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

Date of decision: 17.10.2025

+ W.P.(C) 10271/2025

UNION OF INDIA AND ORS

.....Petitioners

Through: Mr. Ashish K. Dixit, CGSC
with Mr. Adhiraj Singh, GP,
Mr. Umar Hashmi, Mr. Mayank
Upadhyay, Mr. Harshit
Chitransh, Ms. Iqra Sheikh,
Advs.

versus

SAMEER DNYANDEV WANKHEDE

.....Respondent

Through: Mr. T. Singhdev, Mr. Jatin
Parashar, Mr. Rohit Bhagat,
Ms. Yamini Singh, Mr. Abhijit
Chakravarty, Ms. Ramanpreet
Kaur, Mr. Tanishq Shrivastava,
Mr. Sourabh Kumar, Mr.
Vedant Sood and Mr. Bhanu
Gulati, Adv.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE MADHU JAIN

NAVIN CHAWLA, J. (ORAL)

CM APPL. 65852/2025 (Exemption)

1. Allowed, subject to all just exceptions.

REVIEW PET. 528/2025 & CM APPL. 65853/2025

2. The Review Petition under Section 114 read with Order XLVII Rule 1 of the Code of Civil Procedure, 1908 (in short, 'CPC'), has been filed by the review petitioners/writ petitioners, seeking a review



of the Judgment dated 28.08.2025 passed by this Court in the above Writ Petition, whereby, while dismissing the writ petition filed by the writ petitioners, this Court had directed the writ petitioners to comply with the order of the learned Tribunal within a period of four weeks.

3. The above writ petition had been filed by the writ petitioners challenging the Order dated 17.12.2024, whereby the said O.A. filed by the respondent herein was disposed of with the following directions:

“8. In light of the above, we allow this OA with following directions:

(a) Respondent nos. 1 to 3 are directed to open the sealed cover pertaining to applicant's promotion and in the event his name is recommended by UPSC, he shall be granted promotion to the post of Additional Commissioner w.e.f. 01.01.2021.

(b) Respondent nos. 1 to 3 are further directed to place applicant's name at appropriate position in the final seniority list dated 28.03.2024 of Joint Commissioners of Customs and Indirect Taxes.

The aforesaid directions shall be complied within a period of four weeks from the date of receipt of copy of this order.”

4. The respondent had approached the learned Tribunal, contending that the recommendations of the Departmental Promotion Committee (‘DPC’) held on 18.03.2024 could not have been kept in a sealed cover, as such action was contrary to the Judgment of the Supreme Court in ***Union of India & Ors. v. K.V. Jankiraman & Ors.***, (1991) 4 SCC 109. The learned Tribunal, as well as this Court, accepted the aforesaid submission of the respondent.



5. The present review petition has been filed on the premise that, while the Judgment in the writ petition was reserved on 29.07.2025, prior to its pronouncement, on 18.08.2025, a Charge Memo had been issued to the respondent initiating Departmental Proceedings.

6. Placing reliance on Office Memorandum No. 22011/4/91-Estt-A dated 14th September, 1992, the learned counsel for the review petitioners submits that in a case where a Government Servant, who has been recommended for promotion by the DPC, is issued a charge-sheet for departmental enquiry before being actually promoted, the recommendations of the DPC in respect of such officer can again be placed in a sealed cover. He further submits that, in the present case, since the promotion has not yet been granted to the respondent, the impugned judgment is liable to be reviewed.

7. On the other hand, the learned counsel for the respondent, who appears on advance notice of this review petition, submits that the sequence of events demonstrates that the respondent is being repeatedly victimised by the petitioners without any justifiable cause. He submits that the DPC was held on 18.03.2024, when there was no cause for placing the recommendations qua the respondent in a sealed cover. This plea of the respondent has been accepted, not only by the learned Tribunal but also by this Court. Although the order of the learned Tribunal was passed on 17.12.2024 directing the review petitioners to open the sealed cover and grant promotion to the respondent to the post of Additional Commissioner with effect from 01.01.2021, the petitioners failed to comply with the said order and, instead, filed the present writ petition after a delay of more than seven



months, and that too only when the respondent had initiated contempt proceedings against the review petitioners.

8. He further submits that the Judgment in the writ petition was reserved by this Court on 29.07.2025, and although the charge-sheet was issued on 18.08.2025, the review petitioners did not take any steps to bring the same to the notice of this Court, but instead chose to await the outcome of the writ petition.

9. He submits that, in the present review petition also, the review petitioners have failed to disclose that, by Order dated 27.08.2025 passed by the learned Tribunal in O.A. No. 3258/2025, the review petitioners have been restrained from proceeding further with the departmental enquiry initiated against the respondent pursuant to the Charge Memo dated 18.08.2025. He contends that for this material non-disclosure alone, the present review petition is liable to be dismissed.

10. He further submits that the present review petition was filed only after the learned Tribunal, in a contempt petition filed by the respondent, directed a responsible officer of the review petitioners to appear in person to explain the non-compliance with the direction issued by the learned Tribunal.

11. The learned counsel for the review petitioners, in rejoinder, however, submits that the review petitioners have acted strictly in accordance with law, and the delay in filing the review petition occurred only because necessary approvals had to be obtained for filing the same. He submits that the review petition has been filed within the period of limitation.



12. We have considered the submissions made by the learned counsels for the parties.

13. As on the date of the DPC, as also on the date of the order passed by the learned Tribunal on 17.12.2024, and even as on 29.07.2025, when this Court had reserved Judgment in the writ petition, the grounds for keeping the recommendations of the DPC in a sealed cover had not been satisfied.

14. According to the review petitioners, the Charge Memorandum issued on 18.08.2025, would now entitle them, in terms of paragraph 7 of the Office Memorandum dated 14.09.1992, to again keep the recommendations of the DPC in a sealed cover. This, however, was not a cause of action before us, and therefore, we refrain from making any observations on the same. We, however, are of the opinion that the same cannot be a ground relevant to review our judgment. If in spite of our judgment, the petitioners are justified for any reason to withhold the promotion of the respondent, the said decision would be a subject matter to be considered in another proceeding, and cannot be adjudicated upon in the present petition in form of a review petition.

15. Nevertheless, we strongly deprecate the conduct of the review petitioners in concealing from this Court the fact that, by an order dated 27.08.2025, much prior to the filing of the present review petition, the learned Tribunal had restrained the review petitioners from proceeding further with the departmental enquiry initiated against the respondent. We expect that the review petitioners, being a State, would disclose all relevant facts truthfully before this Court while filing any petition.



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16. For the above-mentioned reasons, we dismiss the present review petition with costs of Rs. 20,000/- to be deposited with the Delhi High Court Bar Clerks' Association within a period of four weeks from today.

NAVIN CHAWLA, J

MADHU JAIN, J

OCTOBER 17, 2025/ys/RM/DG