



2025:DHC:4957-DB



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

Reserved on: 11.03.2025

Pronounced on: 12.06.2025

+ **W.P.(C) 955/2017 & CM APPL. 14587/2025**

DY. COMDT. DHARAM DASS CHORSIAPetitioner

Through: Mr.Ankur Chhibber, Mr.Amrit
Kaul, Mr.Anshuman Mehrotra,
Mr.Nikunj Arora and
Ms.Muskaan Dutta, Advs.

versus

UNION OF INDIA & ORS.Respondents

Through: Ms.Radhika Bishwajit Dubey,
CGSC with Ms.Gurleen Kaur
Waraich and Mr.Kritarth
Upadhyay, Advs. for
respondents
Mr.Himanshu Gautam, Adv. for
the applicants in CM APPL.
14587/2025

+ **W.P.(C) 2882/2017**

SUKHENDRA SINGH SOMAWANSHIPetitioner

Through: Mr.Ankur Chhibber, Mr.Amrit
Kaul, Mr.Anshuman Mehrotra,
Mr.Nikunj Arora and
Ms.Muskaan Dutta, Advs.

versus

UNION OF INDIA & ORS.Respondents

Through: Ms.Radhika Bishwajit Dubey,
CGSC with Ms.Gurleen Kaur
Waraich and Mr.Kritarth
Upadhyay, Advs.



CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA
HON'BLE MR. JUSTICE TEJAS KARIA

J U D G M E N T

NAVIN CHAWLA, J.

CM APPL. 14587/2025 in W.P.(C) 955/2017

1. By this application, the applicants, who were the directly recruited Group 'A' Gazetted Officers appointed to the post of Assistant Commandant along with the petitioners, but having completed their training as 38th Directly Appointed Gazetted Officers ('DAGOs') Batch, seek impleadment in these petitions claiming therein that their seniority will be adversely affected in case the petitioners were to succeed in these petitions.

2. Finding merit in the application, the same is allowed and the learned counsel for the applicants has also been heard in answer to these Writ Petitions.

W.P.(C) 955/2017 & W.P.(C) 2882/2017

3. These petitions have been filed by the petitioners, challenging the Gradation Lists of Central Reserve Police Force ('CRPF') Cadre Officers, claiming that they should be placed along with officers appointed to the post of Assistant Commandant in the year 2006 and had completed their basic training as the 38th DAGOs Batch.

4. The petitioners also seek that the period between 09.06.2007 to 14.01.2008, that is, the period when they were asked to leave the 38th



DAGOs Batch due to injury suffered by them and later joined the 39th DAGOs Batch of training, be treated as period spent on duty and they be granted monthly pay and allowances as admissible to them during this period.

5. As common questions of facts and law arise in these petitions, they are being considered by this common Judgement. For sake of brevity, we shall first consider the facts giving rise to W.P.(C) 955/2017. W.P.(C) 2882/2017 arises from almost identical facts.

6. The petitioner, Deputy Commandant Dharam Dass Chorasias, was selected through UPSC's CAPF (A/C) Exam-2004 for appointment to the post of Assistant Commandant in CRPF. Following his selection and letter of appointment dated 27.11.2006, he reported to the CRPF Academy, Kadarapur, Gurgaon (Haryana) on 26.12.2006 to undergo basic training with the 38th DAGOs Batch Course commencing from 27.12.2006.

7. The petitioner, along with other similarly situated officers, was gazetted as a Directly Appointed Assistant Commandant in CRPF *vide* a Notification dated 19.02.2007, wherein his name appeared at Serial No. 159 out of 190 officers.

8. While undergoing training in May/June 2007, the petitioner suffered a stress fracture in his left foot and was granted 30 days medical leave from 07.05.2007 to 05.06.2007, *vide* letter dated 09.05.2007. This injury was subsequently, based on findings and opinion of a Board of Officers constituted by the competent authority, determined to be attributable to service.



