



\$~19 to 22 & 26

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

(19)

+ **LPA 46/2026, CM APPL. 6997/2026 & CM APPL. 6998/2026**
BRIG JASWINDER SINGH GULATI RETD
& ANR.Appellants

Through: Mr. Gautam Swarup, Mr. Ankur Das,
Mr. Rudra Deosthli & Ms. Sakshi
Pandey, Advocates.

versus

DIRECTORATE GENERAL OF RESETTLEMENT
& ORS.Respondents

Through: Ms. Radhika Bishwajit Dubey-CGSC
along with Ms. Gurleen Kaur
Waraich, Mr. Kritarth Upadhyay &
Mr. Navneet Dahiya, Advocates for
Respondent Nos.1 & 3.
Dr. Harsh Pathak, Ms. Shaveta
Mahajan, Mr. Mohit Choubey & Mr.
Aditya Nema, Advocates for
Respondent No.2.

(20)

+ **LPA 47/2026, CAV 54/2026, CM APPL. 7000/2026 & CM APPL.**
7001/2026
COL NAWAL DUGGAL RETD & ORS.Appellants

Through: Mr. Amitabh Sinha & Mr. Anupam
Pandey, Advocates.

versus

DIRECTORATE GENERAL OF RESETTLEMENT & ORS.
& ORS.Respondents

Through: Ms. Radhika Bishwajit Dubey-CGSC
along with Ms. Gurleen Kaur
Waraich, Mr. Kritarth Upadhyay &
Mr. Navneet Dahiya, Advocates for
Respondent Nos.1 & 3.



Dr. Harsh Pathak, Ms. Shaveta Mahajan, Mr. Mohit Choubey & Mr. Aditya Nema, Advocates for Respondent No.2.

(21)

+ **LPA 48/2026, CAV 55/2026, CM APPL. 7003/2026 & CM APPL. 7004/2026**

COL ASHOK KUMAR ARORA RETD & ORS.Appellants

Through: Mr. Gautam Swarup, Mr. Ankur Das, Mr. Rudra Deosthli & Ms. Sakshi Pandey, Advocates.

versus

DIRECTORATE GENERAL OF RESETTLEMENT
& ORS.

.....Respondents

Through: Ms. Radhika Bishwajit Dubey-CGSC along with Ms. Gurleen Kaur Waraich, Mr. Kritarth Upadhyay & Mr. Navneet Dahiya, Advocates for Respondent Nos.1 & 3.

Dr. Harsh Pathak, Ms. Shaveta Mahajan, Mr. Mohit Choubey & Mr. Aditya Nema, Advocates for Respondent No.2.

Ms. Pallavi Talwar-GP for Respondent No.4/UoI.

(22)

+ **LPA 49/2026, CAV 56/2026, CM APPL. 7008/2026 & CM APPL. 7009/2026**

BRIG UDAI YADAV RETD & ANR.Appellants

Through: Mr. Gautam Swarup, Mr. Ankur Das, Mr. Rudra Deosthli & Ms. Sakshi Pandey, Advocates.

versus

DIRECTORATE GENERAL OF RESETTLEMENT
& ORS.

.....Respondents

Through: Ms. Radhika Bishwajit Dubey-CGSC



along with Ms. Gurleen Kaur Waraich, Mr. Kritarth Upadhyay & Mr. Navneet Dahiya, Advocates for Respondent Nos.1 & 3.

Dr. Harsh Pathak, Ms. Shaveta Mahajan, Mr. Mohit Choubey & Mr. Aditya Nema, Advocates for Respondent No.2.

AND

(26)

+ LPA 51/2026, CAV 58/2026, CM APPL. 7074/2026 & CM APPL. 7075/2026

COL IRSHANJIT SINGH KOHLI RETDAppellant

Through: Mr. Amitabh Sinha & Mr. Anupam Pandey, Advocates.

versus

DIRECTORATE GENERAL OF RESETTLEMENT & ORS. & ORS.Respondents

Through: Ms. Radhika Bishwajit Dubey-CGSC along with Ms. Gurleen Kaur Waraich, Mr. Kritarth Upadhyay & Mr. Navneet Dahiya, Advocates for Respondent Nos.1 & 3.

