

(2017) 10 DEL CK 0150

In the Delhi High Court

Case No : Civil Writ Petition No. 1140, 1490 Of 2017, Civil Miscellaneous No. 1495, 1498, 1499, 1506, 1511, 1517, 1575, 1576, 1578, 1582, 1583, 1584, 1585, 1586, 6818, 6825, 6829, 6830, 6867, 6874, 6882, 7049, 7050, 7119, 1579, 7120, 7126, 7127, 7128, 7129, 7130 Of

Anant Kumar And Ors

APPELLANT

Vs

Union Of India Anr Ors

RESPONDENT

Date of Decision : 27-10-2017

Acts Referred:

Citation : (2017) 10 DEL CK 0150

Hon'ble Judges : Hima Kohli, J; Rekha Palli, J

Bench : Division Bench

Advocate : Vinod K. Tewari, Manindra Dubey, Sanjeev Narula, Anumitra Chandra, Anshuman Sinha, Imran Alam

Final Decision : Disposed Of

Judgement

1. The petitioners herein have prayed for directions to the respondents 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 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 LDC's, the said posts have been cut down from 324 to 30 and that presently, there is no vacancy existing in the cadre of LDC's, 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 in the present petitions is left open for adjudication in an appropriate case in the future.

7. The interim orders stand vacated.