



2026:DHC:9153-DB



\$~56, 71, 109, 110 & 111

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

CNR No. DLHC010104842026

+ W.P.(C) 3558/2026, CM APPL. 69866/2026

COMMISSIONER OF POLICE, DELHI Petitioner

Through: Mr. Rahul Sambher, SPC

versus

HC (EXE) VINOD KUMAR Respondent

Through: Mr. Sourabh Ahuja and Mr.
Keshav Singh, Advs.

CNR No. DLHC010236462026

+ W.P.(C) 7209/2026, CM APPL. 35299/2026

GOVT. OF NCT OF DELHI & ORS. Petitioner

Through: Mr. Premtosh K. Mishra, CGSC
with Mr. Krish Bhatia, Mr. Vasu Agarwal
and Ms. Sakshi Mangla, Advs.

versus

AJIT SINGH & ORS. Respondent

Through: Mr. Sourabh Ahuja and Mr.
Keshav Singh, Advs.

CNR No. DLHC010440032026

+ CONT.CAS(C) 1709/2026

HC(EXE.) VINOD KUMAR Petitioner

Through: Mr. Shashwat Sharma, Adv.

versus

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SH. GOVIND MOHAN,
SECRETARY & ORS.

.....Respondent

Through: Mr. Brijesh K Tamber, Ms.
Chanchala Kumari and Mr. Vinay Singh
Bist, Advs.

CNR No. DLHC010398192026

+ W.P.(C) 12366/2026, CM APPL. 57320/2026

GNCT OF DELHI & ORS.

.....Petitioner

Through: Ms. Bhavya Tyagi, SPC with
Mr. Kushagra Sachdeva, GP

versus

HC(EXE.) ANIL KUMAR

.....Respondent

Through: Mr. Ankur Chhibber, Sr. Adv.
with Mr. Shashwat Sharma, Adv.
Mr. Sourabh Ahuja and Mr. Keshav Singh,
Advs.

CNR No. DLHC010208022026

+ W.P.(C) 6343/2026, CM APPL. 31211/2026

UNION OF INDIA THROUGH ITS SECRETARY
MINISTRY OF HOME AFFAIRS & ORS.

.....Petitioner

Through: Mr. Brijesh K Tamber, Ms.
Chanchala Kumari and Mr. Vinay Singh
Bist, Advs.

versus

HC (EXE.) VINOD KUMAR & ORS.

.....Respondent

Through: Mr. Ankur Chhibber, Sr. Adv.
with Mr. Shashwat Sharma, Adv.

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

HON'BLE MS. JUSTICE NIVEDITA ANIL SHARMA

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**ORDER (ORAL)****12.10.2026**

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C. HARI SHANKAR, J.

1. At the outset, it has to be noted that Mr. Premtosh K. Mishra, who appears on behalf of the Union of India, submits that the Union of India is now prosecuting WP (C) 7209/2026, though it was originally filed by the GNCTD, as the Delhi Police now comes under the Union Ministry.

2. The issue in controversy is the entitlement of the respondents to consideration for Out of Turn Promotion¹ against the vacancies earmarked therefor, for the years 2022 and 2023. OTP is accorded to Police personnel who display exemplary gallantry in discharge of their duties, and is required to be done year-wise. 5% of the available promotional vacancies every year are earmarked for OTP. Citations of officers who are recommended for OTP are forwarded to a duly constituted Incentive Committee, which thereafter selects the officers who, according to it, make the grade for OTP against the earmarked vacancies of that year.

3. In this case, the Incentive Committee did not meet in 2022 and, when it met in 2023, clubbed the earmarked OTP vacancies of 2022 and 2023 and recommended officers for OTP promotion, against the clubbed vacancies, from the recommended officers of both years, in respect of whom citations were received.

¹ "OTP" hereinafter



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4. The Central Administrative Tribunal has, in the judgments dated 10 December 2025, 18 November 2025 and 18 March 2026 under challenge herein, held this to be impermissible, and has directed year-wise consideration of the recommended candidates separately for 2022 and 2023. The Union of India² challenges the decisions.

