

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

Date of Order: December 06, 2017

+ **W.P.(C) 10865/2017 & CM 44496/2017**

SHIVAM GOYAL

..... Petitioner

Through: Mrs. Anjali J. Manish, Mr.
Priyadarshi Manish, Ms. Raj Rajeshwari and
Ms. Nidhi Saini, Advocates

versus

DEDICATED FREIGHT CORRIDOR CORPORATION OF
INDIA LIMITED

.....Respondent

Through: Mr. V.S. R. Krishna, Advocate

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

1. Petitioner, who has been selected as Assistant Commandant (Electrical) in Border Security Force under the Ministry of Home Affairs, seeks 'No Objection Certificate' (hereinafter referred to as 'NOC') from respondent to enable him to attend the interview, which, according to petitioner's counsel, is going to be held soon.
2. Learned counsel for petitioner submits that in pursuance of 'Offer of Appointment' of 16th February, 2015 (Annexure P-2), petitioner had joined as Executive (Electrical) Grade-E-0 in the respondent-Corporation on 5th March, 2015 and after having rendered service of two

years and nine months, petitioner seeks discharge by way of an 'NOC' from respondent. Petitioner's application of 14th November, 2017 seeking 'NOC' has been declined by respondent vide impugned order of 14th November, 2017 (*Annexure P-7 colly.*) by observing that since petitioner has not completed three years of service with respondent, so 'NOC' cannot be granted.

3. Attention of this Court is drawn by petitioner's counsel to Clause 10 of '*Offer of Appointment*' (*Annexure P-2*) to point out that as per *Service Agreement-cum-Bond*, petitioner has to render minimum service of five years from the date of joining, failing which petitioner has to indemnify respondent for an amount equivalent to one year of current salary, with a rider that this would be subject to minimum of ₹6 lacs for the Executives. Aforesaid Clause 10 of '*Offer of Appointment*' (*Annexure P-2*) also makes it clear that the application of such candidate for outside employment will not be forwarded during the initial period of three years from date of joining the respondent.

4. Upon hearing and on perusal of impugned order and the material on record, this Court directs that subject to petitioner depositing an amount equivalent to one year of current salary or minimum of ₹6,00,000/-, 'NOC' be issued to petitioner forthwith.

5. Learned counsel for respondent-Corporation submits that he will inform petitioner's counsel within two days about the quantum of petitioner's one year of current salary. Petitioner's counsel, on instructions, submits that within two days of receiving such information, petitioner would deposit one year's current salary or ₹6,00,000/ i.e. whichever is higher, in terms of Clause 10 of '*Offer of Appointment*'

(Annexure P-2) with respondent. Upon receiving the requisite deposit, respondent shall issue 'NOC' to petitioner within a week thereafter.

6. With aforesaid directions, this petition and the application are disposed of.

7. Copy of this order be given *dasti* to both the sides.

(SUNIL GAUR)
JUDGE

DECEMBER 06, 2017

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