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

+ W.P.(C) 5720/2020

ANUJ KUMAR JAIN

..... Petitioner

Through: Ms. Saahila Lamba, Adv.

Versus

UNION OF INDIA & ORS.

..... Respondents

Through: Mr. Vishal Bakshi, Adv. for R-1&2.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

HON'BLE MS. JUSTICE ASHA MENON

ORDER

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27.08.2020

[VIA VIDEO CONFERENCING]

CM No.20672/2020 (for exemption)

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

W.P.(C) 5720/2020 & CM No.20671/2020 (for interim directions)

3. The petitioner, an Executive Engineer (Non-Functional Selection Grade) with the respondent Border Roads Organisation (BRO), being dissatisfied from non-grant of 'No Objection Certificate' (NOC) by BRO, to enable the petitioner to join the respondent National Highways Authority of India (NHAI) as General Manager (Technical) on deputation, had earlier filed W.P.(C) No.4693/2020 seeking mandate to BRO to issue NOC to the petitioner to join the respondent NHAI. The said petition, after full hearing, was withdrawn on 29th July, 2020, permitting the Ministry of Defence,

Government of India, being the Cadre Controlling Authority of the petitioner, to take a decision in the matter and which was then stated to be pending. Now, this petition has been filed impugning the re-affirmation by the Ministry of Defence of the decision of BRO not to issue NOC to the petitioner.

4. The counsel for the petitioner states that of the 15 High Altitude Engineers of BRO who had been issued NOC for joining NHAI, only 5 have been selected by NHAI; thus, the remaining 10 who were granted NOC, will remain with the respondent BRO; in the circumstances, the petitioner can be issued NOC by BRO. It is further stated that the petitioner withdraws this petition with liberty to represent to BRO in this regard.

5. Though the counsel for the respondent BRO has appeared on advance notice but the need to call upon him to address, in view of the statement of the counsel for the petitioner, does not arise.

6. The petition is dismissed with liberty aforesaid but clarifying that the petitioner will not be entitled to a yet another chance if remains dissatisfied qua the representation intended to be made.

RAJIV SAHAI ENDLAW, J.

ASHA MENON, J.

AUGUST 27, 2020
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