$~81

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

\+ W.P.(C) 5107/2024 & CM APPL. 20935/2024, CM APPL. 20936/2024

ANJU JAI MISRA ..... Petitioner

Through: Mr. Samrat Nigam and Mr. Harsh Chauhan, Advocates.

versus

DELHI DEVELOPMENT AUTHORITY AND ANOTHER ..... Respondents

Through: Ms. Prabhsahay Kaur, Standing Counsel, Mr. Bir Inder Singh and Ms. Pragati Singh, Advocates along with Mr. Birender Singh, Computer Operator, QGC, DDA.

% ***Date of Decision: 15th April, 2024***

CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA

J U D G M E N T

MINI PUSHKARNA, J: (ORAL)

CM APPL. 20936/2024

1. Exemption allowed, subject to just exceptions.

2. Accordingly, the application is disposed of.

W.P.(C) 5107/2024 & CM APPL. 20935/2024

3. The present petition has been filed seeking prayer for setting aside the communication dated 22nd September, 2023 issued by respondent no.2/Qutab Golf Course, whereby the application made by the petitioner for tenure membership under 'Deputation/Government Category' was rejected

Signature Not Verified
Digitally Signed
By:AMAN UNIYAL
Signing Date:25.04.2024
12:03:13

on the ground that the petitioner was not eligible for playing rights/ membership under the Government Category. Thus, the petitioner prays for direction to the respondents to re-consider the application and representation of the petitioner for playing rights/ membership to respondent no.2/ Qutab Golf Course under the Government Category.

4. The facts of the case as canvassed in the present writ petition are that the respondent no.1/ Delhi Development Authority (DDA) issued a Public Notice inviting application for limited number of tenure (three years and five years) playing rights and membership in Qutab Golf Course for total of 500 slots. Out of the aforesaid 500 slots, 100 slots were offered in Government Category, where, in order to qualify under this category, an applicant must be a government servant, whose pay and allowances/pension are drawn from the Consolidated Fund of India.

5. Learned counsel appearing for the petitioner submits that petitioner filled an application form for securing membership for tenure of five years, under deputation/government category slot offered by the respondents. Subsequently, the petitioner received an e-mail dated 03rd August, 2023 and e-mail dated 07th August, 2023 from respondent No.2 asking the petitioner to submit documents in relation to her application. It is the case of the petitioner that the petitioner promptly submitted the required documents as requested by respondent no. 2 and intimated about the same to respondent No.2 vide e-mail communication dated 08th August, 2023 and 12th August, 2023.

6. It is submitted that the petitioner after a few days on 22nd September, 2023, received a communication from respondent no. 2 whereby the application of the petitioner was rejected on the ground that the petitioner

Signature Not Verified
Digitally Signed
By:AMAN UNIYAL
Signing Date:25.04.2024
12:03:13

was not eligible in the category as applied, on the basis of the documents supplied by the petitioner.

7. Learned counsel appearing for the petitioner has vehemently argued that the aforesaid communication dated 22nd September, 2023 issued by the respondent no. 2 to the petitioner, is cryptic and non-speaking in nature.

8. He submits that the petitioner is an employee of Hindustan Petroleum Corporation Limited (HPCL) and was working with the Petroleum Planning & Analysis Cell of the Ministry of Petroleum & Natural Gas, Government of India, on deputation from the HPCL.

9. Attention of this Court has been drawn to Section 16 of the Oil Industry (Development) Act, 1974, to submit that the petitioner is drawing her salary from the Consolidated Fund of India and the Central Government, thereby fulfilling the criteria for grant of membership under the Government Category.

10. Learned counsel appearing for the petitioner has also drawn the attention of this Court to the Resolution dated 30th September, 2002 issued by the Ministry of Petroleum & Natural Gas. He relies upon Para 2 and 3 of the said Resolution, which reads as under:

> *"xxx xxx xxx*
> *2. While a statutory regulator would be in place post APM to take care of most of the areas requiring intervention, the Government would still need to discharge some of the functions, presently being performed by the OCC, as such functions would continue to remain within the domain of the Government. Thus, it has been decided to create a "Petroleum Planning and Analysis Cell" effective 1st April, 2002, to be attached to the Ministry and assist inter alia in the discharge of following functions:*
>
> *(a) Administration of subsidy on PDS Kerosene and domestic LPG and freight subsidy for for-flung areas;*
> *(b) Maintenance of information data bank and communication system*

Signature Not Verified
Digitally Signed
By:AMAN UNIYAL
Signing Date:25.04.2024
12:03:13

to deal with emergencies and unforeseen situations;
(c) Analyzing the trends in the international oil market and domestic prices;
(d) Forecasting and evaluation of petroleum import and export trends;
(c) Operationalising the sector specific surcharge schemes, if any.
The services of the Cell will also be utilized to wind up the oil pool account.

