



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

OA No.1755/2018

Today, this the 16th day of June, 2021

Through video conferencing

**Hon'ble Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Mohd. Jamshed, Member (A)**

Rajeev Bhalla
Ex-Administrative Officer, Group 'B'
G.B. Pant Hospital, Govt. of NCT of Delhi
Aged about 48 years
S/o Late Sh. S.K. Bhalla
R/o Flat No. 145, Sec-1, Pkt-1
Dwarka, New Delhi-110075.

...Applicant

(By Advocate: Mr. M.K. Bhardwaj)

Versus

1. Union of India
Through its Secretary
Ministry of Home Affairs
North Block, New Delhi.
2. Lt. Governor of Delhi
Govt. of NCT of Delhi
Raj Niwas, Delhi.
3. The Chief Secretary
Govt. of NCT of Delhi
I.P. Estate, New Secretariat, New Delhi.
4. The Director
G.B. Pant Hospital
Govt. of NCT of Delhi
Delhi Gate, Delhi.
5. The Secretary
Govt. of India
Department of Personnel & Training
North Block, New Delhi.

...Respondents

(By Advocate: Mr. Hanu Bhaskar)



Order (Oral)

Justice L. Narasimha Reddy

The applicant joined the Delhi Administration Subordinate Services (DASS) (Grade-II) in the year 1994 and was promoted to Grade-I in the year 2003. According to him, he was promoted as adhoc DANICS in the year 2013.

2. The applicant submitted his resignation on 05.07.2013, to the Lt. Governor of Delhi. That was accepted on 06.06.2014. He has also received the retiral benefits such as GPF, Leave Encashment and Insurance. Thereafter, the applicant changed his mind and submitted a representation with a prayer to permit him to withdraw his resignation. His application was dealt with at various stages. The GNCTD forwarded the file to the Department of Personnel & Training (DoPT) and the Ministry of Home Affairs (MHA), Union of India for opinion.

3. Since the applicant was shown as ad hoc DANICS officer, when he resigned, the MHA entertained doubt about the permissibility of such appointment and, accordingly, addressed letter dated 24.05.2017 to the GNCTD, seeking clarification from the Appointing Authority on (a) the total number of ad hoc DANICS officers (b) whether such appointments were made after the prior approval of the Competent Authority. This O.A. is filed challenging the order dated 24.05.2017.



4. The applicant contends that there was no basis for issuance of the order dated 24.05.2017, when the Competent Authority is the Lt. Governor. He made further prayer to direct the respondents to permit him to join service, in the light of the decision of the Lt. Governor, as contained in letter dated 10.02.2015.

5. We heard Mr. M.K. Bhardwaj, learned counsel for the applicant and Mr. HanuBhaskar, learned counsel for the respondents.

6. The facts of this case disclose that the applicant was caught in the web created by himself. He was appointed to DASS Gr-II and got regular promotion to Gr-I. He was holding the post of ad hoc DANICS, when he has chosen to leave the service in search of greenear pasture. Once he came across a road block in the process, he came back to Delhi and wanted to withdraw his resignation. The process is not that simple and it involves several stages. Whatever be the facility to withdraw it before it is accepted, the scene changes completely, once it is accepted. At one stage that the Lt. Governor has said to have recommended the withdrawal of his resignation. In case he happens to be the Competent Authority, the recommendation is virtually superfluous. Somehow, the matter was taken to Ministry of Home Affairs.



7. The designation of the applicant as ad hoc DANICS seems to have brought its own share of complications. DANICS is governed by the DoPT and the MHA. The GNCTD hardly has any role in this behalf. When the MHA came to know that ad hoc appointments in GNCTD are taking place, they addressed a letter dated 24.05.2017 seeking clarification on the following three aspects:

The undersigned is directed to refer to GNCTD'S LETTER No.F.No.30/91/2012/S.I/876 dated 04.03.2015 and F.No.30/91/2012/S.I./1822 dated 03.06.2015 and to say that this ministry is in receipt of representations from ShriBhalla, after issue of last GNCTD letter dated 03.06.2015.

2. The designation of ad-hoc DANICS, which is mentioned by GNCTD while forwarding representation of their employees to the Ministry, is having a bearing on the decision about the competence of authorities, in this and similar matters. Therefore, to enable re-consideration of this matter, following clarifications are required :-

(a) Who is the appointing authority in respect of Adhoc DANICS Officer.

(b) Whether before appointment of any adhoc DANICS Officer in GNCTD, prior approval of MHA is taken, by GNCTD.

(c) What is the total number of such adhoc DANICS Officers as on 31.03.2017. Out of this number, the year wise break-up of their appointment may be given, beginning from the first adhoc DANICS Officer."

8. It is just understandable as to what objection, the applicant can have, to this letter. It is only GNCTD that has to



answer the queries. Therefore, we do not find any basis to interfere with the letter dated 24.05.2017.

9. Coming to the question of acceptance of the request of the applicant for withdrawal of his resignation, it is a matter to be dealt by the GNCTD or at least by the Authority, who has accepted the resignation. The picture is not clear as yet.

10. We, therefore, dispose of the O.A., leaving it open to the Competent Authority to pass appropriate orders on the request of the applicant seeking withdrawal of the resignation. We make it clear that we did not express any view in this matter and any decision shall be only in accordance with law. There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/jyoti/rk/ns/sd