

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

Date of Order: April 20, 2018

+ **W.P.(C) 3453/2018 & CMs13615-16/2018**

VIKAS & ORS

.....Petitioners

Through: Mr. Ankit Panwar, Advocate

versus

EMPLOYEES STATE INSURANCE CORPORATION & ANR

....Respondents

Through: Nemo

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

1. In the first round of litigation, petitioners' No.2 to 6 & 17 had approached this Court for rendering compulsory service in terms of Bond executed by them. This Court vide order of 23rd March, 2018 (*Annexure P-3*) had directed respondents to consider the case of petitioners No.2 to 6 & 17 for permitting them to render compulsory service under the Service Bond.

2. Learned counsel for petitioners submits that when the order of 23rd March, 2018 (*Annexure P-3*) was passed, it was not known to said petitioners that their bonds have been discharged. In this petition, dental graduates of first batch and second batch are aggrieved by Communication of 4th January, 2016 and 17th November, 2016 (*Annexure P-4 colly.*) as vide these Communications, they have been released from

the condition of rendering compulsory service under the Bond. Reliance is placed upon Memorandum of 2nd February, 2018 (*Annexure P-2*), which required rendering of compulsory service under the service bond as an essential requirement.

3. It is submitted by petitioners' counsel that petitioners have been orally informed that the third batch i.e. of the year 2017, is being considered for rendering compulsory service under the Service Bond as their bonds are still valid. It is submitted that Memorandum of 2nd February, 2018 (*Annexure P-2*) has to be uniformly applied to all the batches and cannot be confined to third or fourth batch, as to permit so, would be discriminatory. It is further submitted that in terms of order of 23rd March, 2018 (*Annexure P-3*), petitioners No.2 to 6 and 17 have already made a Representation on 2nd April, 2018 and its fate is not yet known to them.

4. Despite service of advance notice, none appears on behalf of respondents.

5. In the facts and circumstance of this case, it is deemed appropriate to dispose of this petition with direction to first respondent to comply with the order of 23rd March, 2018 (*Annexure P-3*) without going into the aspect as to whether bonds have been discharged or not and the fate of the Representation of 2nd April, 2018 be made known to petitioners No. 2 to 6 & 17 within the timeline as indicated in the order of 23rd March, 2018. So far as remaining petitioners are concerned, it is stated by petitioners' counsel that even the remaining petitioners have made similar Representation on 2nd April, 2018 to first respondent. If it is so, then first

respondent shall pass a speaking order on the Representations of the remaining petitioners i.e. petitioners No.1 & 7 to 16, within a period of six weeks from today and the fate of the said Representations be made known to these petitioners within a week thereafter, so that petitioners may avail of the remedies as available in law, if need be.

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

Copy of this order be given *dasti* to learned counsel for petitioners.

APRIL 20, 2018

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**(SUNIL GAUR)
JUDGE**



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