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

+ **W.P.(C) 14736/2024**

RAKESH GUPTA

.....Petitioner

Through: **Mr.Sachin Mittal and Ms.Bhavna
Nanda, Advocates**

versus

UNION OF INDIA & ORS.

.....Respondents

Through: **Mr.Vikrant N.Goyal, Advocate for R-
1 and 3**

**Mr.Rana Mukherjee, Senior Advocate
with Mr.Dipak Nag, Ms.Apurva
Upmanyu, Ms.Oindrila Sen,
Mr.Samarth Mohanty and Ms.Sneha
Ahmed, Advocates for R-2**

Mr.Ripu Daman Bhardwaj (CGSC)

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

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24.10.2024

CM APPL. 62869/2024 (CM For Restoration)

1. Keeping in view the averments in the application, the same is allowed and the matter is restored.

2. Accordingly, the application stands disposed of.

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3. Present petition has been filed seeking issuance of directions to Respondent nos. 1 and 2 to comply with the directions issued by the Respondent No. 3 and initiate action to recruit a permanent Managing Director of Kendriya Bhandar in a time bound manner.

4. Learned counsel for the Petitioner states that Respondent No. 2 is a



“Specified multi-State Cooperative Society”, since more than 51% of the paid-up share capital of Respondent No. 2, is held by the Respondent No. 3.

5. He states that in October, 2015, the regularly appointed Managing Director (“MD”) of Respondent No. 2/ Kendriya Bhandar had retired from service on attaining the age of superannuation. He states that in 2017, the Additional Charge of MD has been given to a candidate who was otherwise ineligible to be appointed as MD/CEO in accordance with the Recruitment Rules.

6. He further states that in spite of passing of more than seven years, he is still continuing to exercise the additional charge of MD. He states that as per Recruitment Rules, any person can be appointed for a maximum period of 2 years, however, no review or approval regarding continuation of the additional charge after expiry of 2 years has ever been undertaken till date.

7. He states that on 27th July, 2024, the Petitioner filed his grievance on the PMO Grievance Portal, requesting that Respondent No. 1 be asked to immediately start process for filling up the vacant post of MD. He states that on 11th September, 2024, the Petitioner was informed by Respondent No. 3 through the PMO Grievance Portal that Respondent No. 2 has already been directed to initiate the filling up of the post of MD on a regular basis.

8. Per contra, learned senior counsel for Respondent No.2 states that the Petitioner is a chronic litigant who has filed as many as twenty two (22) writ petitions. He states that twenty one (21) out of the said twenty two (22) writ petitions have been dismissed. He emphasizes that Respondent No.2 is not headless inasmuch as it has an officiating Managing Director who has been looking after the interest of the Society.



9. In the rejoinder, learned counsel for the petitioner states that not all the twenty one (21) writ petitions have been dismissed by this Court as some have been withdrawn or have been disposed of as infructuous.

10. In any event, in view of the limited controversy at hand, this Court disposes of the present writ petition with direction to Respondent No.1 and 2 to fill up the post of Managing Director in accordance with law as expeditiously as possible, preferably within five months.

MANMOHAN, CJ

TUSHAR RAO GEDELA, J

OCTOBER 24, 2024

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