

\$~13

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

+ LPA 53/2016

OM PRAKASH SECURITY AGENCY

THR MAJ OM PRAKASH (RETD)

..... Appellant

Through: Mr.Abhay Kumar with Mr.Himanshu
Kumar, Advs.

Versus

UNION OF INDIA AND ANR

..... Respondents

Through: Mr.Rahul Sharma with Mr.C.K.
Bhatt, Advs.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

05.12.2016

%

1. The unsuccessful petitioner in W.P.(C)No.10183/2015 is the appellant before us.
2. The appellant/writ petitioner was granted a license under the Delhi Private Security Agencies (Regulation) Rules, 2009 to run the business of Private Security Agency in all the districts of National Capital Territory of Delhi and was also empanelled with the respondent No.2/Directorate General Resettlement, Government of India, Ministry of Defence for the period from 20.08.2014 to 29.10.2015. W.P.(C) No.10183/2015 was filed on 29.10.2015 aggrieved by the alleged inaction on the part of the respondent No.2 in considering its request for awarding the sponsorship to the petitioner Agency in spite of the fact that the petitioner was the senior most. It was alleged that the respondent No.2 had been awarding the

sponsorship without regard to the seniority of registration. The learned Single Judge dismissed the writ petition holding -

“4. The counsel for the respondents appearing on advance notice points out that the registration-cum-empanelment of the petitioner with the respondent No.2 DGR was till 29th October, 2015 only and has lapsed yesterday and thus the question of making any allocation to the petitioner now does not arise. It is further stated that the petitioner, if had any grievance, ought to have approached well before the last date of its empanelment.

5. The counsel for the petitioner though does not controvert the aforesaid fact, states that the respondent No.2 DGR has made allocation to another agency in spite of its registration having lapsed.

6. However that is not the pleaded case and no relief also in that respect has been claimed. Else, it is not disputed that after expiry of empanelment / registration, the petitioner is not entitled to any sponsorship.

7. This petition itself is found to have been filed yesterday i.e. on 29th October, 2015 and has come up for hearing today for the first time.

8. In this view of the matter, no relief can be granted to the petitioner.”

3. Assailing the said order, it is contended before us by the learned counsel appearing for the appellant/writ petitioner that the writ petition should have been disposed of with directions as prayed for notwithstanding the fact that the registration had expired on 29.10.2015 since similarly situated agencies whose registration had already expired were granted the sponsorship.

4. We are unable to agree. Even assuming that similarly situated persons have been awarded the sponsorship despite expiry of their

registration, we are of the view that the same cannot be a valid ground to grant the relief as prayed for since the law is well settled that no mandamus can be issued to perpetuate illegality.

5. Hence, the appeal is devoid of any merit and the same is accordingly dismissed.

CHIEF JUSTICE

SANGITA DHINGRA SEHGAL, J

DECEMBER 05, 2016

neelam/ *'anb'*