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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P. (C) 7214/2020

RAVI KUMAR

.....Petitioner

Through: Mr. Abdul Azeem Kalebudde,
Advocate

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr. K.V. Sreemithun, Sr. Panel
Counsel for R-1 & R-2.
Mr. Naresh Kaushik & Mr.
Vardhman Kaushik, Advocates for
UPSC.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

HON'BLE MS. JUSTICE ASHA MENON

% **ORDER**
29.09.2020

[VIA VIDEO CONFERENCING]

C.M. Appln. No.24377/2020 (Exemption from filing proper/true copies and official translations of the annexures to the writ petition)

1. Allowed, subject to just exceptions and as per extant rules.
2. The application is disposed of.

W.P. (C) 7214/2020

3. The petitioner, a Deputy Commandant in the respondents No. 1 & 2 Central Industrial Security Force (CISF), has filed this petition impugning the rejection dated 3rd January, 2020 of his



representation against fixation of his seniority and seeking mandamus for re-fixation of his seniority.

4. Though the counsel for the respondents No. 1 & 2 CISF appearing on advance notice has taken a preliminary objection to the petition being highly belated but it is the case of the petitioner that though a representation was made by the petitioner immediately after the seniority was fixed but was kept pending and has been rejected only now on 3rd January, 2020.

5. Else, it is the case of the petitioner, (i) that his selection was in the 25th batch of Directly Appointed Assistant Commandants in the Central Armed Police Forces (CAPFs) and he was allocated to CISF; (ii) that owing to the illness of his father, he sought extension of time for joining the training; (iii) that the respondents CISF, on their own, asked the petitioner to join with the 26th batch of Directly Appointed Assistant Commandants and he joined along with the 26th batch of Directly Appointed Assistant Commandants; and, (iv) however his seniority was fixed at the end of the 26th batch of Directly Appointed Assistant Commandants and not as per his rank in the recruitment examination of the 25th batch of Directly Appointed Assistant Commandants.

6. Though we are of the *prima facie* view that the petitioner, once had sought such extension, cannot be permitted to retain the rank in the recruitment examination but the question which arises for consideration is, whether the seniority of the petitioner has to



be at the bottom of the 25th batch of Directly Appointed Assistant Commandants and before the 26th batch of Directly Appointed Assistant Commandants or at the bottom of the 26th batch of Directly Appointed Assistant Commandants.

7. We have drawn the attention of the counsels to our recent judgment dated 11th August 2020 in W.P(C) 3899/2020 titled ***Hemant Kumar vs. Union of India.***

8. The counsel for the respondent No. 3 Union Public Service Commission (UPSC) appearing on advance notice, states that the respondent No. 3 UPSC has no concern with the inter-se seniority and is concerned only with the selection process.

9. List on 21st October, 2020.

RAJIV SAHAI ENDLAW, J.

ASHA MENON, J.

SEPTEMBER 29, 2020

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