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

% *Date of Decision : April 22, 2015*

+ **W.P.(C) 1611/2015**

AJAY SURYAVANSHI AND ORS. .... Petitioners

Represented by: Ms.Jyoti Singh, Sr.Advocate  
instructed by Ms.Tinu Bajwa,  
Advocate

versus

UNION OF INDIA AND ORS. .... Respondents

Represented by: Mr.Vivek Goyal, CGSC with  
Mr.M.Tapan Sharma, Advocate for  
R-3 and R-4

**W.P.(C) 3046/2015**

S. RAVI CHANDRAN & ORS. .... Petitioners

Represented by: Ms.Rekha Palli, Advocate with  
Ms.Ankita Patnaik and Mr.Nikhil  
Palli, Advocates

versus

UNION OF INDIA & ORS. .... Respondents

Represented by: Mr.Arun Bhardwaj, CGSC with  
Mr.Rishi Kapoor, Advocate

**CORAM:**

**HON'BLE MR. JUSTICE PRADEEP NANDRAJOG**

**HON'BLE MS. JUSTICE PRATIBHA RANI**

**PRADEEP NANDRAJOG, J. (Oral)**

1. Whereas W.P.(C) No.1611/2015 has been filed by officers of BSF in Group A service, W.P.(C) No.3046/2015 has been filed by officers in BSF in the ministerial cadre. The commonality in the two petitions is the desire of the petitioners for a cadre review to be carried out of their respective cadre.
2. Vide OM dated April 05, 1995, drawing attention to an earlier OM dated May 06, 1972, the Government of India, Department of Personnel and Training had directed as under:-

*“OFFICE MEMORANDUM*

*Subject: **Guidelines for Cadre Review of Central Group ‘A’ Services.***

*Attention is invited to this Department’s O.M.No.5/1/71-PP (Vo.VI) dated 6.5.1972 with which detailed guidelines for cadre management of Group ‘A’ Central Services were issued. It was, inter-alia, provided in the above guidelines that cadre review of Group ‘A’ Central Services would be held every three years.*

*2. The question of revising the scheme of Cadre Review with a view to making it based on long-term approach to the cadre has been under consideration of this Department. After careful consideration of all relevant factors, it has now been decided that the cadre review of Group ‘A’ Central Services shall be hold ordinarily at the interval of every five years.*

*3. All the Ministries/Departments are requested to bring the above instructions to the notice of Cadre Controlling Authorities under their administrative control, for information and guidance.”*

3. The present petitions highlight a rather unfortunate state of affairs on account of laxity of the Government in not holding Cadre Review for 25 years for Border Security Force. The mandate of the DoPT OM dated April 05, 1995 has been brazenly violated.

4. It is the case of the petitioners that non-creation of posts at Commandant to Additional Director General level (which is the Command level), with the growth of the Force has resulted in acute stagnation in promotions and a Deputy Commandant earns a promotion after fifteen years. The stagnation in the ministerial cadre is alleged to be from the lower rank of Sub-Inspector onward. **It is the case of the petitioners that extreme demotivation has sunk in the officers.** While on one hand the span of control is increasing, as the base is being made broader the burden is shifting on few shoulders due to lack of adequate number of officers at the command level.

5. Not that the problem in the ministerial cadre is less, one finds that the same in the combat battalions is more.

6. We firstly note the issues which necessitate an immediate cadre review pertaining to the Group-A officers and thereafter would put in a tabular form the data relevant to be discussed by the competent authority concerning the ministerial staff.

7. The two petitions could have been simply disposed of issuing a mandamus to the Government of India to carry out a cadre review in a time bound manner, but it would be useful if we highlight certain salient points requiring the same to be considered while taking the decision for the reason it would help the Government in focusing on the issues.

8. Average age of Commandant in BSF is 49.2 years and maximum officers are in the age bracket of 48 to 52 years. Younger age profile is the need of the hour, especially in a Combatised Force with main role of combat, operations, security, border guarding etc. If the age profile at the level of Commandant is not lowered the combat abilities of the force would be weakened and this would be detrimental to the security of the nation.

9. Border Security Force was created by an Act of the Parliament on December 01, 1965 as an Armed Force of the Union, for the purpose of Border Security and matters connected therewith.

10. The Boarder Security Force is deployed in various capacities. Even in war time, it guards the border being the first line of defence, and during the 1971 war, its role was applauded by the then Prime Minister in following words:-

*“As the first line of our defence, the Border Security Force had to bear the immediate brunt of the enemy onslaught. The manner, in which they faced the fire and the support they gave to the Army, had played a crucial role in our ultimate success.”*

11. 14 Battalions of BSF are deployed at the Line of Control under Operational Control of the Indian Army dominating the high altitude and mountainous terrain round the clock in freezing sub-zero temperature in the Himalayas.

12. In the past few years BSF has been independently countering the offensive firing and shelling from across the Line of Control in the Jammu region in the State of Jammu & Kashmir, which probably is the most hostile area in the Line of Control.

