



2025:DHC:1107-DB



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

Date of decision: 20.02.2025

+ **W.P.(C) 2239/2025**
RAVINDRA SINGHPetitioner

Through: Mr.P. Sureshan, Adv.

versus

UNION OF INDIA AND ORS.Respondents

Through: Mr.Sarvan Kumar, SPC with
Ms.Mahamaya Chatterjee, GP
for UOI
AC/CISF G. S. Rathore and
SI/CISF Prahlad Devenda

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE SHALINDER KAUR

NAVIN CHAWLA, J. (ORAL)

CM APPL. 10457/2025 & CM APPL. 10458/2025 (Exemption)

1. Allowed, subject to all just exceptions.

W.P.(C) 2239/2025

2. This petition has been filed by the petitioner, challenging the Letter dated 08.11.2024 issued by the respondents, whereby the request of the petitioner for grant of an increment due on 01.07.2011 has been rejected by stating that he had not completed six months of service in the Revised Pay Structure as on 01.07.2011 as required in Rule 10 of the CCS Revised Pension Rules-2008 and the DoE's



Circular dated 19.03.2012 and, therefore, is not entitled to the increment.

3. The learned counsel for the petitioner submits that in similar facts relating to a batchmate of the petitioner, this Court by its Order dated 24.07.2019 in W.P.(C) 6747/2018 titled, '**Vijay Das v. Director General Central Industrial Security Force & Ors.**' has granted the relief to the petitioner therein, by observing as under:

“5. Having heard learned counsel, we are inclined to allow the petition, as claimed. The petitioner cannot be made to suffer only on account of the default of the respondents in belatedly issuing appointment letter to him. There is no reason attributable by the respondents for which the petitioner could be held responsible for delayed issuance of his appointment letter. There is no reason why the appointment letter could not have been issued with his batch-mates, who were junior to him. For the said delay, it is the respondents, who alone are responsible. So far as the petitioner is concerned, he has acted on the appointment letter issued to him on 20.12.2010 and joined the post on 06.01.2011. Pertinently, the appointment letter dated 20.12.2010 did not inform him that if he does not join on or before 31.12.2010, he would lose one increment under the rules.”

4. He further submits that similar relief has also been granted in by this Court *vide* its Order dated 25.10.2018 in W.P.(C) 8650/2017 titled, '**Kadam Dattatray Ramdas v. DG CISF and Ors.**', observing as under:-



“4. If the Petitioner’s result had been declared as indicated hereinbefore on 6th January 2011 itself, then even as per the criteria spelt out in the above communication, the Petitioner was qualified for being appointed as ASI from the same date as his batch mates. In other words, the Petitioner was entitled to be considered for appointment as ASI on the date of the initial announcement of the results by the SSC, i.e. 6th January 2011.

5. Additionally, the Court notes that in *Union of India v. Sadhna Khanna AIR 2008 SC 860*, where the blame lay at the doorstep of the Department for making a mistake in declaring the Respondent qualified in the Assistant Grade examination, the Supreme Court clarified that the Respondent was entitled to succeed and the date of eligibility had to be counted from 1st July 1983, when the original offer of appointment was sent to her juniors.

6. Consequently, the Court accepts the prayer of the Petitioner and quashes the letters dated 30th March 2017 and 10th April 2017 issued by the Respondents and directs that the Petitioner be considered as having been appointed as an ASI from 6th January 2011 and further that he consequently, would be considered for the promotion to the post of Sub Inspector/Executive for the year 2017 vacancies along with his batch mates if otherwise found fit as per the relevant promotion policy.

7. Needless to say that the Petitioner will be given all consequential benefits on the basis of his being qualified to be appointed as an ASI from 6th January 2011.”

5. Issue notice.
6. Notice is accepted by Mr.Sarvan Kumar, the learned counsel on



behalf of the respondents.

7. He, on instructions, submits that though the Offer of Appointment had been given to the petitioner on 20.12.2010, his technical resignation was submitted only on 29.12.2010, which was accepted by the Competent Authority *vide* Order dated 31.12.2010, calling upon the petitioner to join the duty on or before 06.01.2011 at the National Security Academy, CISF. He submits that, therefore, there was no delay attributable to the respondents in the present case.

8. In answer, the learned counsel for the petitioner submits that while for some of the batchmates, the appointment letter had been issued prior to 08.12.2010, for the petitioner the same was issued only on 20.12.2010, calling upon the petitioner to join on or before 06.01.2011. The petitioner almost immediately applied for his technical resignation, therefore, the delay is attributable only to the respondents.

9. We find that once a similar relief has been granted to the batchmates of the petitioner on identical facts, as recorded hereinabove, the same relief cannot be denied to the petitioner on these minor distinctions, if at all, as pointed out by the learned counsel for the respondents.

10. The Impugned Letter dated 08.11.2024 is hereby set aside.

11. We direct the respondents to fix the pay of the petitioner at par with his juniors and the batchmates. The benefit shall, however, be confined to a period of three years prior to the filing of the present petition.

