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

+ W.P.(C) 8046/2018

MAJ GEN C P SINGH (RETD) & ORS

..... Petitioners

Through: Ms Kanika Agnihotri, Mr Vaibhav Agnihotri and Mr Rudresh Jagdale, Advocates.

versus

UNION OF INDIA & ORS

..... Respondents

Through: Mr Akshay Makhija, CGSC, Mr Anurag Ahluwalia, CGSC with Mr Kavindra Gill, Advocate for R-1 & R-2 with Lt. Col. Rakesh Upadhyay, DGR.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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03.08.2018

CM No.30846/2018

1. Allowed, subject to all just exceptions.

W.P.(C) 8046/2018 & CM No. 30845/2018

2. Issue notice. The learned counsel appearing for the respondents accepts notice.

3. The petitioner has filed the present petition, *inter alia*, praying as under:-

“(i) Issue a Writ of Mandamus directing the Respondent No.2 to clarify that the Petitioners have one more chance available for being sponsored and that their age would not be a bar to the offer of second chance;

- (ii) Issue a Writ of Mandamus directing Respondent No.2 to hold the Guidelines and policy true to its spirit and in terms of the same, offer Sponsorship to Coal Subsidiary other than WCL.
- (iii) Issue a Writ of Mandamus to directing the Respondents that demands for ESM Companies by the MCL Coal Subsidiary be offered to the Petitioners being placed higher in the seniority list enabling him to form a ESM Company as per guidelines;
- (iv) Issue a Writ of Mandamus directing the Respondents to reserve MCL ESM Company for the Petitioner, form the 10 companies that are currently being allotted/formed, until the adjudicating of the present dispute;”

4. The petitioners – former officers of the Indian Armed Forces (ESMs) – had indicated their willingness to be sponsored for coal loading and transportation work with Western Coal Fields Limited (WCL). It is stated that the petitioners had also carried out the feasibility studies. The petitioners’ grievance is that it has now been transpired that, currently, WCL has no requirement of loading and transportation work. This Court is informed that this is so as one of the mines of WCL has collapsed.

5. Mr Makhija, learned counsel appearing for the respondent states that a letter has been sent to the Chairman WCL on 27.07.2018 seeking clarification in this regard. He assures this Court that if it is confirmed that there is no requirement for coal loading and transportation company the respondents would process the petitioners’ case accordingly.

6. It is clarified that in such case the petitioners’ acceptance of sponsorship will not be considered as the petitioners having exhausted their chance for availing such sponsorship. The petitioners would also be

considered on their own seniority.

7. In view of the statement made by Mr Makhija and the above directions issued by this court, no further orders are required to be passed in this petition. The petition is, accordingly, disposed of in the aforesaid observations. The pending application is also disposed of.

8. Order *dasti*.

VIBHU BAKHRU, J

AUGUST 03, 2018
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