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

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*Date of Decision : 09.04.2026*

+ LPA 705/2023

UNION OF INDIA &amp; ORS.

.....Appellants

Through: Mr. Abhishek Gupta, CGSC, Mr. Kumar Kartikeya, Mr. Chanakya Kene and Mr. Dhananjay Singh, Advs.

versus

CAPT MUNISH CHAUDHARY

.....Respondent

Through: Mr. Naresh Kaushik, Sr. Adv. with Mr. Pushendra Kumar Dhaka, Mr. Abhishek Kumar and Mr. A K Singh, Advs.

**CORAM:****HON'BLE MR. JUSTICE V. KAMESWAR RAO****HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA****V. KAMESWAR RAO, J. (ORAL)**

1. This Intra-Court appeal has been filed by the appellants challenging the order dated 23.03.2022 passed by the learned Single Judge whereby the learned Single Judge has allowed the writ petition filed by the respondent herein by stating in paragraph 2 onwards as under:-

*“2. The present petition has been filed by the Petitioner - Capt. Munish Chaudhary (Retd.) seeking quashing of the order dated 23rd March 2022 issued by the Respondent No.3 - Director General Resettlement, West Block IV RK Puram, New Delhi as also consider the case of the Petitioner as per the Office*



*Memorandum (OM), 2006 titled Instructions for functioning of DGR empanelled ex-servicemen security' safety' and fire protection management agencies issued by the Respondent No.2 (hereinafter, "OM, 2006") and not subject him under the OM, 2018 or OM, 2021.*

*3. The Petitioner was released from the Army on 1st December, 2003. In order to enable the rehabilitation of such persons, the OM. 2006 was issued, as per which such retired personnel could be empanelled for rendering security services. The said OM was subsequently amended on 9th July, 2012 by which retirement age of 60 years was fixed.*

*4. The case of the Petitioner is that his agency was registered/ empanelled on 30th July, 2014 by the name of 3278/ Munish Chaudhary Security Agency and he was given sponsorship for approximately 89 guards. However, thereafter, he was not allotted any guards. The Petitioner made a representation before the Respondent No. 3, wherein, via email dated 28th October, 2021 it was informed that he would be governed by OM No. 28(75)/2020-D(Res-l) dated 13<sup>th</sup> May. 2021 with corrigendum dated 23rd June, 2021.*

*5. Ld. counsel for the Petitioner relies upon the order dated 25th March. 2019 in W.P.(C) 13205/2018 titled Kulwant Singh Security Agency & Anr. v. Lol & Ors., which records as under:*

*"1. The petitioners have filed the present petition, inter alia, impugning the policy dated 31.07.2018. The petitioners are ex-serviceman (ESM). The petitioners claim that they were empanelled with respondent no.3 (the Directorate General of Resettlement - DGR) for being sponsored for providing security services in terms of the then policy dated 09.07.2012. In terms of the said policy, their empanelment is to continue till they attain the age of 60 years.*



2. *The petitioners are aggrieved by the policy dated 31.07.2018 inasmuch as it had now restricted their empanelment for a period of five years or till the ESM attains the age of 60 years.*
3. *It is the petitioners' case that since they were empanelled under the earlier policy, and had consciously given up other avenues of the employment on the representation that they would continue to be empanelled till they attain the age of 60 years, the said condition cannot now be altered.*
4. *The learned counsel appearing for the DGR submits that the petitioners' grievance has been addressed and they shall continue to be dealt with under the old policy. In other words, they would continue to be empanelled till they attain the age of 60 years and their empanelment will not be restricted to a term of five years.*
5. *In view of the above statement, the petitioners will be covered under the earlier policy and not the policy issued on 31.07.2018. The learned counsel appearing for the petitioners seeks to withdraw the present petition with liberty to file afresh, if a cause so arises.*
6. *The petition and the application are dismissed as withdrawn with the aforesaid liberty'"*
6. *In the present petition, on the last date of hearing, the Id. Counsel for the Respondents was directed to seek instructions in the matter. However, today he again seeks time to obtain instructions in the matter.*
7. *The Court has heard the Id. Counsels for the Parties and perused the documents places on record. It noticed that as per the empanelment certificate dated 30 July, 2014 it is clear that the Petitioner was empanelled in*



*2014 i.e. prior to the issuance of the new policy issued vide OM, 2018 and OM, 2021. Thus, the Petitioner would be similarly placed to the Petitioners in W.P.(C) 13205/2018 titled Kulwant Singh Security Agency & Anr. v. Vol & Ors and cannot be treated differently. Thus, the Petitioner shall be covered by the earlier policy promulgated vide OM, 2006 and not the new policy issued vide OM, 2018 or OM, 2021.*