5. We were told, earlier in these proceedings, by the UOI, that nothing could be done now, as the OTP earmarked vacancies of 2022 which remained unfilled had been “diverted” for regular promotion and might, quite possibly, also stand filled by now. This appeared, to us, to be *prima facie* illegal. We, therefore, directed the UOI to make known the persons who were granted regular promotion against the diverted OTP quota vacancies, so that the respondents could, if so advised, implead them as parties herein. The UOI responds by stating that it was not possible to identify any such persons, as, after diversion, the diverted vacancies form part of the pool of vacancies for regular promotion, and cannot be individually identified.

6. We were, therefore, being told to accept a position that, though an illegality might have been committed by the Delhi Police in not filling the OTP earmarked vacancies year-wise, nothing can be done now, and the respondents have no remedy.

7. This goes against the fundamental adage *ubi jus ibi remedium*³.

8. We had, on 24 September 2026, passed the following order:

² “UOI” hereinafter

³ Where there is a right, there is a remedy.



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“1. We have heard these matters for some time.

2. During the course of hearing, it transpires that, though citations recommending candidates for out of turn promotion to the post of ASI (Executive) for the year 2022 were received during the year 2022, no Incentive Committee meeting took place and, eight days before the Incentive Committee Meeting was to take place on 27 December 2022, 32 vacancies earmarked for that year for out of turn promotion were diverted to the regular promotion category.

3. This is extremely unsettling. Besides, even on 27 December 2022, it appears that the meeting was not convened because one of the members of the Committee the Special CP (Crime) was stated to be indisposed. We do not see why, even assuming he was indisposed, the meeting could not have been committed as soon as he recovered health. Instead, the next meeting was convened on 14 February 2023 which again did not take place on the ground that there were administrative exigencies.

4. We are of the opinion that these factors, if taken into account, may completely disentitle the petitioners even to maintain this writ petition, unless they are explained.”

9. Pursuant to the order dated 24 September 2026, learned Counsel for the petitioners state that there was an administrative lapse in diverting the 32 vacancies earmarked for 2022 to the regular promotion quota, 8 days before the Incentive Committee meeting was to take place on 27 December 2022.

10. We are not persuaded to accept this to be a mere “administrative lapse”. Though the reasons for such diversion cannot be divined at this point of time, it is at the very least, highly irregular.

11. Citations of persons recommended for OTP as ASI (Executive) for 2022 had already been received by the Delhi Police. The Incentive Committee meeting was to take place on 27 December 2022. Had the



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meeting taken place on 22 December 2022, there is no doubt about the fact that the respondents would have been considered independently against the 32 vacancies earmarked for OTP during that year.

12. This, however, could never take place as, 8 days prior to 27 December 2022, the petitioners diverted the vacancies to the regular promotion category.

13. We have also not been shown any provision under which such diversion of vacancies earmarked for OTP to regular promotion was permissible.

14. We reiterate our observation, in our order dated 24 September 2026, that this is at the very least both unsettling and extremely irregular.

15. That said, it goes without saying that, owing to this palpably irregular and, may we say, illegal act on the part of the Delhi Police, the respondents in these petitions cannot be denied their chance for being considered against the earmarked OTP vacancies for 2022 and 2023 independently. Of course, if any of those vacancies stand filled by candidates who were recommended for OTP, the consideration would be against the remaining vacancies.

16. The Tribunal is, therefore, correct in issuing the directions contained in the impugned judgment.

17. We, therefore, hold that the case does not call for any

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interference on our part under Article 226 of the Constitution of India.

18. We may also note that, in respect of identically situated respondents, covered by the impugned judgment, we have already dismissed WP (C) 10054/2026⁴ preferred by the Union of India.

19. We, therefore, hold that the order dated 23 July 2026, passed in that case would apply *mutatis mutandis* to these writ petitions. The writ petitions are, therefore, dismissed in the aforesaid terms.

20. The next date of hearing in WP(C) 3558/2026 already fixed, i.e., 23 November 2026 stands cancelled.

CONT.CAS(C) 1709/2026

21. In view of the order separately passed today, we are not passing any order in the present contempt petition.

22. The contempt petition is dismissed.

C. HARI SHANKAR, J.

NIVEDITA ANIL SHARMA, J.

OCTOBER 12, 2026/aky

Signature Not Verified ⁴Union of India and Ors. v. Banty Yadav and Ors.

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