



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

O.A. No. 1865/2021

This the 6th day of September, 2021

Through Video Conferencing

**Hon'ble Ms. Manjula Das, Chairman
Hon'ble Mr. Mohd. Jamshed, Member (A)**

Guryog Singh S/o Late Shri Kundan Singh,
R/o 3072/2B/2, Street No. 10,
Old Ranjeet Nagar,
Near South Patel Nagar,
New Delhi – 110008.

...Applicant

(By Advocate: Mr. D S Mehandru)

Versus

1. Govt. of NCT of Delhi,
Through Chief Secretary,
Delhi Sachivalay,
I.T.O., New Delhi – 110002.
2. The Secretary,
Delhi Electricity Regulatory Commission,
Viniyamak Bhawan, C – Block, Shivalik,
Malviya Nagar,
New Delhi – 110017.
3. Shri A.K. Ambasht,
Member,
Delhi Electricity Regulatory Commission,
Viniyamak Bhawan, C – Block, Shivalik,
Malviya Nagar,
New Delhi - 110017.
4. Shri A.K. Singhal,
Ex Member,
Delhi Electricity Regulatory Commission,
Viniyamak Bhawan, C – Block, Shivalik,
Malviya Nagar,
New Delhi – 110017. Respondents

(By Advocate: Mr. H A Khan)



ORDER (ORAL)

Hon'ble Ms. Manjula Das, Chairman

1. The present Original Application has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985, seeking the following reliefs:-

“8.1 Quash and set aside the Showcase Notice dated 5.7.2021 issued to the applicant.

8.2 quash and set aside the order dated 6.7.2021 rejecting the request of the applicant for supply of documents and extension of time.

8.3 quash and set aside the appointment order of the Respondent No.4 dated 6.7.2021 to the non-existent post of Chief Advisor (Tariff).

8.4 quash and set aside the resignation dated 8.7.2021 of the applicant and also the relieving order dated 9.7.2021.

8.5 quash and set aside the advertisement dated 5.8.2021 issued by the Respondent No.2 for filling up the converted post of Principal Advisor (Tariff).

8.6 direct the respondents to consider the applicant for restoration to the post of Executive Director (Tariff) and to allow him to complete his tenure till 2.10.2022.

8.7 to allow this OA with cost of litigation in favour of the applicant and against the respondents.

8.8 to pass such other and further order as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case in favour of the applicant.”

2. The facts of the case are that the applicant was issued Show Cause Notice dated 05.07.2021 levelling certain



allegations in respect of his performance and behaviour, and directing him to submit his reply within three days of receipt of the notice, as to why his services be not terminated immediately. In response thereto, the applicant sent a letter dated 6.7.2021 to the Deputy Director (Personnel) DERC requesting for copies of connected papers/files, and for grant of further 20 days time to file reply, which came to be rejected on the same date. However, he was asked to file reply to the SCN by 08.07.2021. Accordingly, the applicant filed his reply requesting the respondents to allow him to complete his tenure till 02.10.2022.

3. It is the contention of the applicant that since the Chairperson of the organization demitted office on 4.7.2021, the respondent no.3, being the only Member, took over as Acting Chairman, DERC who, according to the applicant, was bent upon to accommodate the respondent no.4 in place of the applicant and subsequently appointed him vide order dated 6.7.2021. Hence, the applicant, under compelling circumstances, tendered his resignation on 8.7.2021 from the post, and was relieved on the next date i.e. 09.07.2021.



4. Subsequently, the applicant made a detailed representation dated 19.07.2021 to the Hon'ble Lieutenant Governor requesting to restore his job as Executive Director (Tariff), DERC and allow him to complete his tenure. The aforesaid representation of the applicant was forwarded to the Secretary (Power) GNCTD on 29.07.2021 for looking into the matter for appropriate action. The applicant contends that none of his representations have been responded to till date.
5. We heard the learned counsel for the parities and perused the records.
6. On perusal of the record, we find that the applicant himself has mentioned in his representation dated 09.07.2021 that he is tendering his resignation for personal reasons. Hence, it is clear from the representation that the applicant has not left the job under compelling circumstances, but for his own reasons, which are best known to him. Hence, once the applicant has tendered resignation which was accepted by the respondents, the Tribunal in such circumstances cannot direct the respondents to reinstate him and/or allow him to complete his tenure.



7. In view of the above observations, we do not find any merit in the instant OA and the same is accordingly dismissed. There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Manjula Das)
Chairman

Lg/anjali/rk/dd