



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

% *Judgment reserved on: 30.03.2026*
Judgment pronounced on: 01.07.2026

+ W.P.(C) 12877/2025 & CM APPL. 52581/2025

UNION OF INDIAPetitioner

Through: Ms. Pratima N Lakra, CGSC
with Mr. Shailendra Kumar
Mishra & Ms. Upanita
Soumyadarshni, Advs..

versus

SANJEEV KUMAR YADAV
AND ANR.Respondents

Through: Mr. Ankur Chhibber, Adv.

+ W.P.(C) 13008/2025 & CM APPL. 53225/2025
UNION OF INDIAPetitioner

Through: Ms. Pratima N Lakra, CGSC
with Mr. Shailendra Kumar
Mishra & Ms. Upanita
Soumyadarshni, Advs..

versus

DELHI ANDAMAN AND NICOBAR ISLAND CIVIL
SERVICES OFFICERS
ASSOCIATIONRespondents

Through: Mr. Ankur Chhibber, Adv.

CORAM:
HON'BLE MR. JUSTICE ANIL KSHETARPAL
HON'BLE MR. JUSTICE AMIT MAHAJAN



J U D G M E N T

AMIT MAHAJAN, J.

1. Through the present writ petitions, the Petitioner/ Union of India has challenged the correctness of separate orders dated 16.01.2025 (hereafter '**impugned orders**'), passed by the learned Central Administrative Tribunal in O.A. Nos. 2808/2022 and 3163/2022 respectively, whereby the Delhi, Andaman and Nicobar Islands, Lakshadweep, Daman and Diu, and Dadra and Nagar Haveli (Police Service) (Amendment) Rules, 2022 [hereafter '**DANIPS (Amendment) Rules, 2022**'] and Delhi, Andaman and Nicobar Islands, Lakshadweep, Daman and Diu, and Dadra and Nagar Haveli (Civil Service) (Amendment) Rules, 2022 [hereafter '**DANICS (Amendment) Rules, 2022**'] were quashed. The learned Tribunal further directed that the relevant rules be amended and 1st January following the year of examination be considered as the crucial date for determining '*approved service*'.

2. The Petitioner is essentially aggrieved by the quashing of the aforesaid amendments, which fixed 1st July as both the date of reckoning of '*approved service*' and the crucial date for promotion under Schedule III of the National Capital Territory of Delhi, Andaman and Nicobar Islands, Lakshadweep, Daman and Diu and Dadra and Nagar Haveli (Police Service) Rules, 2003 (hereafter '**DANIPS Rules, 2003**') and National Capital Territory of Delhi, Andaman and Nicobar Islands, Lakshadweep, Daman and Diu and



Dadra and Nagar Haveli (Civil Service) Rules, 2003 (hereafter '**DANICS Rules, 2003**') respectively.

3. Shorn of unnecessary details, the brief facts germane to determination of the present cases are as follows:

3.1. Earlier, in terms of Rule 2(e) of the DANIPS Rules, 2003¹, '*approved service*' for DANIPS commenced from 1st July of the year following the Civil Services Examination, however, under Note of Schedule III², the crucial date for determining eligibility for promotion was fixed as 1st January of the year in which the vacancy has occurred. This mismatch caused avoidable delays in promotion of officers.

¹ Rule 2(e) of the DANIPS Rules, 2003 (which is analogous to Rule 2(e) of the DANICS Rules, 2003) reads as under:

“(e) “Approved Service”, in relation to any grade, means the period or periods of regular service rendered in that grade, including period or periods during which a member of the Service could have held a post on regular basis in that grade but for his being on leave or otherwise not being available to hold such posts, from the 1st day of July of the year –

(a) following the year in which the examination was held in respect of an officer appointed directly to that grade;

(b) for which the recruitment was made on regular basis in respect of an officer appointed to that grade by promotion;”

² As per Rule 7(3) of the DANIPS Rules, 2003, all the vacancies in Junior Administrative Grade I, Junior Administrative Grade II and Selection Grade is to be filled from the respective lower grade with minimum qualifying service as specified in Schedule III. Prior to amendment, Note of Schedule III of the DANIPS Rules, 2003 (which is analogous to note of Schedule III of the DANICS Rules, 2003) reads as under:

“NOTE: The crucial date for determining the eligibility of an officer for promotion shall be the 1st January of the year in which the vacancy has occurred”



3.2. In the year 2012, the MHA had noted the said discrepancy and attempted to take corrective action by forwarding a proposal for amendment in the crucial date for determining the eligibility for promotion to 1st July in place of 1st January, however, DoPT turned down the proposal.