*8. The writ petition is disposed of with these observations.*

*9. It is clarified that the Petitioner is free to approach the Respondents for empanelling further guards for sponsoring of guards in terms of this order.”*

2. The facts as contended by the learned counsel for the appellants are that the respondent was enrolled in the Indian Army. While working as Captain, he was released from Indian Army on 01.12.2003 and as such became eligible for re-settlement benefits under the scheme of the Directorate General of Resettlement (“DGR”). In the year 2006, the appellants herein issued OM for functioning/running of security agencies by ex-servicemen. The respondent herein had in the year 2008 registered himself with the respondent no. 3/DGR for availing the benefits of the DGR Scheme.

3. It is the case of the appellants so contended by their counsel that the registration of the respondent had lapsed due to non-renewal of registration and non-submission of requisite documents. On 09.07.2012, the appellants issued review guidelines for DGR Security Agency Scheme, superseding the earlier 2006 guidelines. It is the case of the appellants and contended by the learned counsel for the appellants that the agencies, which were empanelled before 09.07.2012 were continued to be governed under the old



rules/regime. It is also the case that on 06.01.2014, the respondent applied for a fresh registration under the DGR Security Agency Scheme. On 30.07.2014, the DGR formally completed the respondent's registration and empanelment as per OM of 2012. On 16.09.2014, the respondent was given sponsorship for 89 guards. In the year 2021, the appellants issued revised guidelines for DGR Security Agency Scheme superseding the old guidelines.

4. The submissions of learned counsel for the appellants are the following:-

- i. The learned Single Judge wrongly held that Respondent as being governed by the OM of 2006. The admitted position is that the Respondent's registration under the DGR Security Agency Scheme was completed on 30.07.2014, which is two years after the OM of 2012 came into force. Hence, the 2012 policy, and not the superseded 2006 guidelines, governs the Respondent.
- ii. The OM of 2012 expressly stipulates that only those security agencies empanelled prior to 09.07.2012 would continue under the old rules, while all subsequent registrations would be governed by the revised guidelines. Allowing a 2014 registrant to claim the benefit of the 2006 policy would create a dual regime, leading to administrative confusion and inequity among ex-servicemen agencies. Once a new policy is promulgated, subsequent registrations are mandatorily governed by it, and no individual has the discretion to choose which policy applies.
- iii. The Respondent retired from the Army in 2003 and was empanelled under the Security Agency Scheme in 2014. He had initially registered in the year 2008, but the said registration subsequently



lapsed due to non-renewal of registration and non-submission of requisite documents. Thereafter, he registered himself again in the year 2014, leading to his empanelment. Since his re-registration and empanelment happened in 2014, he would now be covered under the OM of 2012, and not the OM of 2006.

- iv. Pertinently, in his application form, the Respondent had signed under the declaration that if he does not renew his registration annually on the due date, his name will be automatically deleted from the roster of DGR. Further, per the letter of registration issued by the Appellants, it was specifically mentioned that. *“You are required to furnish your current address, e-mail ID and Tele/Mobile numbers to DGR/Emp-11 once in a year. If no communication is received from you in a year, it will be presumed that you are happily settled and your name will be placed on inactive list”*.
- v. The DGR Security Agency Scheme is a welfare measure aimed at temporary rehabilitation of ex-servicemen and not a matter of vested right. The Delhi High Court in *CDR CSS Deopa v. Union of India, 2014 SCC OnLine Del 2096* and *Raj Singh Kataria v. Union of India, 2012 SCC OnLine Del 5964* has held that such schemes are transitional in nature, meant to provide initial civilian adjustment rather than permanent benefits. These judgments emphasise that the State's duty is to distribute limited welfare resources equitably among all eligible ex-servicemen and not to allow recurring or preferential advantages to a few. The Respondent's claim to continue or out-of-turn sponsorship is inconsistent with these principles.
- vi. The DGR Scheme operates strictly on a seniority-based rotation.



