

Anant Kumar and Ors vs.union of India Anr Ors

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SooperKanoon Citation : sooperkanoon.com/1209985

Court : Delhi

Decided On : Oct-27-2017

Appellant : Anant Kumar and Ors

Respondent : Union of India Anr Ors

Judgement :

§~16 to 32. * IN THE HIGH COURT OF DELHI AT NEW DELHI + W.P.(C) 1140/2017 ANANT KUMAR AND ORS

... Petitioner

s Through: Mr. Vinod K. Tewari, Advocate with Mr. Manindra Dubey, Advocate versus UNION OF INDIA ANR ORS Through: Mr. Sanjeev Narula, CGSC with Ms. Anumitra Chandra, Advocate for R-1 to R-3. None for the respondent No.4

... RESPONDENTS

+ W.P.(C) Nos.1490/2017 & CM No.6818, 1495/2017 & CM No.6825/2017, 1498/2017 & CM No.6829/2017, 1499/2017 & CM No.6830/2017, 1506/2017 & CM No.6867/2017, 1511/2017 & CM No.6874/2017, 1517/2017 & CM No.6882/2017, 1575/2017 & CM No.7049/2017, 1576/2017 & CM No.7050/2017, 1578/2017 & CM No.7119/2017, 1579/2017 & CM No.7120/2017, 1582/2017 & CM No.7126/2017, 1583/2017 & CM No.7127/2017, 1584/2017 & CM No.7128/2017, 1585/2017 & CM No.7129/2017, 1586/2017 & CM No.7130/2017 SANJAY KUMAR RAM DEEPAK PRASAD YADAV GOSAWI SANDIP ARUN SANJIV KUMAR PIJUSH KANTI HATI ASHOK KUMAR PURBEY PHALKE

GANESH RABHAJI CHANDAN SINGH SURYANSHU KUMAR SAROJ KUMAR
KARN HARJIVAN SINGH SATYANAND SHARAN RAKESH BHATTI W.P.(C)
1140/2017 and connected matters

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Page 1 of 4 1. BORASE PRADEEP VIKRAM ZADE VISHAL MURLIDHARRAO
SEEGU SRINIVAS RAO Through: Mr. Anshuman Sinha, Advocate with Mr. Imran
Alam, Advocate

... Petitioner

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... Petitioner

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... Petitioner

versus UNION OF INDIA & ORS Through: Mr. Sanjeev Narula, CGSC with Ms.
Anumitra Chandra, Advocate for R-1 to R-3. None for the respondent No.4

... RESPONDENTS

CORAM: HON'BLE MS. JUSTICE HIMA KOHLI HON'BLE MS. JUSTICE REKHA
PALLI % The petitioners herein have prayed for directions to the respondents

ORDER

2710.2017 No.1 to 3, particularly, respondent No.3/Border Roads Organisation (in
short B.R.O.) for issuing No Objection Certificates in their favour to enable them to
apply to the respondent No.4/Coal Mines Provident Fund Organisation for
appointment to the post of LDC.

2. Counter affidavits have been filed by the respondents No.1 to 3 and the newly
impleaded respondent No.4/Coal Mines Provident Fund Organisation.

3. At the time of filing the present petitions, learned counsels for the petitioners
had relied on an interim order dated 23.01.2017, passed by the learned Single
Judge of the Guwahati High Court in a batch of petitions including W.P.(C) No.31-
32/2017, wherein on similar facts as stated in the W.P.(C) 1140/2017 and
connected matters Page 2 of 4 present petitions, B.R.O. had been directed to
issue a provisional NOC in favour of the petitioners therein, to enable them to

apply for outside employment as per the advertisements referred to in the said petitions. It was further noted that in the event they were selected, the question of releasing the petitioners for outside employment would be subject to the outcome of the captioned petitions.

4. Mr. Narula, learned counsel for the respondents No.1 to 3/UOI states that subsequently, by a detailed judgment dated 21.02.2017, the aforesaid batch of petitions in which interim orders had been granted earlier, were disposed of, with an observation that the petitioners cannot claim to have any enforceable rights to have their applications forwarded for outside employment at their will and that the department would be entitled to refuse such a prayer for good and sufficient reason. It was also noted that the respondents/BRO in the aforesaid petitions had successfully established that there was a deficiency of staff of over 10% and therefore, conceding to the request of the petitioners for seeking outside employment would be detrimental to the interest of the Organisation.

5. At this stage, learned counsels for the petitioners state that having regard to the stand taken by the newly impleaded respondent No.4 that after issuance of the advertisement for filling up posts of LDCs, the said posts have been cut down from 324 to 30 and that presently, there is no vacancy existing in the cadre of LDCs, no useful purpose shall be served by pursuing the present petitions. Therefore, they seek leave to withdraw the same.

6. Leave as prayed for is granted. The petitions are dismissed as withdrawn along with the pending applications. However, legal issue raised W.P.(C) 1140/2017 and connected matters Page 3 of 4 in the present petitions is left open for adjudication in an appropriate case in the future.

7. The interim orders stand vacated. HIMA KOHLI, J REKHA PALLI, J OCTOBER27 2017 na/rkb W.P.(C) 1140/2017 and connected matters Page 4 of 4