13. BSF is a unique Force, with diverse responsibilities and accordingly, has been sanctioned various wings in the form of Air Wing, Artillery, Water Wing, Marine Battalion and floating BOPs not held by any other Border Guarding Force. BSF has also been entrusted with legal powers under Cr.P.C., Customs Act, NDPS Act, Arms Act etc.

14. The officers of BSF spend most of their life in difficult and inhospitable terrain along 6624 km of the border with Bangladesh and the Line of Control with Pakistan.

15. The force operates in adverse climatic conditions with geographical challenges of the terrain. The Western theatre extends from the Arabian Sea to the never ending salt flats of Rann of Kutch and further to the mighty Himalyas, marked by extremes of weather in the Thar Desert of Rajasthan to snow wastelands of Pir Panjals in the Valley. In the Eastern theatre the Force mans the vast expanse of Sunderban Deltas & Brahmaputra River to the world's largest rainfall zone of Meghalaya, and most cerebral malaria prone thick Jungles of Tripura, Mizoram and Meghalaya in extremely hot, moist and humid conditions.

16. Though fenced, the Western border faces graver challenges of infiltration of foreign trained militants, smuggling of narcotics and counterfeit currency.

17. Still partially unfenced, the Eastern border attracts large number of illegal Bangladeshi immigrants. Border smuggling in cattle and essential commodities, euphemistically called *informal* trade, is prevalent. Cases of counterfeit currency and apprehension of *jihadi* elements have also taken place in recent years in the Eastern theatre.

18. Almost 1/3<sup>rd</sup> of the Force, at any given time, remains committed on duties other than Border Guarding, resulting into launching of reserves. And the troops move from one Hard Area to another Hard Area like a Battalion deployed on Line of Control after completion of its tenure moves to Tripura from one end of the country to another with no peace deployment in between to recoup and rejuvenate.

19. According to the petitioners the Force is working with literally No Reserves. Even the Group of Ministers in their report on National Security noted, vide Para 5.98:-

*“5.98 The Reserve Battalion is a necessary component of the overall strength of a Border Guarding Force and therefore, should be sanctioned at the rate already approved by the Committee of Secretaries in the case of the BSF. A number of other measures also need to be taken with a view to improve the capability and morale of the Border Guarding Forces, to deal with their border responsibilities in an effective manner.”*

20. The role of BSF has impact on international relations of the country like in the case of death of Felani, a 15 years old Bangladeshi girl, who got tangled in barbed wire in early hours and was shot by BSF troops. This not only drew ire of International Human Rights community but also damaged the image of the force.

21. Few incidents in the past need to be highlighted for they bring out the ailing problems in the command functioning of the force, and one would have expected the Ministry of Home Affairs to do some introspection and logical thinking.

(i) Boraibari Killings. There is still enormous confusion over what really caused the worst flare-up on the Indo-Bangladesh border since the 1971 war.

It is an image that will haunt relations between India and Bangladesh for years to come. The body of a slain Border Security Force jawan tied to a pole and carried like an animal carcass. Accompanying it were the grisly visuals of trussed up, mutilated and brutalized bodies of 15 other BSF personnel including the Commanding officer killed in the Boraibari incident.

(ii) Samba Militants Infiltrations and Attacks. Notwithstanding the claim of BSF that it foiled the infiltration bid and that over dozen terrorists had retreated to Pakistan after firing 1,000 rounds from their weapons, Intelligence Bureau has blamed the BSF for the sudden rise in infiltration on International Border in Jammu.

(iii) Commandant & 2IC martyred in ANO. In 2012, in an incident in a Left Wing Extremist Operations in Balimela, Orisha the Battalion lost its Commandant and the Second-in-Command.

(iv) Suicidal / Fratricidal Incidents. The data of suicidal and fratricidal incidents since the year 2010 indicates that there is a problem of proper administrative, logistic and behavioral support mechanism. This is evident from the following:-

<i>Year</i>	<i>2010</i>	<i>2011</i>	<i>2012</i>	<i>2013</i>	<i>2014</i>
<i>Suicide</i>	29	39	40	38	46
<i>Fratricide</i>	2	3	2	6	3
<i>Total</i>	<i>31</i>	<i>42</i>	<i>42</i>	<i>44</i>	<i>49</i>

(v) Growing disciplinary and Court case. A weak administrative grievance redressal set up in any organization leads to growth in seeking respite from Judiciary. The growing court cases of BSF on various issues is also indicative of the same.

22. The span of control and responsibility of BSF Commanders has over stretched, is the claim of the petitioners and this data provided by the petitioners needs to be considered by the authority constituted to carry out the cadre review. At present BSF has 124 Battalions guarding the borders and 62 Battalions away from Border Guarding, which is causing undue stress and strain on the ranks and file. The entire work of national security at Indo-Pak Line of Control and Indo-Bangladesh border is on the shoulders of a few. Lack of Cadre Review in 25 years has resulted in no post creation at command levels. A cursory look in to the growth of BSF reveals that the basic functional unit i.e. Battalion has been burdened with an additional company from the existing 6 coy units raising the overall strength of a BSF Battalion to 1210. Whereas, war time role of BSF stipulates its active participation with the Army whose Battalions are on a 4 coy concept with a strength of 800 (approximately). This aspect needs to be taken note of while carrying out the exercise of cadre review for the reason the control of command by a Commandant in BSF has increased. Likewise, it needs to be considered whether at the Sector and Frontier level the control of command is so structured that the command remains in control.

