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

+ W.P.(C) 8133/2020

LALIT

..... Petitioner

Through: Mr. Anuj Aggarwal, Adv.

versus

CENTRAL RESERVE POLICE FORCE & ORS. .... Respondents

Through: Mr. Avnish Singh, Adv.

**CORAM:**

**HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW**

**HON'BLE MS. JUSTICE ASHA MENON**

**ORDER**

% **19.10.2020**

**[VIA VIDEO CONFERENCING]**

**CM APPL. 26394/2020 (for exemption).**

1. Allowed, subject to just exceptions and as per extant rules.
2. The application is disposed of.

**W.P.(C) 8133/2020.**

3. The petitioner, appointed as an Assistant Commandant in the respondents Central Reserve Police Force (CRPF) on 12<sup>th</sup> January, 2012 and having sustained injuries on 26<sup>th</sup> September, 2016 while on duty in a naxal area, has filed this petition (i) seeking Senior Time Scale w.e.f. 12<sup>th</sup> January, 2016 i.e. on completion of four years of service, instead of as granted from 25<sup>th</sup> March, 2017 and impugning order dated 27<sup>th</sup> April, 2018 rejecting the petitioner's representation therefor; and, (ii) impugning para 4.17 (a) and (b) of the Standing Order No.4/2008 dated 15<sup>th</sup> December, 2008.

4. It is the case/contention of the petitioner, (i) that vide order dated 13<sup>th</sup> October, 2016 (Annexure P-4 to the petition), the petitioner having been injured during an encounter with Naxals, it was directed that the petitioner,

if found partially or fully incapacitated in future due to the injury sustained, would be eligible for all financial benefits; (ii) that however the grant of Senior Time Scale to the petitioner was denied to the petitioner when due on 12<sup>th</sup> January, 2016, for the reason of being in Medical Category SHAPE-III [A3 (T-12) P3 (T-12)] and was granted to the petitioner on 25<sup>th</sup> March, 2017 only when the petitioner regained SHAPE-I Medical Category; and, (iii) that the Standing Order No.4/2008 supra (Annexure P-2 to the petition) though in paragraph 4.17 thereof at page 32 of the electronic paper book grants exemption for certain medical categories owing to injury sustained in specified situations, but does not grant exemption for injuries sustained by the petitioner in an operation in a Naxal affected area and is discriminatory and bad for this reason.

5. There is nothing before us to show that the Medical Category of the petitioner was SHAPE-III on account of the injury. The counsel for the petitioner states that the said documents have not been examined by him and he will examine and take instructions and if there is anything else, place the same before the Court.

6. On enquiry, it is informed that the date from which the petitioner is granted Senior Time Scale does not have only monetary repercussions but also repercussions on future promotions/seniority of the petitioner.

7. *Prima facie* it appears to us that the order dated 13<sup>th</sup> October, 2016 (Annexure P-4 aforesaid) when provided that the petitioner will be eligible for all financial benefits, referred to such benefits on account of partial or full disability on account of injury sustained and not to financial benefits as Senior Time Scale which not only have a monetary value but also have repercussions on future progression of the petitioner.

8. However it appears that the challenge as discriminatory by the petitioner to the Standing Order aforesaid requires consideration.
9. The counsel for the respondents CRPF who appears on advance notice is also requested to have the matter examined at the end of the respondents CRPF from the aforesaid aspects and a counter affidavit covering all the aforesaid aspects be filed within four weeks.
10. Rejoinder, if any be filed further within four weeks thereafter.
11. Though the denial of the Senior Time Scale to the petitioner was on 12<sup>th</sup> January, 2016 and he had represented on 8<sup>th</sup> May, 2017 and which representation was rejected on 27<sup>th</sup> April, 2018 and that thereafter the petitioner had again got issued a legal notice dated 12<sup>th</sup> December, 2019 and response whereto was received only on 16<sup>th</sup> January, 2020, we are at this stage not considering the aspect of delay.
12. List on 27<sup>th</sup> January, 2021.

**RAJIV SAHAI ENDLAW, J**

**ASHA MENON, J**

**OCTOBER 19, 2020**  
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