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9. Upon reporting back to the Academy on 05.06.2007, after completing his medical leave, the petitioner was withdrawn from the 38th DAGOs Batch, on 08.06.2007, on the grounds of having missed training for more than 30 days. The petitioner was directed to go home and join basic training with the next batch, that is, the 39th DAGOs Batch, scheduled to commence from 15.01.2008. This direction was given under the authority of Deputy Inspector General of Police, CRPF Academy *via* letter dated 22.05.2007, as communicated to the petitioner *vide* letter dated 25.05.2007 and was in accordance with instructions issued by the Director General of CRPF *vide* policy dated 08.03.2001.

10. The petitioner joined the 39th DAGOs Batch on 15.01.2008 and successfully completed the basic training on 21.12.2008. *Vide* Office Order dated 12.01.2009, as amended *vide* Office Order dated 29.07.2009, the petitioner's absence from 09.06.2007 to 14.01.2008, totalling 220 days, was regularized as EOL with no leave salary.

11. Upon completion of training, he was posted to 39th Bn. CRPF. While serving there, the petitioner received a communication dated 13.04.2009, indicating that his seniority was fixed at S.No. 1011 in the Gradation List of CRPF cadre officers as on 01.01.2008. However, in the Gradation List as on 01.01.2010, the inter-se-seniority of 38th DAGOs Batch was assigned from serial 602 to 778, while the petitioner's inter-se-seniority was assigned at serial 926 (*for the petitioner in W.P(C) 2882/2017, it was assigned as 925*) with the 39th DAGOs Batch (*whose seniority ranged from serial 923 to 1023*). The gap between the 38th and 39th DAGOs Batch in the seniority list (from



serial 779 to 922) was filled by 144 officers who were appointed through local promotions.

12. Aggrieved by his placement in the seniority list, the petitioner submitted a representation dated 11.10.2010 requesting rectification of his inter-se-seniority to place him along with the 38th DAGOs Batch. His request was rejected *vide* letter dated 23.08.2011, which stated that since the petitioner, after basic training, had passed out with the 39th DAGOs Batch, his inter-se seniority was correctly determined under the provisions of para 3 of Standing Order ('SO') 1/2009 read with Rule 8(b)(ii) of the CRPF Rules, 1955 and he was correctly placed at the top of the 39th DAGOs Batch. Paragraph 2 of the rejection letter acknowledged that prior to SO 1/2009, there were no specific orders/guidelines on how to reckon seniority/inter-se-seniority in respect of certain categories of persons, including cases of relegation on medical grounds, and that SO 1/2009 was issued to address this gap.

13. In the Gradation List of Assistant Commandants as on 01.01.2014, the petitioner's name appeared at serial 1029, again placing him below approximately 130 officers appointed through local promotions, while that of the petitioner in W.P(C) 2882/2017 did not feature at all and he was appointed to the post of Deputy Commandant only on 19.12.2014.

14. It is the case of the petitioner that from December 2014 to August 2015, the petitioner made various efforts to have his grievances redressed through applications and requests under the Right to Information Act, 2005, but without success. On 02.06.2015,



the petitioner served a legal notice requesting reconsideration of his case for fixation of inter-se-seniority along with the 38th DAGOs Batch. The respondents replied to the legal notice *vide* letter dated 21.08.2015, rejecting the petitioner's claim.

15. Aggrieved by this rejection, as well as the non-payment of monthly salary for the period of the EOL, the petitioner has filed the present writ petition. In the meantime, some of the personnel who had completed their training in the 38th DAGOs Batch got promoted to the rank of Deputy Commandant in the year 2013.

SUBMISSIONS OF THE LEARNED COUNSEL FOR THE PETITIONERS

16. In support of the petitions, the learned counsel for the petitioners submits that the respondents have erred in fixing the seniority of the petitioner with that of DAGOs belonging to the 39th Batch, that is, the batch to which the petitioners were relegated only for the purposes of completing their basic training, instead of fixing their seniority with the 38th Batch of DAGOs to which they originally belonged.

