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

% *Date of Decision: 14th May, 2026*

+ **W.P.(C) 9871/2023 & CM APPL. 37960/2023**

HC RAJESH KUMAR & ANR.Petitioners

Through: Mr. Harpreet Singh, Ms. Suhani
Mathur and Mr. Jatin Kumar
Gaur, Advocates.

versus

THE COMMISSIONER OF POLICERespondent

Through: Mr. Nishant Gautam CGSC with
Ms. Kavya Shukla, Mr.Vineet
Negi, Mr. Vibhav V. Nath,
Advocates.

+ **W.P.(C) 12887/2023 & CM APPL. 50774/2023**

COMMISSIONER OF POLICEPetitioner

Through: Mr. Nishant Gautam CGSC with
Ms. Kavya Shukla, Mr.Vineet
Negi, Mr. Vibhav V. Nath,
Advocates.

versus

HC RAJESH KUMAR AND ANRRespondents

Through: Mr. Harpreet Singh, Ms. Suhani
Mathur and Mr. Jatin Kumar
Gaur, Advocates.

CORAM:

HON'BLE MR. JUSTICE ANIL KSHETARPAL

HON'BLE MR. JUSTICE AMIT MAHAJAN

J U D G M E N T (O R A L)

AMIT MAHAJAN, J.

1. By way of the present cross-petitions, both parties being aggrieved, challenge the Order dated 16.02.2023 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as the 'Tribunal') in O.A. No. 1804/2017.

2. Briefly stated, HC Rajesh Kumar and HC Jag Parvesh, who are the Petitioners in W.P.(C) 9871/2023 (hereinafter referred to as



'Petitioners'), participated in the Net Ball event in the 33rd National Games held in the year 2007, wherein the team of which they were members secured first position and won the gold medal. Subsequently, the Petitioners submitted representations before the Commissioner of Police (hereinafter referred to as the "Respondent") seeking grant of out-of-turn promotion on sports basis to the rank of Assistant Sub-Inspector (ASI) with effect from February, 2007 on account of their sporting achievement.

3. The said representations were considered by the Competent Authority. However, the Petitioners were found ineligible for grant of out-of-turn promotion on sports basis and, consequently, the representations submitted by them came to be rejected.

4. Aggrieved thereby, the Petitioners approached the learned Central Administrative Tribunal by way of an Original Application, which came to be disposed of with the following directions:

"7. After perusing the records and hearing the learned counsel for the parties, respondents are hereby directed to consider the case of the applicants and consider adding this game in the S.O.(4) after approval from the competent authority. If this game is added in said S.O.(4) the applicants may be considered thereafter for promotion to the next post.

8. We also note that this circular which learned counsel for the respondents Mr. K.M. Singh produced is of the year 2009 whereas the applicants participated in the year 2007, when the earlier rules were applicable. The department may take considered view in consultation with Indian Olympic Association to add this game into their standing order and consider the case of the applicants within a period of 6 months from the date of receipt of copy of this order."

5. Aggrieved by the aforesaid order, both the parties have approached this Court.

6. Learned counsel for the Petitioners places reliance on Standing



Order No. 4 dated 19.10.1989 to contend that while Paragraph 4 thereof specifically enumerates certain sports recognised for the purposes of recruitment to various posts in the Delhi Police, Paragraph 5, which pertains to out-of-turn promotion, does not restrict the benefit to any specified sport. He submits that the learned Tribunal erred in disposing of the Petitioners' claim by directing the Respondent to include Netball as a recognised sport for the purposes of out-of-turn promotion. He further submits that the Petitioners, having secured a gold medal in the international event, were entitled to grant of out-of-turn promotion.

7. *Per Contra*, it was brought to the attention of this Court, on an earlier occasion, by the learned Counsel for the Respondent that Standing Order No. 4 dated 19.10.1989, upon which the Petitioners seek to place reliance in support of their claim for out-of-turn promotion, had specifically been superseded by Standing Order No. 4/2003 dated 29.08.2003, much prior to the Petitioners securing the gold medal in the year 2007. It was contended that upon supersession of the said Standing Order, the provision relating to out-of-turn promotion on sports basis no longer remained in force.

8. In view of the aforesaid submission, this Court *vide* order dated 10.10.2025 directed the Respondent to file a specific affidavit clarifying whether there existed any scheme for grant of out-of-turn promotion to meritorious sportspersons applicable either in the year 2007, when the Petitioners had earned the gold medal, or in the year 2016, when the Petitioners raised their claim for out-of-turn promotion. The relevant extract of the aforesaid order is reproduced hereinbelow:

"2. The learned counsel for the petitioners places reliance on Standing Order No. 4 dated 19.10.1989 to submit that while



paragraph 4 thereof specifically mentions certain sports that are recognised for the purpose of recruitment to various posts in the Delhi Police, paragraph 5, which deals with out-of-turn promotion, does not specify any particular sport. He submits that, therefore, the learned Tribunal erred in disposing of the petitioners' claim by directing the respondent to include the sport of Netball as a recognized sport for out-of-turn promotion. He submits that the petitioners were entitled to the out of turn promotion, having won the gold medal in the international event.

3. On the other hand, the learned counsel for the respondent submits that as the claim of the petitioners arose in 2007, and prior thereto, Standing Order No. 4/2003 dated 29.08.2003 had specifically superseded Standing Order No. 4 dated 19.10.1989 that has been relied upon by the petitioners, therefore, the stipulation with respect to out-of-turn promotion was no longer available as of 2007, and the issue raised by the petitioners is merely academic in nature.