3. The structure of the Cell is at Annexure, Oil Industry Development Board (OIDB) will fund the office expenditure and the expenditure in respect of 43 personnel whose designations and job group have been mentioned in the Annexure; with the expenditure in respect of the rest of the personnel being borne by the concerned oil companies, to whom the employees belong, up till 31st December, 2002. The structure of the Cell will be reviewed after the phasing out of the subsidies.
xxx xxx xxx"

11. By referring to the aforesaid Resolution, learned counsel appearing for the petitioner submits that the petitioner is an employee of HPCL working with the Petroleum Planning & Analysis Cell of the Ministry of Petroleum & Natural Gas, Government of India on deputation basis and drawing salary from the Consolidated Fund of India. Thus, the decision of the respondents to reject the petitioner's application based on the fact that the petitioner was employed by HPCL, which is a Public Sector Undertaking, that does not draw salary with pay allowances/ pension for employees from Consolidated Fund of India, is a totally wrong decision. He submits that in the communication dated 23rd August, 2018 as submitted by the petitioner, all expenses pertaining to salary, allowances etc. shall be borne by the Petroleum Planning & Analysis Cell. He submits that the Petroleum Planning & Analysis Cell of the Ministry of Petroleum & Natural Gas is funded by the Oil Industry Development Board, which is a statutory body established under the Oil Industry (Development) Act, 1974. He submits that the Oil Industry Development Board generates funds from

Signature Not Verified
Digitally Signed
By:AMAN UNIYAL
Signing Date:25.04.2024
12:03:13

collecting Cess on oil products such as Crude Oil and Natural Gas. Thus, he submits that as per Section 16 as aforesaid, all proceeds from the Cess collected under the Oil Industry (Development) Act, 1974 are credited to the Consolidated Fund of India and then paid to the Oil Industry Development Board, which in turn funds the salary, payment, etc. of the Petroleum Planning & Analysis Cell.

12. Thus, it is submitted that the petitioner sent a communication dated 27th December, 2023 requesting for the grounds of rejection of her application under the Government Category, even after submitting all the documents. He submits that the petitioner received a communication dated 01st January, 2024, which simply referred to the communication dated 22nd September, 2023, which was in itself a non-speaking communication/order. Thus, the present petition has been filed.

13. Per contra, learned Standing Counsel appearing for the respondents disputes the aforesaid contentions. She submits that the Qutab Golf Course, which is operated by the DDA, issued a Public Notice dated 16th July, 2023, wherein applications were invited for 500 slots of playing rights, which also included 100 slots under Government Category. She submits that the membership was opened from 15th July, 2023 and thereafter closed on 15th August, 2023. Thus, she submits that the petitioner has approached this Court belatedly, i.e., 8 months after closure of the membership. She further draws the attention of this Court to various letters issued by the DDA, whereby, the DDA has requested the petitioner time and again for submitting the requisite documents, i.e., 'Certificate of the officer that pay and allowances are being drawn from the Consolidated Fund of India/ State officer is on deputation'. She submits that despite writing various letters to

Signature Not Verified
Digitally Signed
By:AMAN UNIYAL
Signing Date:25.04.2024
12:03:13

the petitioner in this regard, the requisite document was not submitted by the petitioner.

14. Learned Standing Counsel for the respondents further submits that Section 16 as relied upon by the petitioner, is not applicable to the present case, as the same only refers to amounts being transferred for the purposes of the Cess. Thus, by letter dated 22nd September, 2023, the application of the petitioner has rightly been rejected.

15. She has further handed over copies of the requisite Certificates that have been submitted by other applicants, which clearly show that their pay and allowances are drawn from the Consolidated Fund of India. She submits that no such Certificate was ever submitted by the petitioner with the respondents.

16. Learned counsel for the respondents has further drawn the attention of this Court to the Minutes of the Meeting dated 28th August, 2023 chaired by the Principal Commissioner (Sports). By referring to the same, she submits that the applications of the applicants under the Government Category were also considered by the Principal Commissioner (Sports). She further submits that the application of the petitioner was rejected on the ground that the Certificate regarding drawing pay and allowances from the Consolidated Fund of India/State, was not submitted by the petitioner, which fact is clearly recorded in the said Minutes of the Meeting. Thus, she submits that proper procedure was followed by the respondents before rejecting the application of the petitioner.

