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

+ W.P.(C) 2182/2017, W.P.(C) 4637/2017, W.P.(C) 4653/2017,
W.P.(C) 4669/2017, W.P.(C) 4677/2017, W.P.(C) 5177/2017,
W.P.(C) 5178/2017, W.P.(C) 5179/2017, W.P.(C) 5180/2017,
W.P.(C) 5181/2017, W.P.(C) 5188/2017 and W.P.(C) 1740/2017

VIJAY KUMAR AND ORS	 Petitioners
RAJENDER PAL AND ORS	 Petitioners
SURESH KUMAR AND ORS	 Petitioners
JASVEER SINGH & ORS	 Petitioners
OM DUTT & ORS	 Petitioners
JASBIR SINGH AND ORS	 Petitioners
ANJANA DEVI AND ORS	 Petitioners
BISHAMBER SINGH AND ORS	 Petitioners
OM DUTT AND ORS	 Petitioners
CHET RAM AND ORS	 Petitioners
HIRA PAL AND ORS	 Petitioners
VOLUNTEERS WELFARE ASSOCIATION, HIMACHAL PRADESH	 Petitioners

Through: Ms. Jyoti Singh, Sr. Advocate with
Mr.G. Tushar Rao, Mr. Vinod Sharma,
Mr.Pawan Reley and Mr. Mayank Sharma,
Advocates.

Mr.B.S. Billowria, Advocate in
W.P.(C) 1740/2017

versus

UNION OF INDIA AND ANR Respondents

Through: Mr.Vikram Jetly, CGSC,
Mr.Ram Prakash, CGSC with
Mr.Farman Ali, Advocate in W.P.(C) 2182/2017,
W.P.(C) 4637/2017, W.P.(C) 4653/2017 and
W.P.(C) 4669/2017.
Mr.Rajesh Kumar and Mr. Nikhil Kumar,
Advocates in W.P.(C) 4677/2017.

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Mr.Arun Bhardwaj, CGSC in W.P.(C) 5177/2017,
W.P.(C) 5178/2017, W.P.(C) 5179/2017,
W.P.(C) 5180/2017, W.P.(C) 5181/2017 and
W.P.(C) 1740/2017

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

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18.01.2018

1. In view of the order dated 11.07.2017, we direct that W.P.(C) No.2182/2017 be treated as the lead matter, for the purposes of arguments.
2. The petitioners, who were working as Intensive Training Volunteers with the respondent No.2/SSB from the year 1966 till 2001, have filed the present petition praying *inter alia* for quashing the orders dated 09.12.2016 passed by the respondents whereby, their representations for seeking absorption in the SSB were rejected.
3. Ms. Jyoti Singh, learned Senior Advocate appearing for the petitioners submits that the Special Security Bureau Volunteers Organisation, of which the petitioners are members, had approached the Himachal Pradesh High Court in the year 2007 for the same relief and had filed three writ petitions (CWP Nos. 469/2007, 470/2007 and 506/2007) which were decided by a common order passed on 25.09.2008. The operative para of the said judgment is as follows:-

“the respondents may frame a scheme for the absorption of the petitioners in Armed Forces/ Para Military Forces, including Special Security Bureau taking into consideration the specialized training received by them for the last number of years.”

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4. It is stated that when the respondents did not frame any scheme in terms of the judgment dated 25.09.2008 passed by Himachal Pradesh High Court, the petitioners therein had filed a contempt petition, which was disposed of vide order dated 07.05.2010 with an observation that as per the reply submitted by the respondents, all efforts were made to frame the Scheme, but due to practical difficulties, it could not be framed. Noting that sincere efforts were made by the respondents to frame the Scheme, the contempt petition was disposed of by holding that there was no wilful disobedience of the judgment dated 25.9.2008, on the part of the respondents.

5. Over a decade has passed since the date the judgment dated 25.09.2008 pronounced by the Himachal Pradesh High Court. However, no Scheme has been framed by the respondents so far. Instead, it is pointed out by learned Senior Advocate for the petitioners that the respondents No.1 and 2 have been issuing advertisements, inviting applications for trained volunteers in the States of Jammu & Kashmir, Punjab and Uttar Pradesh without considering the petitioners for absorption. She submits that the petitioners accept the legal position they do not have a vested right to seek appointment, but they can at least be considered for absorption, particularly when the respondents are busy making recruitments by issuing advertisements.

6. Learned Senior Advocate appearing for the petitioners further states that somewhere in the year 2015, the All India SSB Volunteers Welfare Society had filed a writ petition directly in the Supreme Court [W.P.(C) No. 46/2015], for seeking a similar relief, as was prayed for before the *W.P.(C) 2182/2017 & connected matters*

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Himachal Pradesh High Court. Vide order dated 19.07.2016, the said petition was dismissed by the Supreme Court with liberty granted to the petitioners therein to approach High Court for appropriate relief. Thereafter, the said petitioners had approached the Delhi High Court by filing W.P.(C) No.10050/2016, which was disposed of vide order dated 25.10.2016, with directions issued to the respondent No.2 to consider the petitioners' representation for seeking absorption and then pass a speaking order.

7. In compliance of the aforesaid order, the respondents have passed the impugned order dated 09.12.2016.

8. Learned counsel for the respondents submits that they may be permitted to obtain clear instructions in this regard.

9. The respondent No.1/Union of India and the respondent No.2/SSB are directed to file separate affidavits explaining *inter alia* the manner in which they have made compliance of the judgment dated 25.09.2008 passed by the Himachal Pradesh High Court, particularly, when it is an admitted position that they have not laid a challenge thereto before the Supreme Court. The said affidavits shall be filed within ten weeks, with copies to the other side. The officers from the concerned Ministry and the respondent No.2/SSB, competent to assist the court shall remain present on the next date.

10. List on 12.04.2018.

HIMA KOHLI, J

REKHA PALLI, J

JANUARY 18, 2018/na/ap
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