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

+ W.P.(C) 1140/2017

ANANT KUMAR AND ORS

..... Petitioners

Through: Mr. Vinod K. Tewari, Advocate with  
Mr. Manindra Dubey, Advocate

versus

UNION OF INDIA ANR ORS

..... Respondents

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

+ 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

..... Petitioner

DEEPAK PRASAD YADAV

..... Petitioner

GOSAWI SANDIP ARUN

..... Petitioner

SANJIV KUMAR

..... Petitioner

PIJUSH KANTI HATI

..... Petitioner

ASHOK KUMAR PURBEY

..... Petitioner

PHALKE GANESH RABHAJI

..... Petitioner

CHANDAN SINGH

..... Petitioner

SURYANSHU KUMAR

..... Petitioner

SAROJ KUMAR KARN

..... Petitioner

HARJIVAN SINGH

..... Petitioner

SATYANAND SHARAN

..... Petitioner

RAKESH BHATTI

BORASE PRADEEP VIKRAM  
ZADE VISHAL MURLIDHARRAO  
SEEGU SRINIVAS RAO

..... Petitioner  
..... Petitioner  
..... Petitioner

Through: Mr. Anshuman Sinha, Advocate with  
Mr. Imran Alam, Advocate

versus

UNION OF INDIA & ORS

..... Respondents

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

**CORAM:**

**HON'BLE MS. JUSTICE HIMA KOHLI**

**HON'BLE MS. JUSTICE REKHA PALLI**

**ORDER**

**27.10.2017**

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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.

**HIMA KOHLI, J**

**REKHA PALLI, J**

**OCTOBER 27, 2017**

na/rkb