17. Learned counsel for the respondents has further handed over a Circular dated 27th February, 2012 issued by the Delhi Development Authority Sports Wing: Coordination Cell, wherein the requirement of

Signature Not Verified
Digitally Signed
By:AMAN UNIYAL
Signing Date:25.04.2024
12:03:13

drawing salary from the Consolidated Fund of India was notified for the first time. She further submits that the said Circular is applicable to all the Sports Complexes and Golf Courses and not just the respondent-Qutab Golf Course alone.

18. She further submits that no error has been pointed out by the petitioner in the decision making process followed by the respondents. She also submits that membership of a Golf Course is not a matter of right.

19. Responding to the aforesaid submissions by learned counsel for the respondents, learned counsel appearing for the petitioner, in rejoinder, has drawn the attention of this Court to the letter dated 11th April, 2017 issued by the HPCL, wherein it is categorically recorded that the petitioner has been promoted and assigned as Additional Director (Demand), and the salary grade of the petitioner has been mentioned therein. He further submits that the respondent-DDA did not give any specific format in which the Certificate had to be given. Thus, he submits that the petitioner fulfils all the requisite criteria and ought to be given the membership of the Qutab Golf Club.

20. I have heard learned counsel for the parties and have perused the record.

21. At the outset, it would be fruitful to refer to the letter submitted by the petitioner pursuant to the various communication issued by the DDA. The said letter dated 11th April, 2017 issued by HPCL in favour of the petitioner, as submitted by the petitioner to the DDA, reads as under:

"HRD:PM:2017 *April 11, 2017*

Shri Sunil Kumar

Signature Not Verified
Digitally Signed
By:AMAN UNIYAL
Signing Date:25.04.2024
12:03:13

Joint Director I/e (Admin)
Petroleum Planning & Analysis Cell
Ministry of Petroleum & Natural Gas
2nd Floor, Core-8, SCOPE Complex
7. Institutional Area, Lodhi Road
NEW DELHI 110003

Promotion letter
Ms. Anju Jai Misra

Dear Sir,

We wish to inform you that Ms. Anju Jai Misra (Employee No. 31902530) has been promoted and assigned as Additional Director (Demand) (Salary Grade "F"), PPAC, New Delhi.

We are enclosing Promotion letter of Ms. Anju Jai Misra. Kindly arrange to handover the Promotion letter to the officer.

Thanking you.

Very truly yours,

Renuka Verma
Chief Manager-HR
(Performance Management)

Encl : as above"

22. Further document submitted by the petitioner to the respondents, was a letter dated 23rd August, 2018 issued by the Petroleum Planning & Analysis Cell, which reads as under:

"No. P/1010/Admn.
Dt. 23.08.2018

Shri Abhishek Dutta
Executive Director (HR)
Hindustan Petroleum Corporation Ltd.
17, Jamshedji Tata road,
Mumbai : 400 020

Sub: Manpower Restructuring

Sir,

This is to inform you that in view of the recent manpower re-structuring of PPAC by OIDB, the following employees of HPCL who are on deputation to PPAC on loan basis have been accommodated in the approved manpower strength of PPAC effective 23.08.2018:-

Signature Not Verified
Digitally Signed
By:AMAN UNIYAL
Signing Date:25.04.2024
12:03:13

1. Ms. Anju Jai Misra (Emp. No. 31902530), Addl. Director (Demand)
2. Shri Sandeep Kalra (Emp. No. 31927570), Joint Director (Marketing)
3. Shri Varinder Kumar (Emp. No. 541669), Sr. Assistant

All their expenses pertaining to salary, allowances etc. shall be borne by PPAC/ OIDB effective 23.08.2018.

Thanking you,

Yours sincerely

(Sunil Kumar)
Addl. Director (HR&C)"

23. Perusal of the aforesaid documents submitted by the petitioner to the respondents, clearly show that there is no specific Certificate submitted by the petitioner that categorically stated that the petitioner was drawing her salary from the Consolidated Fund of India/State, as per the requirement of the DDA.

