



2025:DHC:5584-DB



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

Date of decision: 14.07.2025

+ **W.P.(C) 15530/2023 & CM APPL. 62193/2023**

GOVT OF NCT OF DELHI AND ORS.Petitioners

Through: Mr.Gaurav Dhingra,
Mr.Shashank Singh, Advs. with
Mr.B. S. Rawat, CI-DTTE.

versus

LAJ HANDA AND ANR.Respondents

Through: Mr.V.K.Tandon, Ms.Pruna
Tandon, Ms.Mamta Tandon,
Advs. for R-1
Mr.Sanjay Katyal, Ms.Kritika
Gupta, Advs. for R-2/DDA.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE RENU BHATNAGAR

NAVIN CHAWLA, J. (ORAL)

1. This petition has been filed by the petitioner challenging the Order dated 10.04.2023 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as the, 'Tribunal') in Original Application No.194/2018, titled *Smt. Laj Handa v. Govt. of NCT of Delhi & Ors.*, whereby the learned Tribunal allowed the O.A. filed by the respondent no.1 herein and directed the petitioners to count the



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service rendered by the respondent no.1 with the respondent no.2 /Delhi Development Authority (DDA) herein from 13.12.1967 to 14.05.1974 on a notional basis and to fix her pension accordingly.

2. The respondent no.1 had filed the above O.A. before the learned Tribunal, contending that she had served the respondent no.2/DDA with effect from 13.12.1967 to 14.05.1974. She contended that she had applied through the proper channel and was appointed as a Crafts Instructor (Civil) in the office of the petitioner no.2 herein. She joined her duty with the petitioner no.2 on 15.05.1974 and finally superannuated on 31.05.2002. In between she had proceeded on deputation to the Government of Uttar Pradesh on 19.05.1982 and was repatriated on 01.03.2000. As the petitioners refused to let her join back alleging that she had overstayed her deputation from 01.07.1988 to 28.02.2000, she filed OA 2771/2001. It was pursuant to an order passed by the learned Tribunal that she was allowed to join back and her period of overstay on deputation was regularized.
3. She also filed an O.A., being O.A. no.4575/2014, *inter alia*, praying that her previous service rendered with the respondent no.2/DDA from 13.12.1967 to 14.05.1974 be counted for the purposes of pension.
4. The learned Tribunal, however, held that as in the O.A., the respondent no.1 had prayed for various reliefs which could not be combined in a single application, therefore, with respect to



pension and other retirement benefits, liberty was granted to the respondent no.1 to raise these issues through separate petitions.

5. The respondent no.1 thereafter made a representation to the petitioners, praying for counting her services with the respondent no.2/DDA, which representation was rejected by the petitioners *vide* Order dated 29.05.2017, stating therein that the said request cannot be processed as the relevant service record, being old, could not be traced by the respondent no.2/DDA.
6. Aggrieved by the said decision, the respondent no.1 filed the O.A No. 194/2018.
7. As noted hereinabove, the learned Tribunal has allowed the O.A., *inter alia*, observing that the mere inability to trace her service record, was not a valid ground to deny her the benefit of counting the service rendered by her with the respondent no.2/DDA, especially when it was admitted that she had duly rendered such service. The plea of the petitioners that the respondent no.1 had not tendered her technical resignation before joining the petitioners' service was also rejected, observing as under:

“8A. At this stage, learned counsel for the respondents referred para 2.1 of OM dated 17.08.2016 in support of his argument which is not tenable because the respondents never raised objection in the reply that she has not tendered her technical resignation and even if it is assumed that she has not technically resigned, this objection at this belated stage is not tenable in the eyes of law.”

8. The learned counsel for the petitioners reiterates that the



the respondent no.2/DDA before the learned Tribunal.

13. The letter dated 14.05.1974 issued by the respondent no.2/DDA, relieving the respondent no.1 from service reads as under:

“Consequent upon the selection of Miss Laj Wadhwa, Planning D/Man as Craft Instructor (Senior) in the I.T.I, Pusa, New Delhi, she is hereby relieved from this office from the after-noon of 14th May, 1974.

The transfer of the official will be governed by the instructions contained in the Ministry of Home Affairs’ letter No.O.M.70/62/62/Estt(A) dated 22.1.6 as amended from time to time (if any).”

14. The above would clearly show that the respondent no.2/DDA had been informed of the selection of the respondent no.1 with the Industrial Training Institute (ITI) Pusa. The respondent no.2/DDA never raised any objection to the same. After a long period of time, when the respondent no.1 was not granted the benefit of her earlier service, she made a representation thereagainst, which was rejected by the petitioners solely on the ground that the record, being old, could not be traced by the respondent no.2/DDA. The learned Tribunal, in our opinion, has rightly rejected this submission of the petitioners.
15. The submission of the learned counsel for the petitioners that the respondent no.1 had not applied through the proper channels and had joined the petitioners without tendering her technical resignation cannot be accepted, especially when no such grievance was raised by the respondent no.2/DDA at the relevant



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period. On the contrary, from the letter dated 14.05.1974, it is evident that the respondent no.2/DDA was fully aware of the respondent no.1 joining ITI Pusa as a Crafts Instructor (Civil). This raises a presumption that she would have applied through the proper channel and would have tendered her resignation from her position with the respondent no.2/DDA, which was duly accepted.

16. The letter dated 08.10.1976 relied upon by the learned counsel for the petitioners is also on the request of the respondent no.1 for extension of her lien on the post held by her with the respondent no.2/DDA. The question of extension of this lien would arise only if she was earlier enjoying the lien. This letter, therefore, also does not support the case of the petitioners.
17. For the above reasons, we find no infirmity in the order passed by the learned Tribunal. The petition is, accordingly, dismissed. The pending application is also disposed of as having been rendered infructuous.
18. There shall be no order as to costs.

NAVIN CHAWLA, J

RENU BHATNAGAR, J

JULY 14, 2025
RN/DG