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

Date of Decision: 08.10.2018

+ W.P.(C) 10690/2018, CM No. 41663/2018

VOICE OF EX-SERVICEMEN SOCIETY (REGD.) & ORS.

..... Petitioners

Through: Mr. Umesh Sharma, Adv.

versus

UNION OF INDIA

..... Respondent

Through: Mrs. Suparna Srivastava with
Mr. Tushar Mathur, Advs. for R-1

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE V. KAMESWAR RAO

RAJENDRA MENON, CHIEF JUSTICE (ORAL)

1. This petition has been filed in public interest challenging a circular issued by the Union of India in the concerned Ministry whereby the claim of the petitioners for treating them at par with the officers (ESMO) has been denied. It is the case of the petitioners that Ex-Service Men (ESM) means persons who have served in any rank in the Armed Forces of the Union and as the definition of Ex-Service Men as appearing in the Ex-Service Men (Re-employment in Central Civil Services and Posts) Rules, 1979 does not discriminate between the members of the Forces who are Ex-Service Men based on rank. The policy of the Union of India as contained in the impugned resolution creating two different classes for grant of benefit to Ex-Service Men is violative of Article 14 of the Constitution. Therefore, seeking a *mandamus* to the respondents to implement the impugned

guidelines (Anexure-P-3) in the matter of allotment of oil product uniformly to all members of the Posts, the writ petition in question has been filed.

2. From the order passed by the Department (Annexure-P-10) dated 01.07.2017, we find that the issue had been addressed by the Department and it is indicated in the departmental representation that looking to the posts held by the members of the Forces after their retirement different benefits have been granted to different categories of employees. Certain benefits have been granted to officers and certain benefits are granted to other Ex-Service Men. It is stated that in the matter of re-settlement and grant of state largess, the officers and the Ex-Service Men who are not officers and are classified differently, in our considered view, in doing so no error has been committed by the Department warranting reconsideration. The question of granting benefit to different categories of Ex-Service Men in the matter of their resettlement and distribution of stage largess are based on various considerations and if in the matter of allotment of petroleum outlet, a different classification has been adopted, we see no reason to make any indulgence in the matter and interfering in a public interest litigation under Article 226 of the Constitution, the petition is therefore dismissed.

3. Accordingly, the writ petition along with pending application stands dismissed.

CHIEF JUSTICE

V. KAMESWAR RAO, J

OCTOBER 08, 2018/ns