



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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**CWP-2910-2025 (O&M)
Date of decision: 29.07.2025**

DR MILI NAG BISWAS

.....Petitioner

VERSUS

UNION OF INDIA AND OTHERS

.....Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: - Mr. Nitin Sharma, Advocate
for the petitioner.

Mr. Sunil Kumar Sharma, Senior Panel Counsel,
for the respondents.

VINOD S. BHARDWAJ, J. (Oral)

1. The present writ petition has been instituted seeking quashing of the order dated 05.11.2024, whereby the posting of the petitioner as Deputy Inspector General (Medical), Jodhpur, has been cancelled. The petitioner further prays for issuance of an appropriate direction to the respondents to consider and effectuate her posting as DIG (Medical).

2. Learned counsel submits that the petitioner, a medical officer of considerable seniority and merit, has been serving in the Border Security Force for over three decades with an unblemished service record. It is urged



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that a Departmental Promotion Committee (DPC) convened in February 2023, however, did not consider the petitioner for promotion to the post of Deputy Inspector General (Medical), despite several of her juniors being considered and ultimately promoted. Aggrieved by such discriminatory exclusion, the petitioner instituted Civil Writ Petition No. WPA 6078 of 2023 before the Hon'ble Calcutta High Court, challenging the wrongful denial of promotion. It is pointed out that the Calcutta High Court, after considering the entire material on record held that as on the date of the DPC meeting i.e., 01.09.2022, there were no disciplinary or departmental proceedings pending against the petitioner and no charge sheet had been served upon her. The Court found that the exclusion of the petitioner from the zone of consideration was arbitrary, unfair, and was in violation of the petitioner's right to fair treatment in service matters. Accordingly, vide judgment dated 12.10.2023, the Calcutta High Court allowed the writ petition and directed the respondents to reconvene a DPC within two months and consider the petitioner for promotion to the post of DIG (Medical) and extending to her all notional benefits from the date on which her juniors were promoted.

3 Pursuant to the aforesaid directions, the respondents passed a promotion order dated 15.01.2024, whereby the petitioner was duly promoted to the post of DIG (Medical). Consequent thereto, she was posted to the Composite Hospital, BSF, Jodhpur, Rajasthan, vide order dated 08.03.2024. However, it is contended that the respondents thereafter initiated



departmental proceedings against the petitioner and, on the basis of the punishment awarded to her vide order dated 03.09.2024, proceeded to cancel her Jodhpur posting vide order dated 05.11.2024. Learned counsel for the petitioner contends that the entire sequence of events reveals a mala fide design to frustrate the effect of the Calcutta High Court's judgment. It is urged that the petitioner was promoted pursuant to judicial directions, and her posting to Jodhpur was also in consonance with routine administrative procedure. However, by subsequently initiating departmental proceedings and relying upon the outcome thereof to cancel her posting, the respondents have, in effect, nullified the benefit extended to the petitioner by a Court of law. It is argued that such a course adopted by the respondents is ex facie arbitrary and amounts to a colourable exercise of administrative power, undermining both the petitioner's service rights and the authority of judicial orders. Furthermore, it is submitted that another officer has now been appointed in her place at Jodhpur, thereby rendering the petitioner's grievance urgent and irreparable in nature.

4. On the notice having been issued, reply has been filed by the respondents. The Counsel for the respondent has now informed that vide order dated 14.07.2025, the competent authority has already granted sanction to appoint the petitioner, on her promotion to the rank of Deputy Inspector General (Medical) in the CAPF, on notional basis w.e.f. 08.09.2022 i.e. when her immediate junior was promoted. The benefit of financial upgradation under DACP scheme has also been extended and



seniority has also been ordered to be placed above Dr. S. Patondikar. He thus submits that the benefit of the posting order and seniority as well as the pay have already been sanctioned by the competent authority. It is submitted that there had been no withdrawal or reversion of the petitioner on the post of DIG (Med) as the order of her promotion had never been cancelled or withdrawn and it was only the order of posting that had been stayed. It is submitted that the petitioner had sent a request for choice of posting wherein she requested that her postings orders may be issued near to Ambala and in places such as C.H. Srinagar, C.H. Chandigarh or C.H. Jalandhar/Punjab. He contends that since the competent authority for issuing posting orders for the officers in the ranks of DIG and above is the Union of India, hence, the said request has already been forwarded and a decision shall be taken thereupon expeditiously. He submits that since the request of the petitioner is already under active consideration and even as per her representation, she has already expressed that she is not wanting to join at Jodhpur, hence, an appropriate decision shall be taken in a time bound manner.

5. At this stage, learned counsel appearing for the petitioner has submitted, on instructions, that the petitioner has no objection to assuming charge at Civil Hospital, BSF, Jodhpur, in the event that her request for adjustment at one of her preferred stations namely, Srinagar, Chandigarh, or Jalandhar, is not feasible.

6. Be that as it may, since the request of the petitioner for posting at a station of her preference has already been forwarded to the competent



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authority for appropriate consideration, and further, in view of the fact that the post at CH BSF, Jodhpur presently stands occupied, this Court is of the considered view that it would be just, proper and expedient to direct the respondents to take a conscious and reasoned decision on the petitioner's request. The said decision shall be taken expeditiously, in accordance with law, and in any case, not later than a period of six weeks from today.

7. The present writ petition is accordingly disposed of in above terms.

8. All the pending miscellaneous application(s), if any, are also disposed of.

JULY 29, 2025

Vishal Sharma

**(VINOD S. BHARDWAJ)
JUDGE**

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No