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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 12794/2024

AVINAV KUMAR AND ORS.

.....Petitioners

Through: Mr.Sreenath A Khemka, Adv.

versus

UNION OF INDIA AND ORS.

.....Respondents

Through: Mr.Syed Abdul Haseeb, CGSC with
Mr.Arpit, Adv.

Mr.Ravinder Agarwal & Mr.Lekh Raj Singh,
Advs. for R-4

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MS. JUSTICE SHALINDER KAUR

ORDER

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17.09.2024

CM APPL. 54316/2024 (stay)

1. This is an application filed by the petitioners with a prayer that Departmental Promotion Committee (DPC), which is proposed to be convened for the post of Deputy Commandant (DC) on the basis of impugned seniority list of Assistant Commandants dated 04.09.2024, be stayed during the pendency of present petition. The petitioners also seek an alternative prayer that the respondents be directed to provisionally consider the petitioners for promotion to the post of DC as they are hopeful that they will succeed in the present petition and will, consequently, become eligible to be considered for promotion to the post of DC along with their batchmates.
2. The application is vehemently opposed by the respondents who submit that the petition itself is not maintainable as the petition has



been filed without impleading persons who are likely to be affected by the outcome of the writ petition. Further, he contends that till the Court determines as to whether the names of the petitioners are to be included in the impugned seniority list, they cannot be considered for promotion to the post of DC on the presumption that they will succeed in the writ petition.

3. Having considered the submissions of learned counsel for the parties, we dispose of the application by directing that promotions, if any, to the post of DC pursuant to the impugned seniority list, will remain subject to the outcome of the present petition. The respondents will, therefore, ensure that the persons whose promotion is likely to be affected by the outcome of the present petition, are informed about today's order.
4. The application stands disposed of in the aforesaid terms.

REKHA PALLI, J

SHALINDER KAUR, J

SEPTEMBER 17, 2024

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