17. He submits that the petitioners did not wilfully miss their training but were rather compelled to do so on account of the injuries sustained by them during training, a fact that was acknowledged by the respondents themselves by way of regularizing their service as Extra Ordinary leave, and that hence downgrading their seniority would amount to punishing them for no fault of theirs.

18. He submits that the seniority of the petitioners is governed by



the CRPF Group “A” (General Duty) Officers Recruitment Rules, 2001 (hereinafter referred to as “Recruitment Rules”), and that Rule 8(3)(i) thereof, provides that in cases of direct entrants, the year of declaration of result shall be the year of seniority. He contends that even otherwise, para 3(vi) of the SO No. 01/2009 would not apply to the present petitioners as the same can have only prospective application and would only be applicable to individuals who did not join or missed the basic training on their own volition. In support, he places reliance on the Judgement of this Court in ***Shankar Lal Jat vs. Union of India***, 2024:DHC:7182-DB. He submits that the Special Leave Petition challenging the said Judgment was dismissed by the Supreme Court *vide* its Order dated 28.02.2025.

19. Placing reliance on the Judgement of the Supreme Court in ***Ramchandra Shankar Deodhar and Ors. vs. The State of Maharashtra and Ors.***, (1974) 1 SCC 317, he contends that there is no straightjacket formula for determining delay and the Court must look into the facts and circumstances of each case. He submits that the present petitions are not barred by delay and laches as in the present case, the impugned seniority list which was determined in contravention of the Rules, was *non-est* and therefore, due to mere delay, cannot be allowed to stand. Reliance is placed on the Judgement of the Supreme Court in ***Ajay Kumar Shukla vs. Arvind Rai***, (2022) 12 SCC 579, and the Judgements of this Court in ***Shankar Lal Jat*** (supra); ***MV Sheshagiri vs. Union of India and Ors.***, 2018 SCC OnLine Del 13001; and W.P.(C) 1425/2019 titled ***Vinod Kumar Trivedi vs. Union of India and Ors.***; and that of the Andhra Pradesh



High Court in *Shaik Ahmmad vs. State of A.P. & Ors.*, 2023 SCC OnLine AP 1702. He submits that the Special Leave Petition, being SLP(C) no. 10698-10699/2020, against the Judgements in *MV Sheshagiri* (supra) and *Vinod Kumar* (supra) were dismissed by the Supreme Court *vide* the Order dated 10.05.2022.

20. He further submits that since the Judgement in *Shankar Lal Jat* (supra) is a Judgement *in rem*, the issue of delay and laches cannot be raised for denying the benefits to the petitioners. Reliance in support of this submission is placed on the Judgement of the Supreme Court in *State of U.P. vs. Arvind Kumar Srivastava*, (2015) 1 SCC 347.

21. Interestingly, the learned counsel for the petitioners did not make any submissions on the prayer for grant of salary and allowance for the period of the EOL, that is, the period between 09.06.2007 to 14.01.2008, that has been regularised by the respondents as EOL.

SUBMISSIONS OF THE LEARNED COUNSEL FOR THE RESPONDENTS

22. The learned counsel for the respondents submits that the present petitions are barred by delay and laches. In support, she places reliance on the Judgement of the Supreme Court in *B.S. Bajwa and Anr. vs. Union of India*, (1998) 2 SCC 523. She further submits that the petitioners themselves have been granted promotions on the basis of combined seniority list of 2009 and therefore, cannot now challenge the same.

23. The learned counsel for the respondents submits that nonetheless, the petitioners have no case on merits, as the seniority of



the petitioners has been correctly fixed in accordance with para 3 of the SO No. 01/2009 read with Rule 8(b)(ii) of the CRPF Rules, 1955, which places a blanket condition of the relegation of seniority of an officer to the subsequent batch with which he completes training on account of an absence of more than 30 days from the training batch which he first joined upon his appointment. She submits that this intent of the CRPF to place a blanket condition on all personnel, can also be seen in SO No. 01/2015 passed with respect to the promotions of gazetted officers to the post of Inspector. She submits that Clause 22(5) thereof, explicitly mentions that personnel who could not complete their promotional courses even on account of illness or low medical category, cannot claim seniority.