3.3. Aggrieved by the discrepancy, in the year 2014, some officers of DANIPS (including the Respondents in W.P.(C) 12877/2025) assailed the discrepancy in the conditions of service of DANIPS with some other similar services/ cadres before the learned Tribunal *vide* O.A. No. 3156/2014.

3.4. By order dated 23.07.2018, after noting that the two crucial dates are operating to the disadvantage of DANIPS officers and the same is discriminatory, the learned Tribunal partly allowed the said original application with direction to the Ministry of Home Affairs ('MHA') to submit a comprehensive proposal to the Department of Personnel & Training, Ministry of Personnel, Public Grievances and Pensions, Government of India ('DoPT') as to why it is essential to prescribe 1st January as the sole crucial date for determination of eligibility for promotion as well as for reckoning '*approved service*'. The DoPT was directed to take a decision on the proposal within two months and to communicate the decision to MHA by way of a speaking and reasoned order. The relevant observations of the learned Tribunal in regard to the two crucial dates being violative of Articles 14 and 16 of the Constitution of India are as under:



“7. We have considered the arguments of the learned counsel for the parties and have perused the records. Admittedly, there is a discrepancy in reckoning of the approved service in case of officers of Group ‘A’ and Group ‘B’ services. The applicants have made out a clear cut case that in their cases, prescription of different dates for reckoning the eligibility for promotion and for counting of the approved service for such promotion is working to their disadvantage. 1st January is the crucial date for determination of the eligibility whereas 1st July is for reckoning the approved service. As a consequence thereof, the promotions of DANIPS officers are getting delayed by almost one year. In the matter of grant of Non-Functional Selection Grade (NFSG), however, even in their cases, 1st January is being considered for both the purposes. The members of AFHQCS, which is also a Group ‘B’ service do not face such disadvantage as in their cases, 1st January is taken into account both for determination of eligibility as well as for counting the approved service. Such a situation also prevails in all the Group ‘A’ services. One fails to understand as to why two crucial dates are still being continued in the case of DANIPS and a few other Group ‘B’ services to which the members are also recruited through CSES.

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9. It is crystal clear that two crucial dates in the matter of promotion of DANIPS officers are operating to their disadvantage and such an anomaly is clearly discriminatory in nature and violative of Articles 14 & 16 of the Constitution of India. The details furnished by the applicants in the OA convince us beyond any reasonable doubt that the existing 2003 Rules, are delaying their promotion by one year at every stage except in the matter of grant of NFSG. This delay also complicates their matter when they get inducted into IPS. Their seniority positions vis-a-vis direct recruits get adversely affected. We are not convinced with the arguments put forth on behalf of R-2 that sometimes windfall benefits arise to DANIPS officers and a hypothetical case to that effect has been elaborated in the grounds pleaded on its behalf. The service jurisprudence would require that the career progression and service benefits should be based on definite Service Rules and not on any windfall.”

(emphasis supplied)

3.5. In compliance of the directions, a proposal was forwarded by MHA to DoPT proposing amendment in the DANIPS Rules, 2003 to



prescribe the crucial date for reckoning ‘*approved service*’ as 1st January instead of 1st July. Several representations were also made by some DANIPS officers to DoPT in this regard. Purportedly, DoPT examined MHA’s proposal and advised that the date for reckoning ‘*approved service*’ and for determining eligibility be kept as 1st July instead.

3.6. Pursuant to the same, by way of Gazette Notification dated 08.06.2022³, DANIPS (Amendment) Rules, 2022 were notified whereby the crucial date for determining eligibility of an officer for promotion was changed from 1st January to 1st July of the year in which the vacancy occurred. Pertinently, as there was a similar

³ The notification reads as under:

“G.S.R. 435(E).—*In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following rules further to amend the National Capital Territory of Delhi, Andaman and Nicobar Islands, Lakshadweep, Daman and Diu and Dadra and Nagar Haveli (Police Service) Rules, 2003, namely:-*

*(1) These rules may be called the **National Capital Territory of Delhi, Andaman and Nicobar Islands, Lakshadweep, Daman and Diu and Dadra and Nagar Haveli (Police Service) (Amendment) Rules, 2022.***

(2) They shall come into force on the date of their publication in the Official Gazette.

In the National Capital Territory of Delhi, Andaman and Nicobar Islands, Lakshadweep, Daman and Diu and Dadra and Nagar Haveli (Police Service) Rules, 2003, in Schedule-III, NOTE shall be substituted namely:-

“Note: The crucial date for determining the eligibility of an officer for promotion shall be the 1st July of the year in which the vacancy has occurred.”

