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

+ W.P.(C) 13896/2025
SANJAY SINGH

.....Petitioner

Through: Mr. Ajit Kakkar, Advocate.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Ms. Ekta Choudhary, Advocate for
UoI.

Ms. Richa Kapoor, Mr. Kunal
Anand, Mr. harsh Gautam,
Advocates for R-2 to 5.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **10.09.2025**

W.P.(C) 13896/2025 & CM APPL. 56929/2025 (for interim relief)

1. Issue notice. Ms. Ekta Choudhary, learned counsel, accepts notice on behalf of respondent No. 1 – Union of India. Ms. Richa Kapoor, learned counsel, accepts notice on behalf of respondent Nos. 2 to 5.
2. The petitioner applied for the post of Assistant Grade-III (Depot), North Zone, pursuant to an advertisement issued by the respondent – Food Corporation of India [“FCI”] in the year 2022. He applied under the ex-servicemen category-II [“ESM-II”], which provides for reservation of posts for disabled ex-servicemen and/or dependents of ex-servicemen killed in action.
3. It is the contention of the petitioner that he was eligible for the said post, as his father had served in the Indian Army and died due to a



disability attributable to service. It may be noted, however, that the Army Artillery Office Record, submitted by the petitioner, indicates that the Medical Board found his father's disability not attributable to service.

4. Be that as it may, Mr. Ajit Kakkar, learned counsel for the petitioner, submits that prior to appointment, the petitioner was asked to provide clarification regarding his eligibility. He was then subsequently issued an offer of appointment on 26.09.2023 and joined on 17.10.2023. However, he was terminated more than one year later, on 21.01.2025, relying on an Office Memorandum ["OM"] of the Department of Personnel and Administrative Reforms, Government of India, dated 21.02.1981.

5. Mr. Kakkar submits that in *Naveen Kumar v. Union of India and Ors* [W.P.(C) 9105/2025 and connected matter], this Court, on 07.07.2025, issued notice and granted interim relief to similarly placed employees of FCI. A copy of the said order has been placed on record. It is evident that the petitioners therein were in the category of "*disabled Ex-Servicemen*" and did not claim reservation as dependants of ex-servicemen killed in action. I am, therefore, *prima facie* of the view that the cases are on slightly different footing.

6. However, Mr. Kakkar is correct in submitting that the OM dated 21.02.1981 referred to in the present case, is also under consideration in the aforementioned matters. Additionally, the issue arises whether termination on such a ground can be effected after a considerable period, once the candidate has already joined the service. This petition, therefore, requires further consideration.

7. I am informed that the petitioner has already been relieved pursuant



to the impugned termination order dated 21.01.2025. Consequently, no interim relief is required.

8. Counter affidavits be filed within four weeks. Rejoinders thereto, if any, may be filed within two weeks thereafter.

9. List before the learned Registrar on 18.11.2025 for completion of pleadings.

10. List before the Court, alongwith W.P.(C) 9105/2025 and W.P.(C) 9123/2025, on the already fixed therein, i.e. 10.12.2025.

PRATEEK JALAN, J

SEPTEMBER 10, 2025

“Bhupi/sd”/