23. The data provided by the petitioners regarding the level of responsibility at different levels in the Force is as below:-

S.No.	Rank	Appointments	Level of Responsibility	Span of Control (Strength)	
			Command	Previous	Present
1.	AC	Coy Comdr	Company	137	137
2.	DC	Staff offr	Battalion	1027	1210
3.	2IC	Second-in-command	Battalion	1027	1210
4.	Comdt	Battalion Comdr	Battalion	1027	1210
5.	DIG	Sector Comdr	3-4 Battalions.	3500	5000



6.	IG	(a) FtrComdr, (b) Head of TrgInstns, (c) Head of the Dtes at FHQ,	3- 4 Sectors	12000	<b>20000</b>
7.	ADG	Staff Officer and link between Dtes and DG	2-3 Dtes	-	-
8.	Spl DG	Theatre Comdr	6-7 Frontiers	-	<b>1,20,000</b>

24. We need not emphasise that the over stretched span of control of every Commander adversely affects the operational, administrative and logistics support system if designed to cater for 6 Service Coys per battalion, 3 battalions per Sector and 3 Sectors per Frontier. The data provided by the petitioners show that a number of BSF Battalions and companies were raised due to national exigencies, but the corresponding increase, either in the number of Frontiers and Sectors or in their level of command was not catered for. Thus, the cadre review exercise must consider the need to synchronize the need for post at the command level and the above with the operational efficiency of the force. The case of the petitioners is that a Sector should consist of only three battalions and a Frontier should have only three Sectors under it. We are highlighting said view projected by the petitioners, all of whom are senior officers and have the experience of commanding the battalions, and their experience finding reflection in their opinion needs to be considered by the Government.

25. The growth of any Force is expected to create career opportunities for the officers and men, but the present scenario of officers stagnating in particular ranks for years points to the opposite. It is apparent that mid-term cadre restructuring is no alternative to a planned exercise of cadre review, rather these knee-jerk reaction have created new dimensional

problem of career growth by creating ranks in the junior and lower mid-level hierarchy of the force.

26. Another issue of the ageing profile of officers of the force at the command level i.e. for the post of Commandant and above has also been projected by the petitioners, as per data:-

Year	Age of Officers Picking up Command (years)												Total
	46	47	48	49	50	51	52	53	54	55	56	57	
2015	It is unlikely that any officer will pick up the rank of												NIL
2016	Commandant due to non-accrual of vacancy.												NIL
2017			1						1		1		3
2018			2	4	5	6	6	4			1		28
2019		4	3	3	4	8	4	2	2			1	31
2020				9	6	4	2	1					22
2021			1	4	3	4	6	8		1	1		28

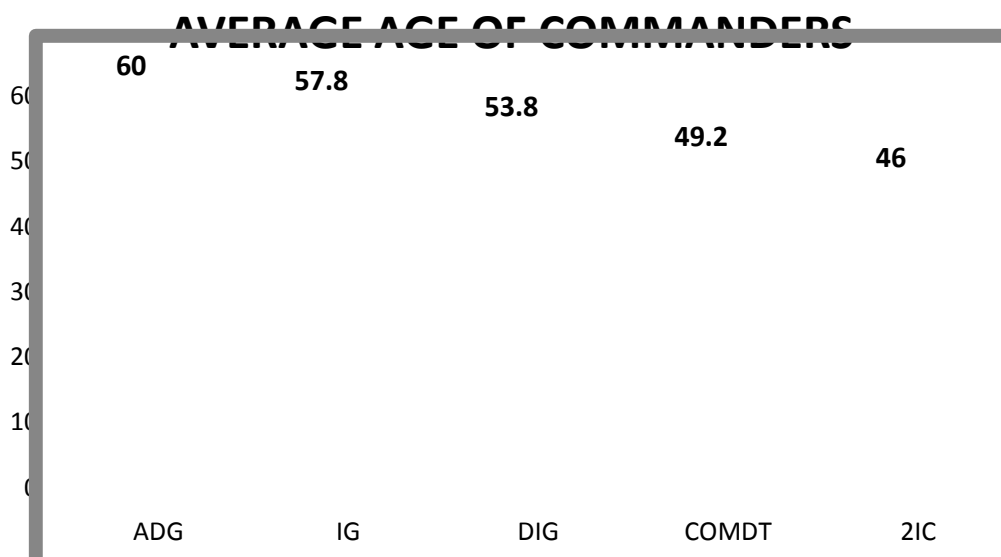
27. The data would evince that presently, the officers in BSF are picking up the rank of Commandant in the age bracket of 47 to 52 years and the average age of picking up Command is 48 years. If the cadre review is not done immediately the situation would deteriorate in the years to come. We simply highlight that the commandants of the battalion of BSF lead their troops in combats and officers of young age are expected to lead the battalions because of the inhospitable terrain in which the force operates.

