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

+ **W.P.(C) 2673/2019 and CM APPL. 12374/2019**

SUDHIR SINGH

..... Petitioner

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

versus

DEDICATED FREIGHT CORRIDOR CORPORATION
OF INDIA LIMITED (DFCCL)

..... Respondent

Through: Mr V.S.R. Krishna, Advocate for
DFCCIL.
Mr Digvijay Rai, Advocate for R-2.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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27.05.2019

1. The petitioner has filed the present petition, *inter alia*, impugning a Circular dated 25.08.2017 issued by the respondent-Dedicated Freight Corridor Corporation of India Limited (DFCCIL).
2. The petitioner is an employee of DFCCIL and has already served with the respondent company for a period of five years and ten months. The petitioner had applied to Airport Authority of India (AAI) for the post of Manager (Electronics) with reference to an advertisement that was published in June, 2018. The said application was made online and the petitioner appeared for an online test on 30.11.2018. The petitioner was declared successful and is now required to take the interviews which are scheduled to be held by AAI, within the next few weeks.

3. The petitioner is required to produce a No Objection Certificate (NOC) from the respondent prior to the interview. The petitioner has not made any application seeking any NOC from the respondent as the petitioner apprehends that the same would not be entertained in view of the Circular dated 25.08.2017.

4. The impugned Circular provides that the application would not be entertained during the initial phase of three years from the date of joining or till the completion of two years in the promotion grade. According to the petitioner, none of the two conditions are applicable since the petitioner has already served DFCCIL for a period of five years and ten months. It is also asserted that the petitioner was promoted with effect from 01.01.2017 and two years have elapsed since then.

5. The learned counsel appearing for the respondent states that the petitioner had not applied through the proper channel prior to making an online application.

6. This Court is of the view that the same ought not to be held as an impediment against the petitioner in this case. The issue of applying through the proper channel is only a procedural matter and the same should not hold back the petitioner from pursuing his career opportunities. (See: ***CPL N.K. Jakhar v. Union of India & Ors.: 2009 SCC OnLine Del 3317*** and ***Pradeep Kumar v. Union of India & Anr.: W.P.(C) 8760/2008, decided on 16.12.2008***).

7. In the given facts, this Court directs the respondent to consider the present petition as the petitioner's representation for issuance of a NOC. It is clarified that the NOC shall not be withheld solely on the ground that

the petitioner had not applied through the proper channels prior to appearing in the online examination.

8. The petition and the application are disposed of.
9. Order *dasti* under signature of Court Master.

MAY 27, 2019
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VIBHU BAKHRU, J