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

+ **CONT.CAS(C) 852/2025**

JAGMOHAN CHAUDHARY

.....Petitioner

Through: Mr. Ankur Chhiber, Mr. Anshuman
Mehrotra, Advs.

versus

SHRI GOVIND MOHAN AND ORS

.....Respondents

Through: Ms. Bharathi Raju (SPC) for UOI.

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

27.05.2025

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[Hearing has been conducted through video conferencing]

1. This petition has been filed alleging wilful disobedience of Judgment dated 17th September 2024 passed in **W.P.(C) 3952/2024** by the Division Bench, where the following directions were passed:

24. In the instant case, it has not been disputed by the respondents that the practice undertaken by the petitioner in connection with AIPCC was an integral part of petitioner's duties and he had to mandatorily perform the said assigned duty. It is further an admitted position that the petitioner while undergoing training programmes had received various commendations, having given an outstanding performance while being detailed at the 2nd IFCC Competition. Accordingly, he was shortlisted to participate in AIPCC with other selected personnel. Further, the petitioner had suffered injuries while undergoing a practice session, which has been considered as bonafide government duty attributable to service and therefore, it cannot be said that the injuries sustained by him due to which he was placed in medical category S1H1A2P1E1 was not while on active government duty as



envisaged under paragraph 4.17(b)(i) of the Standing Order. We, therefore, have no hesitation in accepting the petitioner's plea that he was entitled to relaxation in his medical category under paragraph 4.17(b) of SO 04/2008.

25. For the aforesaid reasons, the impugned orders dated 29.05.2023, 29.11.2023 along with impugned memorandum dated 29.11.2023, holding the petitioner to be ineligible for grant of relaxation, are unsustainable and are accordingly, set aside. The writ petition is allowed by directing the respondents to hold a review Departmental Promotion Committee to consider, within six weeks, the case of the petitioner for promotion to the post of Deputy Commandant after granting him due relaxation in terms of 4.17(b) of SO 04/2008 dated 15.12.2008. In case upon reconsideration, he is found fit to be meeting all other eligibility criteria for promotion as Deputy Commandant, he will be promoted to the said rank of Deputy Commandant w.e.f. 29.05.2023, the date when his batchmates were promoted to the said post. He will, however, be granted only retrospective seniority and notional pay fixation and will be entitled to the actual pay of the post of Deputy Commandant from the date he assumes charge of the said post. Further, after grant of relaxation in medical category SHAPE-I, the respondents will also extend the benefit of Senior Time Scale to the petitioner w.e.f. 25.06.2021, when his batchmates were granted the said benefits. The exercise in terms of this order will be completed within 12 weeks.

26. The writ petition is, accordingly, disposed of in aforesaid terms.

2. Counsel for petitioner points out that no compliance has been made so far of the directions passed.
3. *Ms. Bharathi Raju* (SPC), accepts notice on behalf of respondent, and states, on instructions, that the exercise has been commenced and there were queries from the MHA to which they have responded.
4. An application has been filed by them for seeking extension of time before the Division Bench, which is apparently prepared but not yet filed.



5. Considering there is no other order by the Division Bench yet, time of eight weeks is given to respondents to comply with the said Judgment dated 17th September 2024.
6. Status of compliance will be communicated in a written form to counsel for petitioner. In case, compliance is not made within eight weeks, further steps will be taken against concerned officer in contempt; this timeline shall be treated as sacrosanct.
7. Re-notify on 16th October 2025.
8. Order be uploaded on the website of this Court.

ANISH DAYAL, J

MAY 27, 2025/ak/bp