28. The petitioners have indicated the age profile of officers in the various ranks above the post of Assistant Commandant till that of the Inspector General of the Force as under:-

Age Group(Years)	Number of officers in the grade of						
	ADG	IG	DIG	Comdt	2IC	DC	AC
Below 25	-	-	-	-	-	-	-
25 to 29	-	-	-	-	-	1	263

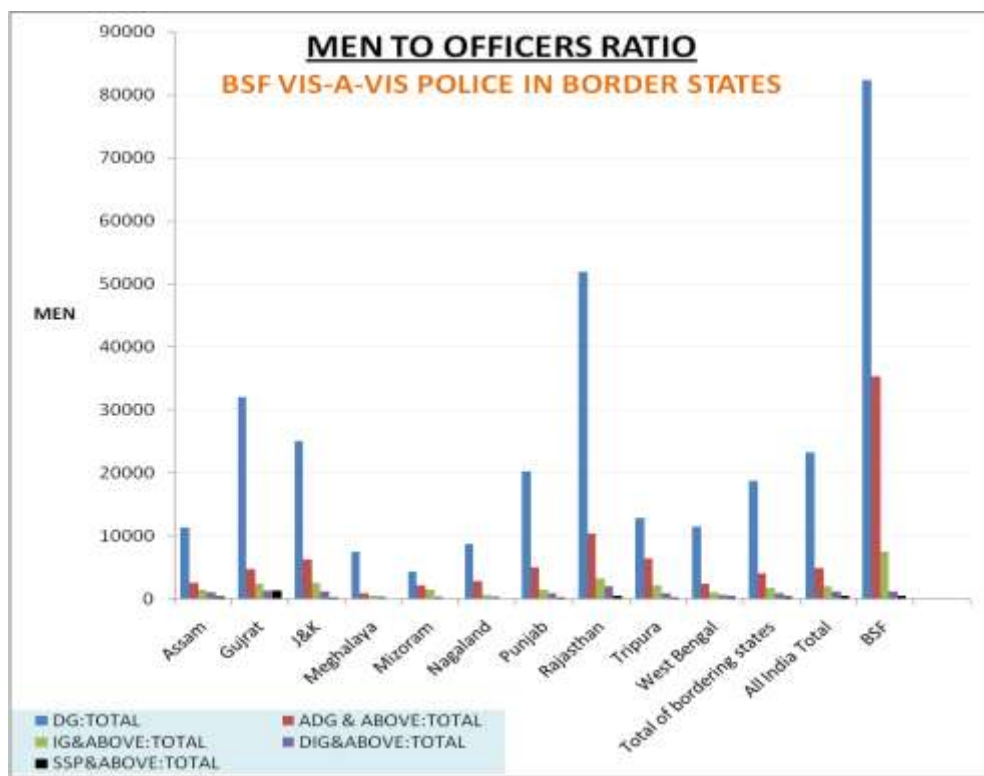
30 to 34	-	-	-	-	-	122	349
35 to 39	-	-	-	-		363	157
40 to 44	-	-	-	8	92	482	99
45 to 49	-	-	6	176	183	234	239
50& Above	-	13	153	124	30	346	50
<b>Total</b>	-	<b>13</b>	<b>159</b>	<b>308</b>	<b>305</b>	<b>1548</b>	<b>1157</b>

29. If the pleadings of the writ petitioners are correct, the average age of officers from the rank of Second-in-Command till the rank of Additional Director General would be as under:-



30. Keeping in view the number of available posts currently, it emerges from the data that all officers in the rank of commandant and Deputy Inspector General, 97% officers in the rank of Second-in-Command, 68% officers in the rank of Deputy Commandant and 81% officers in the rank of Assistant Commandant would be attaining the eligibility to earn further promotion in the next two years, but almost entire cadre would be stagnating.

31. The petitioners have referred to the data provided on the website of the Ministry of Home Affairs, showing the police force in the States sharing the border with Bangladesh or the Line of Control with Pakistan, and therefrom would require the said data to be considered while carrying out the cadre review. The data would reveal that the bordering states have many higher level posts for their growth. In all the bordering States the Force level is between 4323 to 103857 men in comparison to 246963 of BSF. These States have Additional Directors General ranging from 1 to 30, as against only 4 in BSF. The data of the police personnel in the bordering States would reveal that for every 18828 police personnel there is 1 officer of the rank of Special Director General or Director General. But in BSF for 82321 personnel there is only 1 officer of the rank of Director General. The men to officers ratio, put in a graphic tabulation would be as under:-



