosain with Mr. Digvijay Rai, Advocate for CRPF. Ms. Maninder Acharya, Advocate for UOI. Mr. Sanjeev Sachdeva with Ms. Priya and Mr. Rohit Nagpal, Advocates for R-13 &amp; 27.</p> <p><b>CORAM:</b> <b>HON'BLE MR. JUSTICE B.A. KHAN</b> <b>HON'BLE MR. JUSTICE ANIL KUMAR</b></p> <p><b><u>ORDER</u></b> 26.05.2005</p> <p>%</p> <p>Petitioners were Deputy Commandants in CRPF way back in 1990 and were considered for promotion to Second-in Command.</p> <p>It seems that a bench mark of this promotion was temporarily changed requiring four 'very good' in the last five years' ACRs of the candidate instead of three 'Good'.</p> <p>It also appears that earlier the grading was being done by some other method which was reportedly later transformed/converted into the new grading of 'very good' in tune with the prescribed new bench mark.</p>

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		<p>About 39 officers were promoted on the basis of the new prescribed bench mark requiring four 'very good'. Others left out made a grievance on this and pointed out to the alleged wrong conversion of earlier grading nomenclature into the new one of 'Very Good'.</p> <p>Some of these officers made representations and are said to have succeeded and for them Review DPC was held and they were granted promotion from the date when original DPC met.</p> <p>One of the aggrieved officers, however, chose the option of taking the judicial remedy of filing a writ in which he raised all these issues of the anomalous position having been created due to the mid-way change in bench mark temporarily. His writ petition was dismissed. An appeal was taken against this order before the Hon'ble Supreme Court which was also dismissed by order dated 27<sup>th</sup> May, 1998 on the ground that writ petitioners approached the Court late after three years or so.</p> <p>Record shows that respondents thereafter re-examined the issue on the grievance expressed by some of the aggrieved officers which ultimately culminated in a recommendation made by the Director General of CRPF (respondent no.2) dated 23<sup>rd</sup> November, 2001 asking for reconsideration of the matter and a judicious decision on it. This recommendation, however, was over ruled vide communication dated 19<sup>th</sup> December, 2001 by the Joint Secretary of Ministry of Home Affairs.</p> <p>Petitioners limited grievance in this petition without prejudice to their rights and contentions on the merit of the matter is that first respondent's, Joint Secretary had rejected the recommendation of respondent no.2 without assigning any reasons.</p> <p><u>W.P.(C) 7531/2003</u></p>

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		<p>In other words, it is submitted that first respondent's, Joint Secretary and not the Secretary of Ministry of Home Affairs had given a short shrift to the matter and had closed the issue and rejected the recommendation of respondent no.2 without passing any speaking order.</p> <p>This petition is opposed by official respondents and some of the private respondents on the ground that clock could not be reversed after 15 years or so and that the issue stood closed on judicial determination with the dismissal of first writ petition on the subject. Reference in this regard is also made to the dismissal of appeal taken against it by the Hon'ble Supreme Court.</p> <p>Learned counsel for petitioners refutes that the issue was closed on any judicial determination. According to him, the Hon'ble Supreme Court had dismissed the appeal of the aggrieved officers only on the ground of delay and that the merit of the issue was not dealt with or determined in the order of the Apex Court or the writ court.</p> <p>Notwithstanding all this, we are left with no doubt that Joint Secretary of first respondent had on his own summarily over ruled the recommendation of respondent no.2, unsupported by any reasons. The matter ought to have been considered and examined by Secretary of Ministry of Home Affairs himself as it involved the career growth and promotional aspect of several officers. The Joint Secretary's rejection of the Director General's recommendation buries the issue under the wraps without any worthwhile consideration being accorded to it.</p> <p>As no other issue was canvassed before us this petition is disposed of by the following order: -</p> <p><u>W.P.(C) 7531/2003</u></p>

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"Joint Secretary's communication dated 19<sup>th</sup> December, 2001 is set aside and the Secretary of the Ministry of Home Affairs is directed to examine and consider the recommendation of respondent no.2 dated 23<sup>rd</sup> November, 2001 and to pass appropriate speaking orders within two months from receipt of this order."

B.A. KHAN, J

ANIL KUMAR, J

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