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

+ W.P. (C) 4693/2020, C.M. Appln. Nos.16900/2020 (for directions)
&16901/2020 (for exemption)

ANUJ KUMAR JAINPetitioner
Through: Ms. Saahila Lamba, Advocate

versus

UNION OF INDIA & ORS.

.....Respondents
Through: Mr. Annirudh Sharma, Advocate
for R-1 & R-2.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW
HON'BLE MS. JUSTICE ASHA MENON

ORDER
% **29.07.2020**

[VIA VIDEO CONFERENCING]

C.M. Appln. No.16901/2020 (for exemption from filing duly affirmed affidavit(s) and court fees)

1. Allowed, subject to just exceptions and as per the extant rules.
2. The application is disposed of.

W.P. (C) 4693/2020, C.M. Appln.16900/2020 (for directions to R-3 & 4 National Highways Authority of India (NHAI))

3. The petitioner, an Executive Engineer (Non Functional Selection Grade) with the respondents No. 1 and 2 Border Roads Organization (BRO), has filed this petition impugning the refusal of the respondents

No. 1 and 2 BRO to issue 'No Objection Certificate' to the petitioner to join the respondents No. 3 and 4 National Highways Authority of India (NHAI) as General Manager (Technical), on deputation basis, and for which the petitioner has been selected and the last date of joining wherefor is 31st July, 2020, and seeking mandamus to the respondents No. 1 and 2 BRO to issue 'No Objection Certificate' and other documents/details, to enable the petitioner to join the respondents No. 3 and 4 NHAI.

4. The counsel for the respondents No. 1 and 2 BRO appears on advance notice.

5. None appears for the respondents No. 3 and 4 NHAI, in spite of advance copy stated to have been given.

6. We have heard the counsel for the petitioner as well as the counsel for the respondents No. 1&2 BRO.

7. After full hearing, the counsel for the petitioner states that the petition be disposed of, permitting the Ministry of Defence (MOD), Government of India, which is the Cadre Controlling Authority of the petitioner, to take a decision in the matter and for which the MOD has already sought particulars from the respondents No. 1 and 2 BRO vide Annexure P-10 to the petition.

8. The counsel for the respondents No. 1 and 2 BRO states that he has no instructions with respect to the particulars, if any, sought by the MOD from the respondents No. 1 and 2 BRO or the status thereof. He however, states that as per his instructions, the decision of the respondents No. 1 and 2 BRO to not recommend the petitioner for deputation, because of shortage of eligible officers available for high altitude areas, was

forwarded to the Joint Secretary, MOD and the said decision has been affirmed.

9. The counsel for the petitioner seeks a copy of the said decision.

10. The counsel for the respondents No. 1 and 2 BRO states that his instructions are that the decision has been already forwarded to the Command Headquarter of the petitioner and will reach the petitioner within a week or two.

11. The decision taken by the MOD pursuant to Annexure P-10 be also communicated to the petitioner within two weeks of the date of the decision.

12. This petition is disposed of, as per the statement of the counsel for the petitioner.

13. The petition is disposed of.

RAJIV SAHAI ENDLAW, J.

ASHA MENON, J.

JULY 29, 2020

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