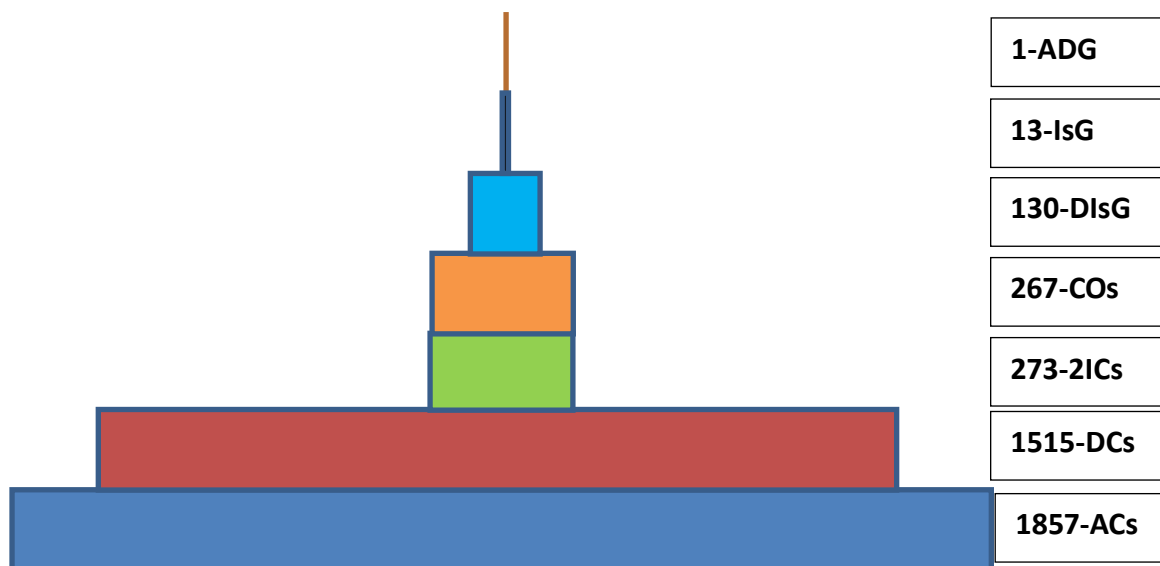
32. Following the Kargil War, the Indian Army realized that one of the basic problems was, the not so young profile of the officers at command levels. Ajai Vikram Singh Committee (Extracts from 34<sup>th</sup> report of Standing Committee on Defence) made the following recommendations on age profile:-

<b>Rank</b>	<b>Existing Ages in Year(Approx)</b>	<b>Proposed Ages in Years(Approx)</b>
<b>Lieutenant</b>	22	22
<b>Captain</b>	26	24
<b>Major</b>	32	28
<b>Lt Col</b>	38-39	34-35
<b>Colonel</b>	41-42	36-47
<b>Brigadier</b>	50-51	44-45
<b>Major General</b>	54-55	51-52
<b>Lt General</b>	56-57	55-56

33. It is expected that while carrying out the cadre review of BSF, similar requirement of age profiling shall be taken into account.

34. It is pertinent to mention here that the Government has managed other civil cadres very well. Timely cadre reviews of these cadres have ensured good growth and creation of higher posts, thus meeting the career aspirations of the men of the cadre. The creation of additional districts in States by bi-furcating the existing districts is a living proof thereof.

35. Put in a pyramidal form, the complete organizational structure of BSF as of today would be as under:-

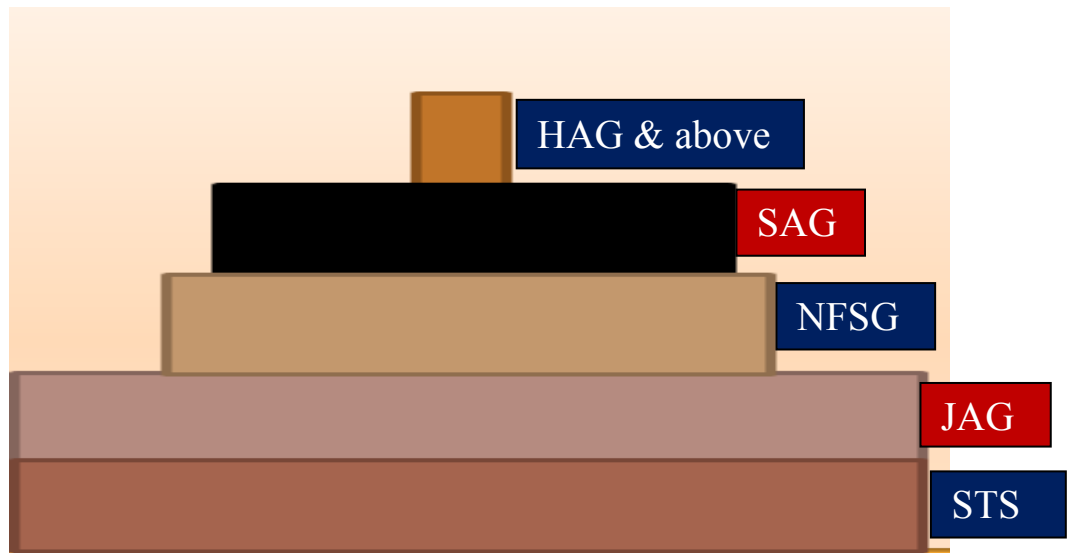


36. Just for the sake of comparison, it is expected that while carrying out the cadre review it would be taken note of that as regards the administrative services in India, the comparison with BSF shows huge imbalances as of today. Whereas percentage of Higher Administrative Grade and above posts in BSF is a meager 0.05% of the total strength of the organization in the Indian Economic Service it is 5.46%, in the Indian Statistical Service it is 2.29% and in some State Civil cadres it ranges between 15.84% to 24.32%. While carrying out the cadre review, the structural ratio in an organized cadre as per DoPT instructions should be kept in view, and we do no more other than lift the monograph from the website of DoPT. The structural ratio for Group-A posts in a cadre advocated by DoPT is as follows:-