24. She states that the petitioners, having already gained promotions, determined basis the existing rules and regulations, cannot now question the same.

25. The learned counsel for the respondents further submits that the Special Leave Petition bearing Diary no. 3572/2025 challenging the Judgement of this Court in *Shankar Lal Jat* (supra) has been dismissed by the Supreme Court *vide* the Order dated 28.02.2025, keeping the question of law open. Therefore, the same be not treated as a binding precedent.

SUBMISSIONS OF THE LEARNED COUNSEL FOR THE INTERVENORS:

26. The learned counsel for the intervenors, while adopting the arguments made by the learned counsel for the respondents, further submits that petitions disputing the long-standing seniority filed at a



belated stage should be rejected inasmuch as they seek to disturb the vested rights of other persons. Reliance has been placed on the Judgements of the Supreme Court in *Malcom Lawrence Cecil D'Souza vs. Union of India and Ors.*, (1976) 1 SCC 599, and *K.R. Mudgal vs. R.P. Singh*, (1986) 4 SCC 531, and that of this Court in *Prakash Singh vs. Union of India and Ors.*, 2016 SCC OnLine Del 3632, and in *Ajay Kumar Awasthi and Ors. vs. Union of India*, 2022 SCC OnLine Del 4216.

27. On merits, the learned counsel for the intervenors submits that seniority of personnel has to be relegated to the top of the subsequent batch, even in accordance with the policy dated 08.03.2001. In support, he places reliance on the Judgement of this Court in *Shri Himanshu Pande vs. Union of India & Ors.*, 2015 SCC OnLine Del 8258.

28. He further submits that in *Union of India and Ors. vs. Prasant Kumar Rai*, 2024 SCC OnLine All 2722, the Allahabad High Court, while interpreting SO 01/2009 and allowing the writ appeal filed by the appellants therein, has held that the seniority of the respondents therein being fixed with the subsequent training batch on account of respondents having missed training with their original batch on medical grounds, was correct. He states that the Special Leave Petition thereagainst is still pending before the Supreme Court.

ANALYSIS AND FINDINGS

29. From the submissions made by the learned counsels for the parties, three important issues would arise for consideration of this Court:



- a. Whether the present petitions are liable to be dismissed on account of delay and laches in filing the same?
- b. Whether the petitioners are entitled to re-fixation of their seniority in absence of impleadment of the officers whose seniority would be adversely affected in case these petitions are to be allowed?
- c. Whether the seniority of the petitioners has been rightly fixed at the top of the officers completing the 39th DAGOs Batch of training in terms of the SO No.01/2009 dated 12.01.2009?

Delay and Laches

30. It is the admitted case of the petitioners that on being selected for the post of Assistant Commandant in the selection process of 2006, they reported to the CRPF Academy, Kadarapur, Gurgaon (Haryana) on 26/27.12.2006.

31. It is also admitted that during the course of their training, they suffered injuries which were considered to be suffered during the course of basic training and as attributable to service.

32. As, due to the injuries suffered, they missed the training for more than 30 days, they were not allowed to re-join the training with the 38th DAGOs Batch and instead, completed their training along with the 39th DAGOs Batch. The period of their absence between 09.06.2007 to 14.01.2008 was regularized by way of EOL, with no leave salary *vide* Office Orders dated 17.09.2008 as amended *vide* Office Orders dated 12.01.2009, 06.02.2009 and 29.07.2009 (in



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W.P.(C) 955/2017) and Office Orders dated 12.01.2009, 06.02.2009 and 29.07.2009 (in W.P. (C) 2882/2017).

33. It is further admitted that in the Gradation List published by the respondents as on 01.01.2010, the petitioners were placed at the top of the officers completing the training as 39th DAGOs Batch. In between the 38th DAGOs Batch and the 39th DAGOs Batch, there were about 144 officers appointed through local promotions and, therefore, they were placed senior to the petitioners.

