

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****WPC No. 2245 of 2021**

Jasbir Singh Bath Security Agency Registered Office At A- 12/ 16,
Sector 3, Uday Society , Tatibandh, Raipur , Chhattisgarh, through its
Proprietor Shri Jasbir Singh Bath S/o Shri Tara Singh , Aged About 59
Years. **--- Petitioner**

Versus

1. Union of India Through The Secretary, Ministry of Defence,
Government of Indian, Department Ex Servicemen Welfare, South
Block New Delhi.
2. Directorate General of Resettlement through Its Principal Director,
Government of India , Ministry of Defence , West Block IV , R.K.
Puram, New Delhi Pin Code 110 066.
3. Directorate Resettlement Zone (Central) through its Additional
Director General Government of India Ministry of Defence C/o Hqs
Central Command, Lucknow (Up) Pin Code 226 002.
4. National Mineral Development Corporation Limited (NMDCL)
(Government of India Undertaking) through its Chairman Cum
Managing Director (CMD), Khanij Bhawan, Castle Hills , Masab
Tank , Hyderabad Telangana
5. Executive Director National Mineral Development Corporation Limited
(NMDC) BIOM, Bachel Complex, Post Bachel, District Dantewada
Chhattisgarh.
6. Shri A.K. Prajapati Executive Director , National Mineral Development
Corporation Limited (NMDCL) BIOM, Bachel Complex, Post Bachel,
District Dantewada Chhattisgarh. **--- Respondents**

For the Petitioners : Mr. Amrito Das, Advocate
For respondent No.1 : Mr. Ramakant Mishra, Advocate
For respondents 3 & 4 : Mrs. Astha Shukla, Advocate

Hon'ble Shri Justice Goutam Bhaduri**Order on Board****18.06.2021**

1. The instant petition has been filed for the following relief(s).

"10. Relief(s) sought :

The petitioner most humbly prays for the
following relief(s) :

10.1 That, this Hon'ble Court may kindly be

pleased to call for the entire record from NMDCL pertaining to the proceedings conducted by it pursuant to the sponsorship dated 09.02.2021 for its kind perusal.

10.2 That, this Hon'ble Court may kindly be pleased to issue an appropriate writ directing the respondents to conclude the proceeding within the stipulated time by the DGR for award of contract for providing security guards at NMDCL Bacheli in accordance with the Guidelines For Functioning of DGR Empanelled Ex-Servicemen for Security Services framed by the Government of India, Ministry of Defence.

10.3 That, this Hon'ble Court may kindly be pleased to issue an appropriate writ directing respondent NMDCL to compensate the petitioner with an amount of Rs.16,00,000/- for the pecuniary loss caused to it on account of the delay caused by it in concluding the award of contract for security service from and amongst the sponsored agencies within the period of 90 days.

10.4 That, this Hon'ble Court may kindly be pleased to issue an appropriate writ declaring that respondent NMDCL, Bacheli being a Central Government Public Sector Undertaking cannot engage the services of any security agency for providing security guards other than the ESM Security Agencies which are sponsored by the DGR, Ministry of defence, Government of India.

10.5 That, this Hon'ble Court may kindly be pleased to issue an appropriate writ directing holding of enquiry against the officials of NMDCL who are responsible for having delayed the process for award of contract to the sponsored agencies.

10.6 That, any other relief which this Hon'ble Court deems fit in the present facts and circumstances of the case may kindly be granted."

2. Learned counsel for the petitioner submits that the petitioner

is an Ex-Army man who is running a Security Agency and as per the Central Government guidelines and the Circular filed as Annexure P-3, the Central Government Public Sector Undertakings were required to take security cover from the security agencies sponsored by the the Director General of Resettlement and the principal employers were required to make the demand for their requirement in requisition proforma as available on the website of DGR, 3 months prior to the termination of existing contract, thereafter the contract would be entered upon.

3. Learned counsel submits that the DGR gave the sponsorship for security of the petitioner and the other security agency by letter dated 09th Feb.2021 which is filed as Annexure P-1 and thereafter the period of sponsorship was extended by Annex.P-6 dated 20th May, 2021 whereby the sponsorship of petitioner was extended upto 24th June 2021. He would submit that on the ground of authenticity of the initial sponsorship letter dated 9th February 2021 is to be verified, the petitioner and others were not considered, though apart from it the extension of sponsorship was received by E-Mail (Annexure P-6). Therefore, as per the Policy of the Central Government, the NMDC was required to follow the policy for the security cover to provide job to the security agencies.
4. Learned counsel for respondent/NMDC would submit that they had a doubt as to the sponsorship letter dated 9th February 2021 which was not received in original as such the authenticity of the same was in question, as such, it could not be acted upon. In the meanwhile, the NIT was floated for security agency to be deployed.

5. Under the existing circumstances, on the earlier date of hearing, the Union of India, the Director General of Resettlement DGR was directed to seek instruction as to whether the letter dated 9th February 2021 and the letter dated 20th May 2021 was addressed by the DGR or not whereby the sponsorship for security was recommended and communicated.
6. Learned counsel for the Union of India today on instruction submits that the letter dated 09th February 2021 and the letter dated 20th May 2021 both were addressed and sent by the DGR to NMDC for sponsorship of security.
7. In the office memorandum of the Government of India dated 9th July 2012, the guidelines have been issued for functioning of the DGR empaneled Ex-Army men for security services. The relevant part of para 1 reads as under:

“The Government of India vide Department of Public Enterprises Office Memorandum Number 6/22/93-GL-15-DPE(SC/ST) dated 01st Feb 1994 as amended from time to time has instructed all Central Government Public Sector Undertakings/Enterprises (CPSU/CPSEs) to take security cover from Security Agencies sponsored by Directorate General Resettlement (DGR) (An attached Office of The Ex-Servicemen Welfare Department, Min. of Defence).”

8. Further more, clause 18 of such direction contemplates that all the principal employers will project their requirement in the Requisition Proforma as available on DGR website to reach DGR 3 months prior to termination of existing contract. Therefore, the Central Government Public Sector Undertakings/Enterprises were required to take security cover from security agencies sponsored by the DGR as per

the guidelines issued by the Central Government.

9. On earlier occasion since the confusion was raised as to whether the the letter dated 19th February was sent by the DGR to NMDC, with the submission of the learned counsel for the respondent Union of India it is made clear that the letter 09th Feb. 2021 was served to the NMDC along with another letter dated 20th May 2021. Consequently the NMDC would be required to follow the guidelines of the office memorandum dated 9th July 2012 so as to consider the sponsorship sent by the DGR and no outside agency other than its ambit of sponsorship can be considered.
10. Under the circumstances, since the sponsorship for giving the security cover has already been communicated by the DGR to the NMDC, the NMDC is required to follow the office memorandum of Government of India dated 9th July 2021. The authorities of the respondent NMDC are the instrumentalities of the State and officers are empowered to exercise the power on behalf of the Union. Such exercise of power attains greater significance when it arises to achieve an object. The level of expectation of timely and just performance of duty is higher, as compared to the cases where the power is executively exercised in discharge of its regular business. The doctrine of "full faith and credit" applies to the act done by the officers, therefore, when the duties are to be discharged to elongate public purpose then it has to be achieved to establish the percept of public trust and accountability. Therefore, it is directed that the NMDC Officers shall consider the case of the petitioner as also other similarly situated agencies in accordance with the office

memorandum and the guidelines issued by the Central Government (supra) on or before 24th June, 2021.

11. With such observations/direction, this writ petition stands finally disposed of.
12. Cc today.

**Sd/-
GOUTAM BHADURI
JUDGE**

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