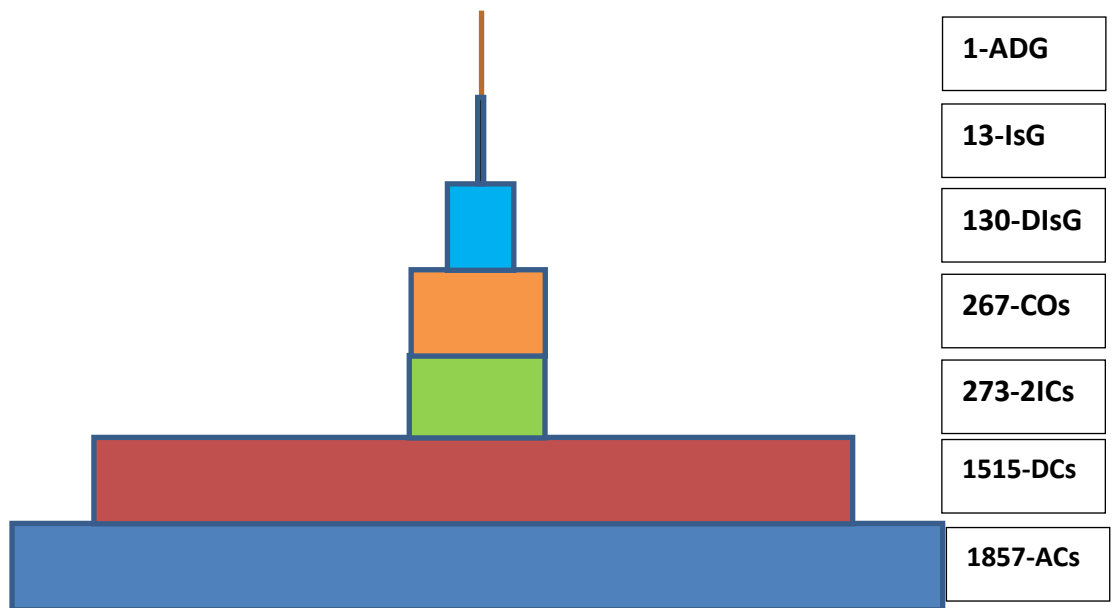
The Grades	% as per monograph	Held by BSF	The ideal requirement
HAG (ADG and above GP 12000 and above)	3%	7	67
SAG (IG equivalent GP 10000 & DIG GP 8900)	17%	26 165	383
Non Functional Grade (GP 8700)	20%	267	450

<b>JAG (2IC GP 7600)</b>	<b>30%</b>	<b>273</b>	<b>677</b>
<b>STS (Dy Comdts GP 6600)</b>	<b>30%</b>	<b>1515</b>	<b>677</b>
<b>Total</b>	<b>100</b>	<b>2254</b>	<b>2254</b>

37. As per DoPT guidelines the ideal structure of a cadre should be as under:-



38. The present cadre structure of BSF is as under:-



39. We would emphasize that the writ petitioners of WP(C) No.1611/2015 have prepared, what they feel should be the result of the cadre review, and have given justification for the same. Thus we direct that apart from the present order, the entire record of WP(C) No.1611/2015 should be placed before the Cadre Review Committee.

40. The writ petitioners of WP(C) No.3046/2015 have, put the data of the ministerial cadre in a tabular form to highlight the inadequacy of the ministerial cadre and other technical cadres to handle the growing work of the organization. The cadre strength is as under:-

S.N	Cadre	Strength	Entry Level	Promotion avenues available up to the rank of
<b><u>Technical Cadres</u></b>				
1	Communication	11,811	HC (RO/Fitter/Cipher),ASI	ADG
2	MT Workshops	1,840	Const	ADG
3	Engineering	1,418	HC & SI	Comdt
4	Air Wing	583	CT,HC,ASI,AC&DC	IG
5	Water Wing	1,243	CT and SI	2IC
6	Law	31	LO Gde-II/DC	CLO/IG
7	Medical	1,851	AC (MO)	SDG (M)
8	Veterinary	114	AC (Vety)	DIG (Vty)
9	Ministerial	5,355	LDC/ASI (Clerk) from 1968 to 2005 and HC (Min) from 2005	AC(M)
10	Stenographic	505	SI (Steno) from 1968 to 2005 and ASI (Steno) from 2005	AC (PS)

41. The said writ petitioners have put in a tabular data the growth of the force since its establishment. The same would be as under:-