34. The petitioner, Dharam Dass Chorasias, made a representation against the Gradation List dated 11.10.2010, which was rejected *vide* Letter dated 23.08.2011, relying upon the SO of 2009. Similarly, petitioner Sukhendra Singh Somawanshi, also filed a representation dated 20.08.2010 against the Gradation List. However, his representation too was rejected, *vide* Letter dated 27.09.2011.

35. Subsequently, the officers from the 38th DAGOs Batch were promoted to the post of Deputy Commandant *vide* Signal dated 23.10.2013. Although petitioner Sukhendra Singh Somawanshi was considered for promotion at this stage, it is contended that he was not promoted due to his Low Medical Category.

36. A Gradation List as on 01.01.2014 was thereafter issued by the respondents. In this list, petitioner Dharam Dass Chorasias was placed at the top among officers who completed the 39th DAGOs Batch training. Petitioner Sukhendra Singh Somawanshi, however, did not feature in this Gradation List as he had been promoted to the post of Deputy Commandant on 19.12.2014.

37. The petitioners claimed to have filed applications under the



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Right to Information Act, 2005 and thereafter addressed legal notices dated 02.06.2015 and 10.08.2015, seeking re-fixation of their seniority, however, the said representations, were rejected by the respondents *vide* their response to the legal notices dated 21.08.2015/29.01.2016. The claim of the petitioners for the pay and allowances between the period 09.06.2007 and 14.01.2008 was also rejected.

38. The petitioners eventually filed the present petitions on 01.02.2017 in W.P.(C) 955/2017 and 27.03.2017 in W.P.(C) 2882/2017.

39. It is in the above facts that the respondents and the intervenors claimed that the present petitions are liable to be dismissed on account of delay and laches, while the learned counsel for the petitioners contends that as the seniority of the petitioners has been fixed in contravention of the Recruitment Rules, delay and laches cannot defeat the claim of the petitioners. It has further been contended that the petitioners could not agitate their claims before this Court on account of being deputed to various different Battalions across the country and in the case of petitioner Sukhendra Singh Somawanshi, due to injury as well.

40. To answer the above submission, it would be relevant to first consider the Judgment of the Supreme Court in ***Ram Chandra Shankar Deodhar*** (supra), wherein the Supreme Court held that the rule of not enquiring into belated and stale claims is not a rule of law but a rule of practice based on sound and proper exercise of discretion. While there is no inviolable rule that whenever there is delay, the



Court must necessarily refuse to entertain the petition, it would depend on the facts of each case.

41. In ***B. S. Bajwa*** (supra), the Supreme Court warned that in service matters, the question of seniority should not be re-opened after the lapse of a reasonable period, because that results in disturbing the settled position which is not justifiable. It was held that inordinate delay alone is sufficient to decline interference under Article 226 of the Constitution of India and to reject a Writ Petition challenging a Seniority List.

42. In ***Arvind Kumar Shrivastava*** (supra), the Supreme Court held that as a normal rule, when a particular set of employees is given relief by the Court, all other identically situated persons need to be treated alike by extending that benefit. However, this principle is subject to well-recognized exceptions in form of laches and delays as well as acquiescence. Persons who do not challenge the wrongful actions in their cases and acquiesce to the same, but wake up after a long delay only because of the reason that their counterparts who had approached the Court earlier in time succeeded in their efforts, cannot claim that the benefit of the Judgment rendered in the case of similarly situated persons be extended to them, unless they can show that the Judgment pronounced by the Court was a Judgment *in rem* with the intention to give benefit to all similarly situated persons whether they approached the Court or not.

43. In ***Ajay Kumar Shukla*** (supra), the Supreme Court, while considering a plea seeking dismissal of a petition on delay and laches, held that a period of 3 to 4 years would be reasonable to challenge a



seniority list and any challenge beyond the said period would require a satisfactory explanation. It was, however, held that a seniority list prepared contrary to the statutory provisions cannot be defended on the ground of delay in challenging the same. On facts of that case, the Supreme Court found that there was in fact no delay in the petitioners approaching the High Court to challenge the Seniority List.