Granting preferential sponsorship to the Respondent would violate the equity principle and adversely affect other ex-servicemen waiting in line. Even otherwise, the situation has drastically changed since 2006: the number of guards available for sponsorship has come down from over 2 lacs to about 75000, while the number of ESM has multiplied

5. The learned counsel seeks the prayers as made in the appeal.
6. On the other hand, Mr. Naresh Kaushik, learned Senior Counsel appearing for the respondent would contest the submissions made by the learned counsel for the appellant. According to him, the respondent having registered himself in the year 2008, is governed by the Rules of 2006 and as such, the respondent shall be entitled to the intake of 300 security guards. In this regard, he has drawn our attention to the letter issued to the respondent dated 02.12.2008 (Annexure P-9), which is a communication conveying the registration of the respondent under the DGR Scheme. He has also drawn our attention to page no. 307 of the paper-book (Annexure P-10), which according to him, is the application submitted by the respondent for empanelment as a security agency. It is thereafter only that the empanelment of the respondent was made for security agency and the same shall be governed by the rules effective on the date of registration. Hence, the conclusion drawn by the learned Single Judge by holding that the respondent is governed by the Rules of 2006 and not as per the policy issued vide Office Memorandum (“OM”) of 2018 of OM of 2021 is justified.
7. We are unable to agree with the submission made by Mr. Kaushik. During the course of hearing, it has been conveyed to the Court by the learned CGSC for the appellants that though the respondent had got himself registered in the year 2008 but he had undertaken a civil employment and as



such, did not get himself empanelled. The Rules clearly contemplate that undertaking a civil employment would be a disqualification for registration / empanelment of ex-servicemen for any of the Schemes under the DGR. It is after he quit the employment, did he submit a fresh application dated 06.01.2014 for registration and empanelment. It is thereafter that the respondent has been registered/empanelled for security agency on 30.07.2014. In this regard, the counsel has also placed before us the certificate of empanelment issued to the respondent. A perusal thereof would clearly reveal what the appellants have stated, as under:-

*“(b) The above mentioned security agency is authorized to operate and provide security service within the state of Debt when sponsored by Directorate General Resettlement.*

*(c) The validity of this certificate is from 30 Jul 2014 to 29 Jul 2017 or sixty years of age of the proprietor whichever is earlier or when made non-operational by DGR as reflected on DGR website.*

*(d) The above mentioned security agency is not to seek any security contracts from any Central Public Sector Undertaking without sponsorship from Directorate Genral Resettlement.*

*(e) The above mentioned security agency shall adhere to all the provisions of the Private Security Agencies (Regulations) Act 2005 and other rules/acts and regulations issued by or behalf of Central and State Government, in this regard, from time to time.*

*(f) The above mentioned security agency shall adhere to all the provisions of Ministry of Defence Dept of Ex-servicemen Welfare OM No 28(3)/2012-D(Res-1) dated 09 Jul 2012 and amdt to OM dt 16 Jan 2013.”*

8. The same would reveal that the empanelment of the respondent is governed by the Rules of 2012. Concedingly, there is no challenge to this



depiction in the empanelment certificate. So, the appellants are right in saying that the respondent got himself registered in the year 2008 but the same ceased to operate. It follows, the new registration and empanelment being in the year 2014, the Rules of 2012 shall be applicable to the respondent. To say that the Rules of 2006, shall govern the respondent is clearly not tenable. There are different types of Schemes, which an ex-serviceman can avail of. The respondent herein had availed of registration and empanelment as a Security Agency Scheme in the year 2014. The Rules governing the security services is clear from OM dated 09.07.2012 (Annexure A-5), which has been issued in supersession of all earlier orders/instructions issued by DGR and Ministry of Defence, including the one issued in the year 2006. It is the said OM, which shall govern the empanelment of the respondent.

9. Insofar as the judgment in ***Kulwant Singh Security Agency & Anr. v. Union of India & Ors., W.P.(C) No. 13205/2018*** is concerned, the same has no applicability to the facts of this case. At this stage, we also reproduce the contents of the letter written by the respondent himself, wherein he has by referring to his previous registration requested the appellants to consider his case for registration and empanelment. Hence, it is clear that the earlier registration of the respondent with No. 9405, ceased to operate;-

*“I Capt Munish Chaudhary (Retd.) took release after completion of my Short Service Commission tenure, w.e.f. 01 December 2003.*

*My previous registration number with the DG(R) is 9405. I wish to apply for the scheme of Security Agency with the DG(R). During the period post-release from the Army, I have not availed facility of being sponsored for any professional course/training or employment*



*through DG(R).*

*You are requested to consider my application for registration and empanelment of security agency with DG(R).”*

10. The learned Single Judge has clearly erred in holding that the respondent shall be entitled to the benefit of OM of 2006 and not OM of 2018/2021. In fact, the learned Single Judge refers to the Rules of 2012, but has made no reference in paragraph 7 of the order. Accordingly, the impugned order dated 10.01.2023 in W.P.(C) 14778/2022 passed by the learned Single Judge is set aside. No costs. The appeal is disposed of.

**V. KAMESWAR RAO, J**

**MANMEET PRITAM SINGH ARORA, J**

**APRIL 09, 2026/sr**