NOTE: *The principal rules were published in the Gazette of India, Extraordinary, vide notification number G.S.R. 635(E), dated the 6th August, 2003 and last amended vide notification number G.S.R. 100(E) dated the 25th January, 2018.”*

(emphasis supplied)



discrepancy in crucial dates in the DANICS Rules, 2003, an analogous amendment [that is, DANICS (Amendment) Rules, 2022] was notified in the official gazette on 08.06.2022.

3.7. The Respondents [in W.P.(C) 12877/2025] filed O.A. No. 2808/2022 challenging the DANIPS (Amendment) Rules, 2022 before the learned Tribunal. The subject original application was allowed by way of impugned order dated 16.01.2025. It was observed that the decision of DoPT to fix 1st July as the crucial date is contradictory to its own general policy and the same is arbitrary and discriminatory. The following directions were passed by the learned Tribunal:

“6. In view of above discussion, the present OA is allowed with the following directions:

(i) The Gazette Notification dated 08.06.2022, notifying the Delhi, Andaman and Nicobar Islands, Lakshadweep, Daman and Diu, and Dadra and Nagar Haveli (Police Service) (Amendment) Rules, 2022 is quashed and set aside.

(ii) Respondents/Competent Authority is directed to amend Rule 2(e)(a) of Delhi, Andaman and Nicobar Islands, Lakshadweep, Daman and Diu, and Dadra and Nagar Haveli (Police Service) Rules, 2003 and reckon 1st January following the year of examination as the crucial date for Approved Service.

(iii) The aforementioned exercise shall be carried out by the respondents within 8 weeks from the date of receipt of this order.

(iv) No order as to costs.”

3.8. The Respondents [in W.P.(C) 13008/2025] had challenged the analogous DANICS (Amendment) Rules, 2022 in O.A.3163/2022. By way of the impugned order dated 16.01.2025, after noting that the



facts and circumstances were similar to those in O.A. No. 2808/2022, the learned Tribunal disposed of the said original application in terms of the order passed in O.A. No. 2808/2022.

3.9. Aggrieved by the same, the Petitioner has preferred the present writ petitions.

4. The learned counsel for the Petitioner submitted that the learned Tribunal has exceeded its jurisdiction by interfering with a reasoned policy decision which was based on inter-ministerial consultations.

5. She submitted that the primary cause of delay in promotion was the existence of two separate crucial dates for reckoning of '*approved service*' and for determining the eligibility for promotion, and the proposed Amendments cure the said issue and can ensure timely promotion by mitigating delay and without conferring unintended advantage upon DANIPS and DANICS Officers. She submitted that the Amendments are not arbitrary and the same aptly harmonise the crucial date.

6. She submitted that every Central Civil Service is unique in its character and functions, and the learned Tribunal has erred in drawing parallels with different services merely on the ground that recruitment for the said services is being done through same Examination.

7. She submitted that while recruitment to both Group 'A' and Group 'B' Central Civil Services are made through the common Civil Services Examination, however, the career prospects and career



progression of Group 'B' services is significantly different from that of Group 'A' services. She submitted that the doctrine of parity cannot be mechanically extended to dissimilar services. She submitted that as per service Rules of other Group 'A' Services like IRS (C&CE), IRS(IT), Indian Postal Service, Indian Information Service, etc., there is no concept of '*approved service*' and promotions are given based on regular service which starts from actual date of joining.

8. She submitted that aligning the date for reckoning '*approved service*' and the date of determining eligibility for promotion to 1st of January would unduly benefit the DANIPS and DANICS Officers compared to their counterparts in Central Group 'A' Services as their promotion is based on *regular service*.

9. She further submitted that the nature of duties of DANIPS/DANICS and Armed Forces Headquarters Civil Service ('AFHQCS') posts are entirely different, and the comparison between these two services is unjust. She further submitted that members of DANIPS/ DANICS have an advantage over AFHQCS as they have better career prospects since they are eligible for induction in IPS/IAS.

10. She submitted that it is well-settled that there is no vested right to promotion on a particular date or by a preferred reckoning method, and the employees only have a right to be considered for promotion in accordance with the service rules. She submitted that the subject Amendments do not deprive the officers of their right to be considered



for promotion and the sole purpose is to simply align commencement of '*approved service*' with promotion cut-off date.

11. The learned counsel for the Respondents submitted that the learned Tribunal in its order dated 23.07.2018 in O.A. No. 3156/2014 had meticulously analysed the prejudice caused by the dual-date system and issued unambiguous directions to MHA and DoPT, despite which, DoPT arbitrarily rejected the proposal to reckon '*approved service*' from 1st January without any reason. He submitted that the notification of the Amendments are evidently a colourable exercise of power, which is apparent from the fact that DoPT had itself taken a stand in the earlier original application that the date of reckoning should be 1st of January instead of 1st of July.