4. He further points out that even for recruitment, the benefit extended to sportspersons stood revoked by OB No. 69/2010 dated 20.10.2010, and accordingly, the aforesaid Standing Order for recruitment purposes also stands revoked.

5. Keeping in view the above, we direct the respondent to file a specific affidavit stating whether there existed any scheme for grant of out-of-turn promotion to meritorious sportspersons applicable in the year 2007, when the petitioners had earned Gold Medals, or in the year 2016, when the petitioners made their claim for out-of-turn promotion. The affidavit shall be filed by the respondent within a period of four weeks from today.”

9. The Respondent in their affidavit has affirmed that the Standing Order No.4 dated 19.10.1989, upon which the Petitioners seek to place reliance in support of their claim for out-of-turn promotion, had specifically been superseded by Standing Order No. 4/2003 dated 29.08.2003 and the said Standing Order did not contain any provision for out-of-turn promotion on sports basis.

10. Thus, it is evident that in the year 2007, when the Petitioners had attained a gold medal in the National Games, there existed no provision to grant out-of-turn promotion to officers from the rank of Head Constable to ASI in the Delhi Police. Consequently, the Petitioners



could not have been considered for out-of-turn promotion in the year 2007.

11. It has further been stated by the Respondent in its affidavit that Standing Order No. 4/2003 was subsequently cancelled and withdrawn vide order dated 20.10.2010. Prior thereto, Standing Order No. A-3/2009 dated 09.03.2009 had been promulgated providing incentives to police personnel on the basis of outstanding sports performance.

12. Thus, when the Petitioners made their representations for out-of-turn promotion in the year 2016, Standing Order No.A-3/2009 was in force. The said Standing Order prescribed specific criteria for grant of out-of-turn promotion on sports basis is provided as under:

“

INDIVIDUAL PERFORMANCE:

Rank	Olympic Games	Common Wealth/ Asian Games
Asst. Sub-Inspector to Sub-Inspector	Qualified for quarter final round/top eight	Any Medal
Head Constable to Asst. Sub-Inspector	On selection to represent the country	Semi Final/top four position
Constable to Head Constable	On selection to represent eight position	Quarter Final/top eight position

TEAM EVENTS: -

Rank	Olympic Games	Commonwealth/ Asian Games
Asst. Sub-Inspector to Sub-Inspector	Qualified for quarter final round/top eight position	Any Medal
Head Constable to Asst. Sub-Inspector	On selection in the team to represent the country	Semi Final/top four position
Constable to Head Constable	On selection in the team to represent the country	Quarter Final/top eight position

Besides the above, police officers of the rank of constables, head constables and ASIs may also be considered for promotion to the next rank where any such officer repeatedly (at least two times in case of individual events and three times in case of team events) wins gold medal in any apex national games in an event which is one of the events in the Olympic Games or Commonwealth Games or Asian Games. It should be noted that other national level tournaments like All India Police Games or Exhibition



events or national level shooting championship under 'National Rule' will not be the eligible tournaments for considering a person for out of turn promotion under this S.O.

There will be no out of turn promotion to the rank of Inspector or above on such grounds."

13. The said Standing Order provided that officers of the rank of Constable, Head Constable and ASI could be considered for out-of-turn promotion where they had repeatedly secured gold medals in apex national games in events forming part of the Olympic Games, Commonwealth Games or Asian Games. The Standing Order further clarified that national-level tournaments and competitions falling outside the recognised categories would not qualify for consideration for out-of-turn promotion.

14. Admittedly, Netball was not included amongst the recognised sports under Standing Order No. A-3/2009 for the purposes of grant of out-of-turn promotion. Consequently, the Petitioners' achievement of securing a gold medal in the Net Ball event in the 33rd National Games would not render them eligible for out-of-turn promotion even under Standing Order No. A-3/2009.

15. This Court is, therefore, of the considered opinion that the Petitioners are not entitled to grant of out-of-turn promotion on sports basis.

16. In view of the aforesaid, this Court is of the opinion that the learned Tribunal erred in proceeding on the basis of Standing Order No. 4 dated 19.10.1989, despite the same having already been superseded by Standing Order No. 4/2003 prior to the Petitioners' sporting achievement in the year 2007.

17. As noted above, the Petitioners will not get the benefit of



Standing Order No. A-3/2009 as well since Net ball was not included amongst the recognised sports in the said standing order. Courts, while exercising power of judicial review, cannot direct the government to make a policy in a particular manner. No direction can be passed for the inclusion of a particular game in a particular category, for the purpose of extending benefits to the Petitioner, as the same is purely a policy matter. Even otherwise, the standing order being issued in the year 2009, even if the game was to be included, benefit of the same cannot be given to the Petitioners retrospectively.

18. This Court is further of the opinion that no useful purpose would be served in relegating the matter back to the learned Tribunal for fresh adjudication on the basis of the applicable Standing Orders, inasmuch as it is evident from the applicable policy framework that the Petitioners were not entitled to grant of out-of-turn promotion either at the time of their sporting achievement in the year 2007 or at the time when their representations came to be considered in the year 2016.

19. Accordingly, the impugned order passed by the learned Tribunal is set aside.

20. The present petitions are disposed of in the aforesaid terms.

21. Pending applications also stand disposed of.

22. A photocopy of the Order passed today be kept in the connected matter.

AMIT MAHAJAN, J

ANIL KSHETARPAL, J

MAY 14, 2026 / DU