44. Applying the above principles to the facts of the present case, the Seniority List published by the respondents in the year 2010, showing the petitioners at the top of the 39th DAGOs Batch instead of along with the officers of the 38th DAGOs Batch, was represented against by the petitioners. However, such representations were rejected in the case of Dharam Dass Chorasias *vide* the Letter dated 23.08.2011 by placing reliance on the SO of 2009, and in the case of Sukhendra Singh Somawanshi, *vide* Letter dated 27.09.2011. The petitioners did not challenge the Gradation List or the rejection of their representation for almost six years. Their plea that they could not challenge the same as they were posted in different places, cannot justify the delay in challenging the seniority list and/or their representations against the same. With the Gradation List gaining finality, rights crystallized in favour of persons who had been placed senior to the petitioners.

45. In the meantime, not only another Gradation List on similar basis was issued by the respondents, but also the officers of the 38th DAGOs Batch were promoted to the post of Deputy Commandant in the year 2013 which also would be about three years prior to the filing of the present petitions. Merely because the respondents made further



representations, including serving a legal notice on the respondents, in our view, cannot adequately explain the delay of the petitioners in approaching this Court.

46. In *Union of India v. Tarsem Singh*, (2008) 8 SCC 648, the Supreme Court, while reiterating that normally a belated service related claim will be rejected on the ground of delay and laches, and that while one of the exceptions to the said rule is cases relating to a continuing wrong, has held that in cases of claims involving issues relating to seniority affecting others, delay would render the claims stale and the doctrine of laches will be applied.

47. In the present case, therefore, the present petitions are liable to be dismissed only on ground of delay and laches.

Impleadment

48. In addition to the above, and as noted hereinabove, the petitioners are seeking the re-fixation of their seniority along with the 38th DAGOs Batch of officers by applying the principle of determining their seniority basis the marks secured by them in the examination as also in the basic training. This would necessarily mean that they will claim a march of their seniority over some of the 38th DAGOs Batch of officers. Additionally, they will have a march over the 130 officers who joined before them on basis of promotion. These officers have, however, not been impleaded in these Petitions. As their rights would be adversely affected by any relief granted to the petitioners, in our opinion, they were necessary and proper parties to these petitions and in their absence, the petitions are liable to be



dismissed. Only because some of the officers of the 38th DAGOs Batch who would get affected, have chosen to file the above application seeking their impleadment, cannot mean that they are also representing the interest of the other officers who have been placed before the petitioners due to their local promotions. The present petitions are, therefore, liable to be dismissed on this ground as well.

Merits

49. On merits, though the case of the petitioners appears to be covered by the Judgment of this Court in ***Shankar Lal Jat*** (supra), this Judgment, however, cannot be said to be a Judgment *in rem*, intending to apply even to closed cases where seniority stands determined for long and without being challenged. Further, on a challenge thereto, the Supreme Court, *vide* its Order dated 28.02.2025 passed in SLP (C) Diary No.3572/2025, has kept the question of law open. In the facts of the present case, therefore, we need not dwell further on this issue.

50. As far as the claim for salary between the period 09.06.2017 to 14.01.2008 is concerned, the same also stood rejected by the respondents *vide* Office Order dated 17.09.2008, as amended *vide* Office Orders dated 12.01.2009, 06.02.2009, and 29.07.2009. As noted hereinabove, the present petitions have been filed only on 01.02.2017 and 27.03.2017 respectively. The claims are, therefore, belated and cannot be granted. Even otherwise, no submissions were made by the learned counsel for the petitioners in support of the claim for salary for this period.



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51. In view of the above, the present petitions are dismissed. There shall be no orders as to costs.

NAVIN CHAWLA, J.

TEJAS KARIA, J.

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Click here to check corrigendum, if any