Dr. Harsh Pathak, Ms. Shaveta Mahajan, Mr. Mohit Choubey & Mr. Aditya Nema, Advocates for Respondent No.2.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE TEJAS KARIA

ORDER

%

02.02.2026

1. This batch of *intra court* Appeals is preferred seeking exception to the judgment and order dated 23.12.2025 (“**Impugned Judgment**”) passed by



the learned Single Judge dismissing the Writ Petitions filed by the Appellants.

2. The Appellants are Ex-Servicemen Officers (“**ESMs**”) and had registered under the scheme namely ‘Coal Loading and Transportation Scheme’ (“**Scheme**”) offered by Respondent No. 1, the Directorate General of Re-settlement (“**DGR**”). As per the Scheme, once the ESMs apply for the same, they were ineligible for rehabilitation under any other scheme offered by the DGR.

3. It is the case of the Appellants that during the proceedings of the Writ Petitions before the learned Single Judge, the DGR had assured the Appellants and the other similarly placed ESMs that their eligibility and seniority would remain protected and frozen during the pendency of the Writ Petitions, however, at the final hearing of the Writ Petitions before the learned Single Judge, the DGR adopted a complete *volte face* and sought to cast away the Appellants and other ESMs from the purview of the Scheme. As a result, the Appellants and the other ESMs who had waited since 2016 were rendered ineligible for the Scheme as well as any other re-settlement scheme or re-employment opportunities offered by the DGR.

4. The Appellants have contended that this is a case falling within the four corners of the doctrine of estoppel and have sought setting aside of the Impugned Judgment and direction that the seniority and eligibility of the ESMs, who had registered and were waiting under the Scheme, shall be maintained upon reinstatement of the Scheme pursuant to the 2025 Memorandum of Understanding (“**2025 MoU**”) agreed between the DGR and Respondent No. 2, Coal India Limited (“**CIL**”) and grant extension of eligibility to the ESMs, who had registered under the Scheme, during the



pendency of the Writ Petitions before the learned Single Judge from the date of termination of the Scheme on 22.06.2020.

5. The Writ Petitions were filled by the ESMs, who had served the country with gallantry and utmost loyalty for decades, for re-settlement / re-employment opportunities offered by the DGR to allow them a second innings in civilian life. The Scheme was the oldest functioning scheme of the DGR and was implemented jointly between the Ministry of Defence and Ministry of Coal in 1979 with the dual objectives of providing re-settlement opportunities to the ESMs and to provide union free captive transport organization to subsidiaries of CIL.

6. To be eligible to participate in the Scheme, the ESMs were required to register with the DGR and their selection for the Scheme was dependent on their seniority in the waiting list. The person registered with the Scheme was rendered ineligible to apply to any other schemes for re-settlement / re-employment offered by the DGR.

7. The Scheme was governed by a Memorandum of Understanding, the first of which was executed in 1979 and the most recent being the Memorandum of Understanding dated 12.12.2013 (“**2013 MoU**”). However, the 2013 MoU was terminated by CIL in June 2020.

8. The said action of termination of 2013 MoU and termination of the Scheme by CIL was challenged by way of the Writ Petitions before the learned Single Judge. The DGR supported the position of the Appellants including the reliefs sought in the Writ Petitions for freezing the eligibility of the Appellants and extend the said eligibility by appropriate periods that were covered by *lis pendens*. *Vide* interim order dated 21.07.2020, the learned Single Judge had directed that the eligibility and seniority of the



ESMs under the Scheme would be protected during the pendency of the Writ Petitions. However, by virtue of the Impugned Judgment, the benefit accorded to the Appellants *vide* interim order dated 21.07.2020 was taken away and the Appellants were not given the benefit of the time spent before the learned Single Judge during the adjudication of the Writ Petitions.

9. During the pendency of the Writ Petitions before the learned Single Judge, the Parties were encouraged to amicably reinstate the Scheme by the learned Single Judge and, accordingly, the DGR and the CIL executed 2025 MoU to continue the Scheme. The efforts taken by the learned Single Judge in urging the Parties to amicably reinstate the Scheme are recorded in the orders dated 21.07.2020 and 11.02.2021.

10. Despite that, the DGR took a position that it would not accommodate the ESMs, who had been waiting under the Scheme for their turn and would create a fresh list of eligible ESMs. According to the Appellants, this decision was completely contrary to the pleaded position of the DGR and the categorical assurance given to the ESMs by way of correspondence.

