



2025:DHC:4021-DB



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

Date of decision: 19.05.2025

+ W.P.(C) 4768/2025

MINISTRY OF FINANCE THROUGH SECRETARY

.....Petitioner

Through: Mr.Himanshu Pathak, SPC

versus

SHRI SHAHID MEEZAN

.....Respondent

Through: Mr.S. M. Arif and Ms.Shabnam
Perween, Advs.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE RENU BHATNAGAR

NAVIN CHAWLA, J. (ORAL)

CM APPL. 30513/2025

1. For the reasons stated in the application, the delay of 15 days in filling the additional affidavit is condoned.
2. The application is allowed.
3. The additional affidavit is taken on record.

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4. This petition has been filed by the petitioner, challenging the Order dated 09.10.2019 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as, 'Tribunal') in O.A. No.3434/2015, titled *Shri Shahid Meezan v. Ministry of Finance through Secretary*, by which the learned



Tribunal has allowed the O.A. filed by the respondent herein with the following directions:

“17. We, therefore, allow the OA and set aside the impugned Notification dated 15.04.2015. It is left open to the respondents to take further steps, in accordance with law, as indicated in the show cause notice dated 14.06.2011. In case there exists an application, made by the applicant for VRS, the same shall be considered on its own merits.

18. We make it clear that the result of the QA does not, by itself, lead to an obligation on the part of the respondents to pay any salary to the applicant for any period, ever since he was on foreign deputation.

There shall be no order as to the costs.”

5. At the outset, we note that this petition has been filed with huge delay. The petitioner has now filed an additional affidavit dated 15.05.2025, explaining this delay.

6. Keeping in view the peculiar facts of the present case and the Order that we propose to pass, we need not go further on this issue of delay.

7. The petitioners are mainly aggrieved of the finding of the learned Tribunal, whereby it has held that there cannot be a deemed resignation of a government employee and Clause 11 of the Office Memorandum dated 29.02.2008 cannot be invoked by the petitioner. For reaching the said conclusion, the learned Tribunal placed reliance on the Order dated 18.01.2019 passed in O.A. No.1631/2017, titled ***Vijay Kumar Tivedi v. Union of India and Anr..***

8. As far as the aforementioned Order is concerned, the same was challenged before this Court by way of a Writ Petition, being W.P.(C)



7531/2019, titled *Union of India & Anr. v. Sh. Vijay Kumar Trivedi*. The same was partially allowed by this Court *vide* its Judgment dated 14.09.2022, holding therein that the DoPT Guidelines, including Clause 11 of the O.M. dated 29.02.2008, shall govern the conditions of service for foreign service officers on deputation abroad. The only relief granted to the respondent therein was that the order of deemed resignation shall be effective from the date on which the Order is passed, that is, 04.02.2016, and not retrospectively, which was sought to be given in the said case from 01.04.2014.

9. Though a Special Leave Petition, being SLP (C) No.1194/2023, titled *Vijay Kumar Trivedi vs. Union of India*, has been filed thereagainst before the Supreme Court, there is no stay on the operation of the said Judgment. Pertinently, the petitioners therein have accepted the said judgment and have not challenged the same.

10. Keeping in view the above, the present petition is disposed of by only clarifying that the question of law on the applicability of O.M. dated 29.02.2008 shall be governed by the judgement of this Court in *Vijay Kumar Trivedi* (supra), subject to the outcome of the SLP filed against the same. The direction issued by the learned Tribunal, however, shall continue to operate and shall be given effect to. We only clarify that in case the application of the respondent for claiming Voluntary Retirement from Service (VRS) is rejected by the petitioner for any reason, it shall be open to the respondent to challenge the same in accordance with law and subject to such challenge, in that event, the Impugned Notification dated 15.04.2015, treating the respondent to have deemed to have resigned from service, shall take effect from



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the date of the said Notification and not retrospectively.

11. The petition along with the pending application is disposed of in the above terms.

NAVIN CHAWLA, J

RENU BHATNAGAR, J

MAY 19, 2025/sg/ik

Click here to check corrigendum, if any