12. He further submitted that reckoning of '*approved service*' from 1st of January will not confer any undue advantage on the DANIPS/DANICS. He submitted that the Petitioner's argument of promotions in Group 'A' services being based on regular service, which is calculated from actual date of joining, is not legally tenable.

13. He submitted that both concepts of regular service and '*approved service*' include periods where an officer notionally holds a post but for being on leave or unavailable, and the only distinction is that the DANIPS Rules, 2003 and the DANICS Rules, 2003 provide a clear and codified commencement date for reckoning service. He relied on IRS (C&CE) Rules, 2016 to buttress his argument that the source of recruitment, that is the Civil Services Examination, is the



common starting point across services- whether referred to as Regular Service in Group 'A' Services, '*approved service*' in DANICS/DANIPS & AFHQCS, or Allotment Year in All India Services.

14. He submitted that although each service is distinct, the fundamental criteria for reckoning service for the purposes of seniority and promotion cannot be arbitrarily different for cadres whose members are selected through a common examination.

15. He submitted that the concept of '*approved service*' is a well-established legal fiction employed in certain Group 'B' services and it served the purpose of ensuring notional seniority and service uniformity. He submitted that the Respondents in either case are not seeking parity with Group 'A' services, but rather with analogous Group 'B' services like AFHQCS. He submitted that the learned Tribunal drew a valid comparison with AFHQCS, which is an analogous Group 'B' service. He submitted that better career prospects or an opportunity for future promotion to a different service cannot be a valid ground to justify discrimination in reckoning of seniority.

16. He submitted that fixation of 1st July as the date of reckoning '*approved service*' will have a cascading and irreversible career long impact on the members of DANIPS/DANICS cadre, particularly at the crucial stage of their induction into IPS/IAS.

17. He submitted that each officer will suffer a six month reduction in reckoning service if the same is allowed, especially since eligibility



criteria for IAS/IPS induction is pegged to be completion of requisite years of service by 31st December of relevant year.

ANALYSIS

18. The foremost argument agitated by the Petitioner is that by directing a change of reckoning date of ‘*approved service*’, the learned Tribunal has erroneously substituted its own policy preference for that of the competent authority. It is contested that the learned Tribunal has erred in breaching the bounds of judicial review by not just quashing the Amendments, but also directing that ‘*approved service*’ be reckoned from 1st of January.

19. Thus, before this Court delves into the merits of this case, it is apposite to first take note of the scope of judicial review over administrative or policy decisions.

20. Pertinently, the subject amendments were sought to be made in exercise of powers conferred by the proviso to Article 309 of the Constitution of India. Rules made under proviso to Article 309 of the Constitution cannot be tinkered with merely because the Court finds the same to be unreasonable and the same can only be struck down on grounds upon which a legislative measure can be struck down [Ref. ***B.S. Yadav v. State of Haryana* : (1981) S.C. 561** and ***R.L. Bansal v. Union of India* : 1992 Supp (2) SCC 318**]. The rule making power under the aforesaid provision is subject to constitutional limitations and it is well-settled that a rule so framed ought not to be interfered with mechanically *unless* the same can be faulted for being *mala fide*,



perverse, manifestly arbitrary or unfair. The Court/ Tribunal has to exercise restraint and circumspection in substituting its own views as to what is wise or prudent, and the wisdom of the decision itself is not the subject of judicial review.

21. A bare perusal of the impugned orders indicates that the present cases are such where the learned Tribunal has quashed the subject Amendments on finding them to be arbitrary and violative of Articles 14 and 16 of the Constitution of India. While the cogency of such interference will be tested in the forthcoming paragraphs, it is imperative to note that the present case is not one where the learned Tribunal has routinely interfered with the Amendments at the first instance. Rather, in the first round of litigation, after making categorical observations in relation to the discriminatory nature of the anomaly of different dates for promotion and reckoning '*approved service*', the learned Tribunal had disposed of the matter with categorical directions to MHA and DoPT to respectively make an appropriate proposal for harmonising the crucial dates as 1st January and to decide the aforesaid proposal. In the second round of litigation, the learned Tribunal was only weighed to interfere as the MHA's proposal was found to have been rejected by DoPT *without* any reason. While the Tribunal ought not ordinarily rewrite policy, however, in the face of a policy that is riddled with arbitrariness and which perpetuates discrimination, it is incumbent on the Tribunal to intervene in the interests of justice specially when the Parent ministry,



that is, MHA has specifically proposed the same without contest after examining the issue.