Year	No. of Bns	No. of SHQrs	No. of FtrHQrs	Trg Instns	STCs	Strength of force and Min cadre		Strength of Group-A Posts	
						Str. of the force	Str. of Min cadre and %	GD	Min cadre
1965	25.5	06	02	00	00	30,000	157 (0.5%)	299	In 1968, in order to maintain discipline of the Force, non secretarial staff was combatised as per orders of GOI. A few Group-‘B’ posts at the level of AC(AO/SO) and OS/SM were available for Min Cadre.
1966	44.5	07	03	04	00	41,430	258 (0.6%)	734	
1967	52.5	11	03	04	00	49,178	258 (0.6%)	834	
1968	68.5	11	03	04	00	63,238	258 (0.6%)	994	
1969	73.5	11	03	04	00	67,638	278 (0.4%)	1044	
1971	74	12	05	05	00	68,776	360 (0.5%)	1120	
1972	75	14	05	05	00	70,000	360 (0.5%)	1140	
1973	77	14	05	05	00	79,227	509 (0.6%)	1160	
1980	79	16	06	05	00	80,394	509 (0.6%)	1197	
1983	84	17	07	05	00	90,606	509 (0.6%)	1259	
1984	85	17	07	05	00	91,626	509 (0.6%)	1269	
1986	90	18	07	05	08	1,00,188	3245 (3.23%)	1909	
1987	103	21	07	05	08	1,14,029	3248 (2.83%)	2125	
1988	115	23	08	05	08	1,26,879	3311 (2.6%)	2331	
1989	127	26	08	05	08	1,39,695	3316 (2.37%)	2532	
1990	147	26	08	05	09	1,60,844	3415 (2.12%)	2840	
1994	156	28	08	05	09	1,83,914	3485 (1.89%)	2989	
1996	157	28	08	05	09	1,84,941	3489 (1.88%)	3004	
2001	160	28	08	05	09	1,88,012	3513 (1.86%)	3049	00
2003	157	39	10	05	09	2,10,261	3697 (1.75%)	2948	00

Year	No. of Bns	No. of SHQrs	No. of FtrHQrs	Trg Instns	STCs	Strength of force and Min cadre		Strength of Group-A Posts	
						Str. of the force	Str. of Min cadre and %	GD	Min cadre
2005	157	39	10	05	09	2,10,261	3697 (1.75%)	2948	<b>67</b>
2009	157	42	11	05	09	2,19,560	4508 (2.06%)	3295	72
2010	164	42	12	05	09	2,28,798	4776 (2.08%)	3419	74
2011	171	43	13	05	11	2,40,650	5067 (2.1%)	3566	77
2012	173	44	13	05	11	2,43,442	5115 (2.1%)	3605	78
2013	176	46	13	05	11	2,46,959	5195 (2.1%)	3667	85
2014	180	46	13	05	11	2,52,059	5259 (2.0%)	3731	85
2015	186	46	13	05	11	2,56,876	5355 (2.0%)	3827	85
<b>Total Sanctioned Strength including all other establishments</b>								<b>4098</b>	<b>85</b>

42. The data provided by said writ petitioners would show that the sanctioned strength of officers in the Ministerial and Technical cadres is much below that in the General Duty cadre, and if one finds a severe imbalance at the command level in the General Duty cadre, one need not emphasize the gravity of the imbalance in the Technical and Ministerial cadre. The submissions of the writ petitioners of WP(C) 3046/2015 may briefly be summarized. They would be as under:-

*I. Group-A posts of GD cadre are sanctioned for guarding the international borders of the country being a non-technical cadre. The GOI is incurring huge expenses on their initial Basic training followed by training under Army and a number of in service professional courses, however, only Asstt Comdt*

*(GD) officers are performing duties in the border areas and once they are promoted to the rank of Dy Comdt and above, they are shifted to perform functions of the Technical cadre of the BSF without any proper technical training . Besides, GD Cadre officers are also being pulled out from various other establishments for performing the duties of Law officer-, Communication, Motor and Transport, AIA, Water Wing, Air Wing and Ministerial nature duties etc illegally and they remain posted at various HQrs till their retirement.*

*II. At the time of raising of BSF, there was only one post of Commandant, 01 Deputy Commandant and 08 Asst. Commandants, which has now been increased to 01 Comdt, 01 2IC, 06 DCs and 07 ACs. Further, an additional 7<sup>th</sup> Coy has also been added but the post of Inspector (Head Clerk) has not been up-graded to the level of AC(Min) ,which is disproportionate to the nature of duties as service records in respect of all the serving personnel and retirees are being maintained at the level of Batallions/Establishments in the BSF.*

*III. All the Office oriented and duties of administrative nature in BSF and such posts like Quarter Master Duty in the Bns, Joint Assistant Director (Adm)/(now substituted by DC (Adm) in the Sector HQrs/other establishments and, DDO in all the Bns, Sector HQrs, Frontier HQrs, Other Establishments and at Force HQrs, New Delhi, which are meant for the Min*

*Cadre officers are presently usurped by the GD Cadre Officers.*

*IV. In Sector HQrs, a post of 2IC had been additionally sanctioned. In FtrHQrs, the post of Commandants has been upgraded to the level of DIG and an additional posts of 01 2IC and 02 DyComdts have been sanctioned. In the STCs, the post of Commandant has been upgraded upto the level of DIG and an additional post of 2IC, 02 posts of DyComdts and 02 posts of ACs have been provided.*