11. When the Writ Petitions were finally heard before the learned Single Judge, during the course of final arguments commencing on 30.08.2025, the Appellants urged that the conduct and actions of the DGR ought not to be countenanced based on the principle of doctrine of estoppel and the DGR cannot renege on its own promise and assurances that were explicitly taken before the learned Single Judge. As such, it was contended that the conduct of the DGR was arbitrary, capricious and wholly devoid of any rationale or justifiable basis in law.

12. Accordingly, the Impugned Judgment framed the issue for consideration being “*Whether the petitioners in the present writ petitions*



should be allowed to retain their seniority in the new list which would be introduced in pursuance of the new MOU executed between CIL and DGR?”.

13. The learned Single Judge in the Impugned Judgment answered the above question in negative, while noting that as per 2013 MoU and the Scheme, the eligible person had to be below 59 years of age as on the date of registration and on the date of grant of sponsorship to be considered for the Scheme. However, a relaxation was granted in case any eligible person attains 60 / 62 years of age after the grant of sponsorship, whereby the relevant eligible person was allowed to complete the contract awarded to it. However, it was held in the Impugned Judgment that in the case of the Appellants, by mere registration, no right was created in favour of the Appellants. The learned Single Judge in the Impugned Judgment has noted that since 2018, no fresh allocation has been made by the Coal India Limited and by disallowing the Writ Petitions, no prejudice would be caused to the Appellants.

14. The learned Single Judge relied upon the decision of the Supreme Court in the case of ***State of Rajasthan v. Sharwan Kumar***, (2023) 20 SCC 747, which held that by mere process of making an application, no right is created in favour of the applicants and thereby due to absence of any vested right, the doctrine of legitimate expectations cannot be employed by the applicants. Accordingly, the Appellants were not entitled to retain the seniority in the new list as there was no vested right in favour of the Appellants and, therefore, the doctrine of legitimate expectations was not applicable.



15. The learned Single Judge has further relied upon the judgment in the case of ***State of Tamil Nadu v. Hindstore***, (1981) 2 SCC 205, which holds that the doctrines of promissory estoppel and legitimate expectations arising out of principles of fairness are ‘*weak and sober rights*’ and the said principles cannot be invoked in the case where the rights are neither legal nor existent.

16. The learned Single Judge has also held that the communications issued by the DGR cannot be interpreted to be an assurance of maintenance of seniority in future allocation of coal transportation work. It is held in the Impugned Judgment that the said communications only sought to communicate that there shall be no registrations after 30.06.2020 and cannot be interpreted to assume that the Appellants will continue to have their seniority.

17. The learned Single Judge has relied upon the decision in the case of ***Ashok Kumar Maheshwari v. State of U.P.***, (1998) 2 SCC 502, to hold that the Appellants cannot invoke the principles of promissory estoppel to seek a relief from the DGR, which is beyond the power and authority of the DGR.

18. The Impugned Judgment has observed that the registration with the DGR did not create any right to be allocated a coal transportation contract. Therefore, by registering for the Scheme, it cannot be said that the Appellants have legitimate expectations for being allocated a coal transportation contract. The Impugned Judgment has held that the age of the Appellants on the date of filing the Petitions and on the interim order dated 21.07.2020 was over 59 years and, therefore, the dismissal of the Writ Petitions would not prejudice the Appellants. The Impugned Judgment further holds that the Appellants are not barred from seeking any



employment, therefore, no equitable relief needs to be granted to the Appellants.

19. The Impugned Judgment has rejected the prayer of the Appellants for maintaining the seniority as a one-time measure by distinguishing the judgments cited by the Appellants in **High Court of Delhi v. Debina Sharma**, (2022) 4 SCC 643, and **Nitish Kumar & Ors. v. Union of India & Anr.**, 2023 SCC OnLine Del 1542, on the ground that in those cases, one-time relief granted did not caused any impediment to other applicants, whereas if the seniority of the Appellants is maintained, the same would cause an adverse effect on the seniority of the other ESMs.

20. The learned Single Judge also distinguished the judgment relied upon by the Appellants in the case of **Najma v. State (NCT of Delhi)**, (2021) 4 HCC (Del) 584, holding that the Appellants acted upon the repeated assurances extended by the DGR on the ground that there was no expressed promise or assurance by the DGR.

21. We have heard the learned Counsel for the Appellants, who has contended that the Impugned Judgment failed to appreciate the contrary stand taken by the DGR at the stage of final hearing, which was unsupported by its own pleadings on record. It was further submitted that the DGR had given an assurance that the eligibility and seniority of the ESMs in waiting was being preserved and protected during the pendency of the Writ Petitions, which was not appreciated by the learned Single Judge.