22. Though it was argued otherwise in the first round of litigation, there is no dispute over the fact that the discrepancy in the crucial dates for reckoning of '*approved service*' and determining eligibility is discriminatory in nature and the same results in delay in promotions of DANIPS/ DANICS officers, due to which, harmonisation is warranted. The same was rightly noted by the learned Tribunal in the first round. Pertinently, the order dated 23.07.2018, which was passed by the learned Tribunal in the first round of litigation, has not been challenged by the Union of India. The delay in promotion caused by the anomaly of two different crucial dates was sought to be cured by way of the impugned Amendments. Thus, the short question before this Court is only as to whether fixation of 1st of July as the date for reckoning of '*approved service*' and for determining eligibility for promotion rectifies the disadvantage and discrimination that was underlined by the learned Tribunal in order dated 23.07.2018 (in the first round of litigation).

23. To discern the conundrum at hand, it is imperative to appreciate the impact of the quashed amendments with help of illustrations adduced by the Petitioner. Earlier, '*approved service*' of DANIPS and DANICS was determined from 1st July of the relevant year while eligibility for promotion was determined on 1st January of the year in which the vacancy occurred. As criteria of promotion of DANICS/DANIPS is 8 years of approved service, this mechanism led



to delay in promotions of officers of the aforesaid cadres. *For example*, if an officer belonging to the aforesaid cadres joined service from 01.10.2000, their approved service was counted from 01.07.2000 and they will complete eight years of approved service for promotion on 30.06.2008, but they will be ineligible for vacancies arising in the year 2008 as they would not have completed eight years of approved service on 01.01.2008 (crucial date for determining eligibility for promotion). Such an officer will only be eligible for vacancy year 2009 and will get their first promotion on 01.01.2009 *after* 8 years and 6 months of approved service instead of 8 years of approved service.

The impugned amendments sought to modify the date of determining eligibility for promotion to 1st July of the vacancy year to address the issue of delay in promotions. Continuing the example in the previous paragraph, in terms of the amendments, the officer's approved service will be reckoned in a similar manner from 01.07.2000 and their eligibility will also be assessed on 01.07.2008 (crucial date for determining eligibility for promotion). It is the Respondents case that other similar services enjoy an extra 6 months of approved service and they gain eligibility 6 months before DANIPS/DANICS, which places the said cadres in a disadvantageous position.

By the impugned orders, after quashing the amendments, the learned Tribunal directed to affix 1st January following the year of examination as the crucial date for determining '*approved service*'. If the same is sustained, the officer's approved service as well as



eligibility will be determined from 1st of January, whereby, the officer will be eligible for vacancies in the year 2008 from 01.01.2008 itself. The Union has opposed the same by arguing that such a mechanism would result in the officers of the said cadres being promoted when they would have had 7 years and 3 months of actual service (counted from 01.10.2000, which is considered as the actual date of joining in the example), and this would disturb the relative position between different services.

24. One of the major reasons that persuaded the learned Tribunal to quash the amendments was that the DoPT assigned no cogent reasons for not fixing 1st January as the crucial date for reckoning '*approved service*'.

24.1. Perusal of the record as well as the pleadings of the Petitioner reflects that DoPT had rejected MHA's 2012 proposal for amendment in the crucial date for determining the eligibility for promotion to 1st July as the *general policy* was of taking 1st January of the vacancy year for reckoning eligibility for promotion in terms of OM No. 22011/3/98-Estt.(D) dated 17.09.1998. Despite the same, subsequently, DoPT somersaulted and rejected MHA's proposal aimed at achieving uniformity by adopting 1st January for DANIPS officers, which creates a palpable contradiction in the stand of DoPT. The same coupled with the fact that DoPT has failed to assign any reason for not agreeing with the MHA's proposal, which as per DoPT itself would be in conformity with its general policy, *ex facie* reeks of arbitrariness.



24.2. At the first instance, by order dated 23.07.2018, the learned Tribunal had explicitly noted that the dual date system was causing delay in promotions of DANIPS officers in violation of Articles 14 and 16 of the Constitution of India, even though, in the matter of grant of Non-Functional Selection grade, 1st January was being considered for both the purposes. It was further noted that members of AFHQCS, which is also a Group 'B' service, do not face such disadvantage as in their case, 1st January is the crucial date for determination of eligibility for promotion as well as for counting '*approved service*'. It was further noted that the delay also complicates the matter when such officers get inducted into IPS as their seniority positions *vis-à-vis* direct recruits gets adversely affected. Undisputedly, the aforesaid findings were never challenged by the Petitioner, and although a proposal for determining 1st January as the crucial date was made without contest by MHA, the same has been rejected by DoPT without considering the aforesaid aspects.

24.3. As rightly noted by the learned Tribunal in the impugned order, no proper reason for rejecting the proposal or of deliberation has been produced. Although this Court had also afforded an opportunity to the Petitioner on 22.12.2025 to produce the decision-making process, no such record has been produced to justify as to why the crucial date of eligibility and the date of counting of approved service may be both kept as 1st July of the year. In the absence of any reasons for rejection of the proposal, the learned Tribunal was justified in quashing the impugned Amendments.