*V. The authorization of Ministerial staff for Force HQrs at New Delhi is un-changed since 1971 and all the functional requirement of Ministerial nature and administrative and Accounts and Drawing and disbursing Officers etc are being manned by the GD Officers and men by posting them against non-sanctioned post and un-authorized attachment from field formations despite of serious audit objections by various audit parties.*

*VI. As per the Recruitment Rules of 1985, General Duty (GD) cadre, Ministerial (Min) Cadre and Communication cadre were unified for promotion to the rank of Asstt Comdt (GD) and above with an objective that the deployment on ministerial nature job and to supervise communication stream of the Force will be made by the competent authority on the*

*basis of their working back ground. Entry in GD/Communication/ Min Group- 'A' Cadre was from the post of Assistant Commandant (AC) General Duty. A provision of 10% quota for promotion in GD cadre was made by GOI in 1985.*

*VII. In the year 1999, Recruitment Rules for different Group- 'A' cadres in BSF were framed and came into force. In supersession of the BSF (Seniority, Promotion and Superannuation of Officers) Rules 1978 and BSF (Assistant Commandant) RRs 1985, separate RRs called the BSF (GD Officers) RRs 2001 were notified on 28-06-2001. Since, the seniority of Inspector (Communication) and Inspector (GD) is unified, the representation of Communication cadre in Group- 'A' cadre in BSF (GD Officers) RRs 2001 was kept intact which is a Technical and Non-Technical cadre respectively.*

*VIII. With regard to Min Cadre, the said provision of 10% quota out of 50% vacancies for promotion to the rank of AC(GD) was abolished in the RRs, 2001. Though, it was decided to formulate a separate Min Staff Group 'A' Cadre for which initially 08 posts of DCs and 26 posts of ACs were sanctioned vide MHA's order dated 31-08-2000 and further augmentation in the strength of Group 'A' posts was to be done in overall cadre review. But neither 34 posts were made functional nor further identification of Group- 'A' posts for Min*

*Staff was done and the chapter was closed only by up gradation of the existing posts of AC(SO), AC(AO), SM(OS) to the grade of AC(Min) during restructuring in 2003. At present only those posts which were up-graded within the ministerial cadre are available for promotion to the rank of AC(Min).*

*IX. While the proposal for abolition of 10% quota of Min Staff for promotion to the rank of AC(GD) was under consideration, it was decided in Jan 1999 that promotional avenue to be provided to Min Staff for promotion to Group- 'A' post should be comparable to that of GD personnel. Further, Shri L K Advani the then Hon'ble Home Minister had approved in F.No. 16/10/97-Pers/BSF on 02.06.2000 that there is a need to have senior officers from Ministerial Cadre who man the offices at the Force HQ, Sector HQ and Ftr HQrs level which was finally approved by the Shri. Yashwant Sinha, Hon'ble the then Finance Minister.*

*X. As per norms for staff for Recruits Training Centres (RTCs) for basic training of Constable (recruits) in the CAPFs, one post of AC (Min)/AO has been agreed to by the MoF vide their ID No. 78955/E.I/Coord.I/2013 dated 09.07.2013, which is yet to be sanctioned for existing STCs in the BSF, where various in service courses are also being run in addition to basic training of Constables and other direct recruits but not implemented in BSF till date.*

*XI. One post of AC(Min) has been sanctioned for the BSF NDRF Bns for Administrative as well as Drawing and Disbursing Officer (DDO)duty whereas, for the BSF Field Bns no Gazetted Post in the Min Cadre has been sanctioned proportionate to the increased work load. It is the Min staff who performs the duties of Cashier, Accountant, Senior Accountant and Accounts Officer, therefore, the duties of DDOs to supervise Accounts Section in the Bns/Estts should be assigned to the officers of Min Cadre for effective supervision instead of getting done it by the GD cadre as being done in the BSF.*

43. While carrying out the cadre review exercise the Committee concern would consider the data provided by the writ petitioners of WP(C) No.3046/2015 and would consider the submissions made by them.

44. Since the respondents have not denied their responsibility to carry out a cadre review in BSF we dispose of the two writ petitions directing that the cadre review exercise should be completed within the next six months, because time is running out and the issues raised in various writ petitions before us concerning BSF show an extreme level of frustration in the enrolled and appointed members of the force, which is not good for the security of the country. We further direct that while carrying out the cadre review the salient features of the requirement of the force as is brought out by the writ petitioners, which finds a reflection in our present decision, would be duly considered by the Committee appointed and the two writ petitions would be treated as a representation to the said Committee.

45. We have endeavoured to pen profile the problem brought to our notice by the petitioners so that while carrying out the cadre review the Committee can focus on the problems, and we would expect reasons to be given by the Committee if the suggestions put forth by the petitioners are not to be accepted.

46. No costs.

**(PRADEEP NANDRAJOG)**  
**JUDGE**

**(PRATIBHA RANI)**  
**JUDGE**

**APRIL 22, 2015**

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