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

Date of decision: 15.12.2025

+ W.P.(C) 4848/2017
GOVT OF NCT OF DELHI AND ORSPetitioners

Through: Mrs. Avnish Ahlawat, SC with
Mr. Nitesh Kumar Singh,
Ms. Aliza Alam and
Mr. Mohnish Sehrawat, Advs.

versus

IZHAR UL HASANRespondent

Through: Mr. Samarth Luthra and
Mr. Manish, Advs.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE MADHU JAIN

NAVIN CHAWLA, J. (ORAL)

1. This petition has been filed, challenging the Order dated 19.04.2017 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as, the 'Tribunal') in C.P. 621/2016, arising out of O.A. No. 1217/2015, titled ***Dr. Izhar Ul Hasan v. Govt. of NCT of Delhi & Ors.***, wherein the learned Tribunal has held that the Order dated 18.04.2017 passed by the petitioner suffers from fundamental error as the same has not been approved by the Hon'ble Lt. Governor of Delhi. It has further been observed that the termination order has been passed retrospectively with effect from 26.03.2015, though the earlier termination order has been set aside by the Tribunal, therefore, the Order suffers from total



non application of mind by the officials.

2. The O.A. No. 1217/2015, titled ***Dr. Izhar Ul Hasan v. Govt. of NCT of Delhi & Ors.***, had been disposed of by the learned Tribunal *vide* Order dated 27.09.2016, with the following directions:

“8. For the above reasons, the O.A. is disposed of and the impugned order of termination is set aside. We direct the respondents to pass a fresh order with regard to continuation or termination of the applicant by recording reasons with the approval of the competent authority, namely, the appointing authority. The setting aside of the order of termination does not ipso facto mean that the applicant would be entitled to rejoin his services for the simple reason that his contract of service was already over when the termination order was passed. Reengagement of the applicant would depend upon the outcome of the fresh order to be passed by the respondents and the requirement of such engagement. No costs.”

3. In purported compliance with the above directions, the petitioners claimed that they have passed the Order dated 18.04.2017 taking the approval of the Hon’ble Lt. Governor for the termination of respondent’s services with effect from 26.03.2015.

4. One of the issues, therefore, is whether the Order dated 18.04.2017 passed by the petitioners has the approval of the Hon’ble Lt. Governor.

5. The learned counsel for the petitioners has produced before us the original file relating to the termination of the contractual employment of the respondent.

6. Upon perusal of the said original file, it appears that pursuant to



the said Order dated 27.09.2016 passed by the learned Tribunal in O.A. 1217/2015, the file was placed before the Hon'ble Lt. Governor, who *vide* an Order dated 06.12.2016, after going through the relevant records, agreed to the proposal for termination of contractual services of the respondent and directed that a reasoned Speaking Order should be issued by the Department. The Order dated 18.04.2017, which is purported by the petitioners to be the Speaking Order passed in compliance with the direction of the learned Tribunal as also of the Hon'ble Lt. Governor, however, did not have the sanction of the Hon'ble Lt. Governor, as would be evident from the noting dated 17.05.2017, whereby the Hon'ble Lt. Governor had directed that the 'Draft Speaking Order' may be vetted by the Law Department 'specially on the issue of the effective date of termination of the respondent and keeping in view the observations of the learned Tribunal and the fact that the original contract was only up to 31.03.2015'.

7. The Office Order dated 18.04.2017, therefore, cannot be purported to be an Order issued by the Hon'ble Lt. Governor in compliance with the dated 27.09.2016 of the learned Tribunal.

8. In view thereof, the Order dated 27.09.2016 of the learned Tribunal passed in the above referred O.A. still remains to be complied with by the petitioners.

9. We therefore, find no infirmity in the learned Tribunal passing the Impugned Order dated 19.04.2017 in C.P. No. 621/2016, which had been filed by the respondent seeking compliance with the Order dated 27.09.2016 passed by the learned Tribunal in O.A. No.

