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

+ W.P.(C) 1530/2016 and CM No. 6594/2016

BRIG. (RETD.) RAKESH KATYAL Petitioner
Through: Ms Kanika Agnihotri, Advocate.

versus

UNION OF INDIA & ANR Respondents
Through: Mr Dev P. Bhardwaj, CGSC with Mr
Satya Prakash Singh, Advocate with
Lt. Col. Sanjay Singh (Officer) for
UOI.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **20.07.2017**

1. The petitioner has filed the present petition *inter alia* aggrieved by the action of the respondents in not accepting him as a director of the proposed ESM Coal Transport Company. The respondents submitted that the petitioner had become overage (had crossed the age of 60 years) and as per their policy, an ESM Coal Transport Company promoted by the petitioner could not be sponsored. At the material time when the petitioner had indicated his willingness to be a director, he was below the prescribed age; however, due to two other ex-officers withdrawing their consent subsequently, it took some time to form a group of five ex-officers necessary to promote an ESM Coal Transport Company.

2. The learned counsel for the respondents states on instructions that in view of the peculiar circumstances, the respondents are willing to sponsor the petitioner as a Director of M/s Firstmove Logistics Pvt. Ltd. or M/s

Kuchena Coal Carriers Pvt. Ltd.

3. The learned counsel for the petitioner states on instructions that the petitioner would accept appointment as Director of M/s Firstmove Logistics Pvt. Ltd. and in view of the respondents willing to sponsor the petitioner, as a Director of that company, the petitioner does not seek to press the present petition.

4. The learned counsel for the respondents requests that it be specified that the respondents have accepted the petitioner as a Director of an ESM Coal Transport Company only as a special measure in the peculiar facts and circumstances of the case and the same should not be considered as a precedent. It is so directed.

5. The learned counsel for the petitioner requests that the right of the petitioner to seek extension after the expiry of the sponsorship (which would last approximately for six years five months) be kept open.

6. In view of the above, the petition is disposed of as withdrawn, keeping the petitioner's contention regarding further extension as open. Pending applications are also disposed of.

7. Order *dasti*.

VIBHU BAKHRU, J

JULY 20, 2017
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