25. *Secondly*, the decision of the learned Tribunal was also helmed on a detailed comparison between other services, wherein it was found that generally 1st of January is fixed as the crucial date for reckoning the length of service as well as for determining eligibility. The relevant portion of the impugned order dated 16.01.2025 is as under:

“5.3 Comparison with Similar Group 'A' Services:

*The Indian Civil Accounts Service (Group 'A') Rules, 1997, as notified vide GSR 694(E) dated 05.11.2006, under Schedule II, Note I, stipulates that for promotions to the Senior Time Scale (STS), Junior Administrative Grade (JAG), Selection Grade (Non-Functional) Junior Administrative Grade (NFSG), and Senior Administrative Grade (SAG), the length of service is to be reckoned from 1st January of the year following the year in which the examination was conducted for recruitment.*⁴

Similarly, the Recruitment Rules of the Armed Forces Headquarters Civil Services (AFHOCS), 1968, notified on 01.05.2001, define the approved service and specify that the 1st day of January of the year following the year of the examination for direct recruitment shall serve as the timeline to reckon approved service.

Further, for the Indian Police Service (IPS) officers appointed through the same Examination, the approved service is reckoned from 1st January, and thus, they score advantage over

⁴ The Indian Civil Accounts Service (Group 'A') Rules, 2025 were notified on 30.05.2025 (suppressing the previous Rules which were referred by the learned Tribunal in the impugned order), and there is no such Note therein for reckoning length of service from the 1st of January following the year of examination.

It is however provided that the crucial date for determining eligibility service for promotion to various grades in the service shall be the 1st January of the vacancy year.

SCHEDULE-II (A) of the said Rules, which deals with appointment of officers to Non-Functional Selection Grade (level-13), *inter alia* stipulates the following minimum qualifying service for placement:

“Officers of Junior Administrative Grade in level-12 in the pay matrix (Rs. 78800-209200), who have entered 14th year of service on the 1st January of the year calculated from the year following the year of examination on the basis of which the members were recruited.”



the DANIPS officers who lose six months as their approved service is counted from 1st July.

*Further, for **Indian Administrative Service(IAS)** officers, the assignment of allotment year is governed by Rule 3 of the Indian Administrative Service (Regulation of Seniority) Rules, 1987. **The rule states that the "year of allotment" for a direct recruit officer is considered to be the year following the year in which the competitive examination was held. However, as the provision does not specify an exact date for the commencement of the year, guidance is drawn from Section 3(66) of the General Clauses Act, 1897, which defines "year" as a period beginning from the 1st of January. Consequently, for the purpose of calculating approved service, the cut-off date for each year is interpreted as 1st January.***

*Further, Note I below Schedule II of the Recruitment Rules for the **Indian Defence Accounts Service, 1958**, prescribes that **1st January of the year to which the vacancies pertain shall be considered the crucial date for determining the eligibility of officers for promotions to various grades.***

*The members of the aforementioned Services are recruited through the Civil Services Examination (CSE). Some of these services are Group 'A' and AFHQs is a Group 'B' Service. From the above, it is evident that in other similar Group 'A' Services, where recruitment is through CSE, **no separate dates are prescribed for the consideration of eligibility and approved service for promotion. Generally, 1st January is fixed as the crucial date for such purposes.** Further, DOPT is consulted while finalizing Recruitment Rules."*

25.1. Much emphasis has now been laid by the Petitioner on the argument that the learned Tribunal has erred in drawing parallels with different services, without appreciating that the career prospects of Group 'B' services are significantly different. It is argued that as per service Rules of most Group 'A' Services, there is no concept of 'approved service' and their promotion is based on regular service, which is the actual service rendered by an officer. The Petitioner has



also contested that the nature of duties of AFHQCS and DANIPS/DANICS is fairly distinct, and there can be no comparison between the said services. It is further argued that fixation of 1st of January for calculating '*approved service*' will confer an unintended advantage of over six months of notional service on DANICS/DANIPS.