22. It was also submitted on behalf of the Appellants that the object of the Scheme was clearly the rehabilitation and re-employment of ESMs and the DGR by its conduct and act / omissions are acting in a manner so as to deprive such persons of benefits entitled to under the Scheme. It was also



submitted that the learned Single Judge failed to appreciate that the Scheme was a welfare scheme, and the benefits thereof cannot be denied to the Appellants solely on the economic / policy decisions taken by the CIL unilaterally, arbitrarily and without application of mind.

23. The learned Counsel for the Appellants submitted that the effect of the Impugned Judgment is such that the ESMs are divided into three categories contrary to the provisions of Article 14 of the Constitution of India, 1950, which are:

1. Category A- ESMs who are senior to the Appellants and were either allocated coal transportation contract or went into the inactive list upon attaining the 60 years of age before June 2020 when the Scheme was sought to be scrapped.
2. Category B- ESMs like the Appellants, who were still on the waiting list when the Scheme was scrapped in June 2020.
3. Category C- ESMs who are much younger than the Appellants who will register under the Scheme under the 2025 MoU.

24. It is the case of the Appellants that the ESMs in category A received a fair treatment in accordance with 2013 MoU and the Scheme, however, ESMs in category B like the Appellants suffered due to unilateral termination of the Scheme in June 2020 and now pursuant to the Impugned Judgment and the 2025 MoU, ESMs in category C will receive preferential treatment. It was submitted that when the registration for the Scheme had stopped in 2020, the ESMs in category B most of whom having attained the age of 60 years are ineligible to register for the Scheme as per 2025 MoU. Therefore, the ESMs who registered under 2025 MoU shall be automatically on the top in the waiting list. The ESMs in category C, despite being



younger than the Appellants, will get a much longer time to stay on the waiting period and will get the preferential treatment on the top of the waiting list. However, the ESMs in category B like the Appellants despite being no fault on their account shall suffer solely due to the actions of unilaterally terminating the Scheme in June 2020 and due to delay in finalizing the 2025 MoU.

25. Accordingly, it was submitted on behalf of the Appellants that there was no intelligible differentia between ESMs under categories A, B and C and the discrimination between the said ESMs cannot be allowed to subsist. It was further submitted that the learned Single Judge failed to consider that any State or its instrumentality while dealing with the public does not have unfettered discretion and every decision and the decision making process of the State must be treated on the touchstone of non-arbitrariness, equality, fairness, reasonableness and non-discrimination under Article 14 of the Constitution of India, 1950.

26. It was submitted on behalf of the Appellants that the learned Single Judge incorrectly held that the doctrine of promissory estoppel cannot be invoked by the Appellants, however, the Appellants in order to avail the benefit of the Scheme had foregone other benefits accruing to the Appellants under any other scheme of the DGR and also remained unemployed. Therefore, the Appellants had to change their position unilaterally and irreversibly, thereby the Appellants have right for consideration of their application by the DGR, who is estopped from taking away the right of the Appellants to be considered in a fair manner.

27. It was submitted on behalf of the Appellants that the learned Single Judge has failed to appreciate that the legitimate expectation can be curtailed



only where there exist a demonstrable, overriding and compelling public interest. However, no such interest was either pleaded or established by the Respondents.

28. It was contended by the Appellants that the Impugned Judgment fails to exercise the jurisdiction under Article 226 of the Constitution of India, 1950 to direct one-time protective measure in order to safeguard persons or classes of beneficiaries, who has acted upon representation of the State and have been subsequently prejudiced by arbitrary actions of the State functionaries. It was contended that the case of the Appellants for granting one-time protection was on a stronger footing as their seniority and eligibility under the Scheme has already been recognized and protected by way of an interim order dated 21.07.2020. The learned Single Judge also failed to appreciate the judgment of this Court in **Nitish Kumar & Ors. V. Union of India**, (2023) SCC OnLine Del 1542.

29. It was also contended by the Appellants that the Impugned Judgment failed to consider that even in the past this Court has in the case of **Brig. (Retd.) Rakesh Katyal v. Union of India & Anr.**, W.P.(C) 1530/2016, had granted one-time age relaxation and, therefore, it was well within the powers of DGR and this Court to grant one-time relaxation to the Appellants.

