



**Central Administrative Tribunal
Principal Bench, New Delhi**

**O.A. No.221/2021
M.A. No.260/2021**

This the 1st day of February, 2021

(Through Video Conferencing)

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Ms. Aradhana Johri, Member (A)**

Rajeev Gupta,
C/o
[Cat B; Promotion:- DDA]
S/o Shanti Swarup Gupta
R/o House No.RZ-126, Manas Kunj,
D.K. Mohan Garden, Uttam Nagar,
New Delhi-110059
+91-9910204053

...Applicant

(By Advocate : Shri Lalit Ajmani)

Versus

1. Delhi Development Authority,
Through its Vice Chairman/Any other Authorised
Representative
Vikas Sadan, INA,
New Delhi-110023
vcdda@dda.org.in
2. Pr. Commissioner (Horticulture)/DDA,
Vikas Sadan, INA,
New Delhi-110023
Pcdda-hort@dda.gov.in
3. Ministry of Housing & Urban Affairs,
Through its Secretary,
Nirman Bhawan, Maulana Azad Road,
New Delhi-110011.
secyurban@nic.in

...Respondents

(By Advocate : Shri Subhash Gosai)

ORDER (Oral)**Justice L. Narasimha Reddy, Chairman:**

The applicant joined the service of the Sashastra Seema Bal (SSB), as Sub Inspector in 1983; and left that organisation in the year 1986 to join National Buildings Construction Corporation (NBCC), as Junior Engineer (JE) (Civil) on 03.02.1986. Hardly within three months, he left that organisation and was selected as JE in the Delhi Development Authority (DDA), and was appointed on 21.05.1986. The DDA counted his service only from 21.05.1986 and not counted the one rendered earlier to that date. It is stated that the applicant did not submit any proof of acceptance of his resignation in the SSB or NBCC, much less, the proportionate pension was forwarded by those agencies to the DDA. He made several representations in this behalf.

2. Recently, the respondents issued an order dated 21.01.2021, promoting 21 Assistant Engineers to the post of Executive Engineer(EE). Many of them are said to be juniors to the applicant. He filed this OA with a prayer to direct the respondents to promote him to the post of Chief Engineer/Superintending Engineer or at least to the post

of EE, by suitably amending the order dated 21.01.2021. A prayer is also made for a direction to the respondents to count his service rendered in the SSB and NBCC.

3. The applicant contends that once he has submitted resignation to both the organisations where he was employed as and when he left them, the DDA was under obligation to count the corresponding service. It is stated that on account of denial of his past service, he is being treated as junior and thereby denied the promotions also.

4. We heard Shri Lalit Ajmani, learned counsel for applicant and Shri Subhash Gosain, learned counsel respondents, at the stage of admission.

5. The DDA happens to be the third organisation, in which the applicant joined. Earlier he held the post of Sub-Inspector in SSB, and of JE, in the NBCC. The benefit of past service could have been extended to the applicant if only his resignations in those organisations were accepted and the corresponding retirement benefits were transferred to the DDA. Except that the applicant has enclosed a letter of resignation, he did not file any proceedings in proof of acceptance thereof. Once that is

not done, his service is liable to be counted from the date he joined the DDA. It is not his case that any junior who joined subsequent to 21.05.1986 is treated as senior to him.

6. Under these circumstances, we do not find any merit in the OA and the same is accordingly dismissed.

7. It is needless to mention that in case the applicant is able to get the relevant documents, the same shall be taken into account. We also take note of the fact that an observation is made in the record that the applicant is in the habit of threatening officers. If he does not desist from such practice, the DDA shall take necessary steps so that discipline is not disturbed in the organisation.

Pending MA No.260/2021 shall stand disposed of.

There shall be no order as to costs.

(Aradhana Johri)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

lg/sunil/rk/mbt/