The Petitioners have contested that fixing date of consideration of eligibility and counting approved service as 1st January will disturb the relative position of the services. It is iterated that the criteria for promotion in the services is different. The same is exhibited through a chart (Pg 27 of W.P.(C) 12877/2025), which is as under:

Sl. No.	Name of Service	Criteria of Promotion	Eligible date of 1 st promotion in case an applicant appears for CSE-1999 & selected & joins his service in allotted Cadre in October 2000 (Let date of joining 01.10.2000 & batch allotted as 2000).
1.	Indian Defence Accounts Service (IDAS) [Group 'A']	Officers in the Junior Time Scale with <u>4 years regular service</u> in the grade	1st January 2005
2.	Indian Civil Accounts Service (ICAS) [Group 'A']	Officers in the Junior Time Scale in the pay Band-3 of Rs 15600- 39100 with Grade Pay of Rs. 5400 with <u>4 years regular service</u> in the grade	1st January 2005



3.	Indian Cost Accounting Service [Group 'A']	Officers holding the post of Assistant Director (Cost) with <u>four years' regular service</u> in the grade.	1st January 2005
4.	Indian revenue Service [Group 'A']	Officers in Junior time Scale who have completed <u>four years regular service</u> in Group 'A' of Indian Revenue Service calculated from the 1st January of the year of allotment	1st January 2005
5.	Indian Administrative Service [Group 'A']	An Officer is eligible for appointment to the Senior Time Scale on completion of 4 years' service . This scale can be allowed from or after 1st January during the relevant year in which officers become eligible for this scale	1st January 2004
6.	Indian Police Service [Group 'A']	An Officer is eligible for appointment to the Senior Time Scale on completion of 4 years' service . This scale can be allowed from or after 1st January during the relevant year in which officers become eligible for this scale	1st January 2004
7.	DANICS/DANIPS [Group 'B' Service & their 1st promotion is from Group 'B' to Group 'A']	Minimum 08 years of approved services calculated from 1st July of year of following the year of exam (Present Case) i.e. as per DANIPS (Amendment) Rules, 2022.	01.07.2008
		Minimum 08 years of approved services calculated from 1st January of year	01.01.2008



		following the year of exam (in case, judgement dated 16.01.2025 of Hon'ble Tribunal is implemented)	
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25.2. On the other hand, the Respondents have relied on Schedule III, Serial No. 5 of the IRS (Customs & Central Excise) Rules, 2016, which provides that the prescribed Officers *who have entered the fourteenth year in the regular service on the 1st January of the year calculated from the year of Examination* are eligible for promotion to Additional Commissioner of Customs and Central Excise Junior Administrative Grade (Grade V) (Non-Functional Selection Grade). It is buttressed that the same demonstrates that the starting point for calculating service length is not derived from the actual date of joining but from a standardized date linked to the examination.

25.3. It is important to note that in case of All India Services (IAS, IPS & IFS), eligibility for first promotion is determined on the basis of completion of 4 years' service calculated from the year of allotment. In other Group 'A' services, the concept of '*regular service*' is stated to be more prevalent instead of '*approved service*' as in the case of DANIPS, DANICS and AFHQCS. The Union has maintained that the concept of '*approved service*' is a distinct legal fiction employed for providing a notional seniority from a fixed date irrespective of the joining date, and the Respondents have contested that the concept of *approved service* as well as *regular service* both serve the identical purpose of reckoning service tenure for the purposes of seniority.



25.4. Pertinently, DANICS and DANIPS have the opportunity of eventual induction into IAS and IPS respectively after certain years of service [in terms of IAS (Appointment by Promotion) Regulations, 1955 and IPS (Appointment by Promotion) Regulations, 1955 respectively], subject to vacancies. Undisputedly, even as per the table of the Petitioner, although the explicit concept of '*approved service*' does not exist in case of IAS and IPS, the years of service for promotion are calculated from the year of allotment, that is, the service is calculated from 1st January, even if the officer actually joins the service in the latter months⁵. As pointed out by the Respondents, as the eligibility criteria for IPS/IAS induction are pegged to be completion of requisite years of service (*including approved service*) by 31st December of the relevant year⁶, DANIPS/ DANICS will be undoubtedly prejudiced if their service is instead counted from 1st of July as the same shall depress their seniority by 6 months. Further, fixation of 1st of July as the crucial date shall also delay the eligibility of DANIPS/DANICS for promotions as well as IPS/IAS induction.

⁵ *Example (extracted from paragraph 45 of W.P.(C) 12877/2025):* If a candidate, who appears for CSE-1999 and gets selected and joins on 01.10.2000, then after completion of 04 years of service, calculated from the year of allotment assigned to him, starting from the first day of January, he become eligible for first promotion on 01.01.2004 and being promoted w.e.f. 01.01.2004.

⁶ Paragraph 6 and Header No.9 of the tabulated criteria in MHA order File No.l-IS01117/2012-IPS-I, Ministry of Home Affairs, dated 27 April 2018 provides as under:

"Completed year of service (including Approved Service) rendered in the rank not below that of Dy. SP or equivalent till 31st day of December of the year for which the SCM was held to prepare the select list on the basis of which the said officer was appointed to IPS (fractions, if any, are to be ignored). "



Thus, it is evident that determining '*approved service*' from 1st July will not cure the adverse effect on seniority positions *vis-à-vis* direct recruits and having different dates would cause apparent anomaly.