30. Having considered the Impugned Judgment as well as the submissions made on behalf of the Appellants, we are of the view that the Writ Petitions have been rightly rejected by the learned Single Judge by way of the Impugned Judgment. The Impugned Judgment has relied upon the settled law with regard to doctrines of promissory estoppel and legitimate expectations. It is a trite law that merely by making an application for registration in relation to a welfare scheme, no vested right is created in



favour of the applicants and, therefore, the applicability of doctrine of legitimate expectations in the facts of this case, does not arise as held in the case of ***State of Rajasthan*** (supra).

31. It is correctly held in the Impugned Judgment that the Appellants did not have any right accrued in their favour merely by being placed in the waiting list for the Scheme at the time of its discontinuance in June 2020. There was no assurance given by the DGR for maintaining seniority in the future allocation. The perusal of the communications sought to be relied upon by the Appellants does not reveal that there was any assurance by the DGR that the Appellants will continue to have their seniority. In absence of any promise or assurance on behalf of the DGR, the doctrine of promissory estoppel is not applicable in the facts of the present case as held in the case of ***State of Tamil Nadu*** (supra). Further, the learned Single Judge has rightly held that the principle of promissory estoppel cannot be applied to seek relief, which is beyond the power and authority of the DGR as held in the case of ***Ashok Kumar Maheshwari*** (supra).

32. The interim order dated 21.07.2020 passed during the pendency of the Writ Petitions was subject to the outcome of the Petitions and cannot be relied upon by the Appellants to create a right in their favour, where none exists. The interim order dated 21.07.2020 only recorded the submission of the Appellants that the Appellants would reach the age of 60 / 62 years, whereafter they cannot be considered for allotment by the DGR and keeping in view the said submission, as an interim measure it was directed that the Appellants seniority and eligibility shall be maintained during the pendency of the Writ Petitions.

33. At the time of passing the interim order dated 21.07.2020, the 2025



MoU was not in contemplation. Therefore, the interim order was limited to granting protection to the Appellants during the pendency of the Writ Petitions and subject to outcome of the same. Due to intervening event of the 2025 MoU being executed during the pendency of the Writ Petitions, the interim protection granted during the pendency of the Writ Petitions cannot be extended for granting seniority and eligibility for registration under the new Scheme as per 2025 MoU.

34. The Court in exercise of powers under Article 226 of the Constitution of India, 1950 can only ensure implementation of the existing rights and cannot create new rights. The learned Single Judge has rightly decided the issue framed regarding the retention of the seniority in the new list pursuant to 2025 MoU in negative in absence of any right having accrued in favour of the Appellants just by being on the wait list as per the Scheme under 2013 MoU.

35. The one-time relaxation sought by the Appellants cannot be granted as a matter of right. The previous relaxations granted by the DGR cannot be cited as a precedent as the same were in peculiar facts and circumstances of those cases. No direction in the nature of *mandamus* can be granted for granting relaxation that is contrary to the Scheme.

36. The argument regarding the establishment of three distinct categories of ESMs is also not tenable, as those ESMs on the waiting list had no entitlement to be granted coal transportation contracts. Consequently, the Impugned Judgment does not result in the creation of separate categories among ESMs. Therefore, concerns related to discrimination or the lack of intelligible differentia between various groups of ESMs are misplaced. Furthermore, the DGR does not have authority to grant any relaxation for



particular categories of ESMs, eliminating the possibility of discretionary powers being exercised arbitrarily.

37. As accurately observed by the learned Single Judge in the Impugned Judgment, the Appellants have not suffered any prejudice, as at both points of time i.e. at the time of filing the Writ Petitions and also on 21.07.2020 when the interim order was issued, the Appellants were already above the age of 59 years. The learned Single Judge has also correctly held that the facts of *Najma* (supra) were different than the facts of the present case as there was no express promise or assurance given by the DGR.

38. The mere fact that the Scheme was classified as a welfare scheme does not entitle the Appellants to retain their seniority under the new Scheme pursuant to the 2025 MoU. The discontinuation of the 2013 MoU was a policy decision; as no rights had vested in the Appellants by virtue of their position on the wait list, it cannot be considered that such discontinuation was arbitrary, unjust, or detrimental to the interests of the Appellants.

39. In view of the above, no interference is required with the Impugned Judgment and resultantly, the present batch of Appeals are hereby dismissed. There shall be no order as to costs.

DEVENDRA KUMAR UPADHYAYA, CJ

TEJAS KARIA, J

FEBRUARY 2, 2026

ap