Perusal of the relied excerpt of Schedule III of the IRS (Customs & Central Excise) Rules, 2016 as well as Schedule II (A) of the Indian Civil Accounts Service (Group 'A') Rules, 2025 makes it clear that at least in some instances in even certain Group 'A' services, the service of an officer for the purpose of eligibility for promotion is not determined from the actual date of their joining, but from a standardised date linked to the Civil Services Examination. Even so, it cannot be denied that the eligibility for promotion of members of most Group 'A' services is mostly based on regular service which is determined from the actual date of joining. However, the Respondents have explicitly pleaded that they are not seeking parity with Group 'A' services, but rather with analogous Group 'B' service, that is, AFHQCS, whose date of reckoning for '*approved service*' is 1st January [Ref. Rule 2(b) of the Armed Forces Headquarters Civil Service Rules, 2001]. Although the Petitioner has sought to impress upon the Court that the aforesaid services are not comparable due to the difference in the nature of their duties, this Court is unimpressed by the said argument as mere difference in duties does not justify necessity of the different date for commencement of '*approved service*'. Further, insofar as the argument of DANIPS/DANICS having better career prospects due to their eligibility for induction in IPS/IAS is concerned, there is still no



reason to allow a different date for reckoning of '*approved service*', especially when service of IPS/IAS officers is also reckoned from 1st January of their allotment year. If the '*approved service*' is reckoned from 1st of July, the DANICS/DANIPS will suffer a six-month reduction as compared to AFHQCS. While it appears on first blush that the quashed amendments solve the issue of delay in promotions of DANIPS/DANICS, however, the same do not address the issue of the deficit in their service length as against AFHQCS or the issue of their delayed eligibility as well as adverse seniority in IAS/IPS *vis-à-vis* contemporaries.

26. Fixation of crucial date for reckoning '*approved service*' as 1st of July will not eliminate discriminatory treatment and it has been rightly noted by the learned Tribunal that the Amendments entrench upon the disparity identified in the first round of litigation and the same is violative of Article 14 of the Constitution of India. Once such a benefit of notional service is being extended in promotion to AFHQCS (another Group 'B' service), the argument of the Petitioner that fixation of 1st of January as the date of reckoning of approved service would confer undue advantage on the DANICS/DANIPS fails. It is evident that the Amendments had the effect of overriding the observations made by the Tribunal in the first round without curing the underlined deficiencies.

27. In such circumstances, the learned Tribunal cannot be faulted for interfering with the Amendments in the present circumstances, especially since the Petitioner authorities have failed to establish as to



why the proposal for assigning 1st January as the crucial date for reckoning the '*approved service*' as also for determining the eligibility for promotion was rejected. Once it is apparent that there is arbitrariness and non-application of mind, the Tribunal cannot sit as a mute spectator when the dispute is brought before it.

28. However, while this Court is persuaded to uphold the quashing of the Amendments due to absence of any demonstratable reasoning coupled with the potential prejudice that will be caused to the DANIPS/DANICS, it would not be appropriate to sustain the effective direction to amend the relevant rules by fixing 1st January following the year of examination as the crucial date for determining approved service. Though the learned Tribunal was motivated to pass the direction due to failure of Petitioner authorities to curb the issues underlined in the first round of litigation, the Tribunal should refrain from passing directions for enactment or amendment of rules in a particular manner. The mode and manner of curing the infirmities ought not to be determined by the Tribunal.

29. At the same time, once it was found that the rules in their initial form were discriminatory and the amendments also cannot continue in operation due to the manifest arbitrariness, directions were required to address the resultant administrative vacuum till such time when appropriate amendments are notified in accordance with law.

30. Thus, MHA as well as DoPT are directed to carry out a reasoned exercise and stipulate a mechanism which addresses the



issues underlined by this Court as well as the Tribunal without causing any consequent prejudice to the prospects of DANIPS/DANICS. This exercise shall preferably be carried out within a period of two months from date. Till such amendments are passed in accordance with law, as in the case of AFHQCS, it is directed that 1st January following the year of examination shall be treated as the crucial date for determining approved service of DANIPS/ DANICS.

31. In view of the aforesaid discussion, this Court finds no reason to interfere with quashing of the Gazette Notifications whereby the impugned Amendments were respectively notified, however, the directions for amendment of the relevant rules are set aside.

32. The present petitions are disposed of in the aforesaid terms. Pending application also stands disposed of.

33. A copy of this judgment be placed in both the matters.

AMIT MAHAJAN, J.

ANIL KSHETARPAL, J.

JULY 01, 2026

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