24. The Public Notice issued by the DDA stated unequivocally, that the applicants applying under the Government category, ought to be drawing their pay and allowances/pension from the Consolidated Fund of India. The relevant portion of the Public Notice issued by the DDA in this regard is extracted as below:

> *"1. Delhi Development Authority offers limited number of Tenure (3 and 5 years) playing rights for Qutab Golf Course, Press Enclave Road, New Delhi-110017.*
>
> *2. 500 playing rights are being offered in the following categories:*
>
> > *i)* ***100 nos. in govt. category. (Criteria for govt. servants would be those whose pay and allowances/ pension are drawn from the Consolidated Fund of India/State).***
> > *ii) 200 nos. for individuals who are utilizing the Qutab golf course on pay and play basis. (Should have played at least 5 rounds with effect*

Signature Not Verified
Digitally Signed
By:AMAN UNIYAL
Signing Date:25.04.2024
12:03:13

from 01.01.2023)
iii) 100 nos. for individuals who have handicap certificate from other golf courses.
iv) 100 nos. for other applicants.

3. Corporate, Institutional, Foreigner/NRI playing rights and monthly pay & play card are also available.

4. The entry fee and monthly subscription payable for 3 and 5 years tenure playing rights, including GST, in govt. and non-govt. categories are as follows:

S. No.	***Category***	***Entry Fee***	***Monthly subscription***
Government			
1.	*5Years*	*Rs. 2.95 lacs*	*Rs. 1,416/-*
2.	*3Years*	*Rs. 1.77 lacs*	*Rs. 1,416/-*
Non-government			
1.	*5Years*	*Rs. 8.85 lacs*	*Rs. 2,124/-*
2.	*3Years*	*Rs. 5.31 lacs*	*Rs. 2,124/-*

xxx xxx xxx"

(Emphasis Supplied)

25. This Court also notes the various letters which have been written by the DDA to the petitioner. Thus, by letter dated 03rd August, 2023, the petitioner was specifically intimated that the Certificate with respect to the petitioner drawing her salary from the Consolidated Fund of India, has not been found attached. The e-mail dated 03rd August, 2023 issued by the respondent to the petitioner, reads as under:

"On Thursday, 3 August, 2023 at 02:20:43 pm IST, Qutab Golf Course <qgcdda@yahoo.co.in>
wrote:

Sir,

*Your application form for tenure (3 and 5 years) playing rights/membership of Qutab Golf Course has been received. After scrutiny of your application, it is noticed that certificate regarding **"Certificate of the officer that pay and allowances are being***

Signature Not Verified
Digitally Signed
By:AMAN UNIYAL
Signing Date:25.04.2024
12:03:13

drawn from the Consolidated Fund of India/State or officer is on deputation" *is not found attached.*

In view of the above, you are requested to forward your certificate duly ***signed by HOD*** *regarding pay and allowances by email (qgcdda@yahoo.co.in) within seven days from the date of issue of this email failing which your application is liable to be rejected.*

An early action is requested.

Best Regards
Secretary
Qutab Golf Course
Press Enclave Road
New Delhi-110017
Tel: 011-20861731, 20861732
Fax: 011-20861734
Email: qgcdda@yahoo.co.in"

26. This was followed by another e-mail dated 07th August, 2023, which reads as under:

"From: Misra Anju Jai (मिश्रा अंजू जय) anjum@hpcl.in
Subject: FW: Subject: Certificate of pay and allowances
Date: 8 August 2023 at 11:34AM
To: qgcdda@yahoo.co.in
Cc: jaimisra@rediffmail.com

Dear Sir,

Attached please find a letter as desired regarding salary/ expenses of undersigned.
Also attached my last promotion letters

Regards,
Anju Jai Misra

From: Qutab Golf Course <qgcdda@yahoo.co.in>
Sent: 07 August 2023 13:26
To: Misra Anju Jai (मिश्रा अंजू जय) <anjum@h12cl.in>
Subject: Re: Subject: Certificate of pay and allowancess

Sir/Madam,

Your application form for tenure (3 and 5 years) playing rights/membership of Qutab Golf Course has been received. After scrutiny of your application, it is noticed

Signature Not Verified
Digitally Signed
By:AMAN UNIYAL
Signing Date:25.04.2024
12:03:13

*that certificate regarding "**Certificate of the officer that pay and allowances are being drawn from the Consolidated Fund of India/State or officer is on deputation**" is not found attached.*

*In view of the above, you are once again requested to forward your certificate duly **signed by HOD** regarding pay and allowances by email (qgcdda@yahoo.co.in) within three days from the date of issue of this email failing which your application is liable to be rejected.*

An early action is requested.

Best Regards
Qutab Golf Course
Press Enclave Road
New Delhi-110017
Tel: 011-20861731, 20861732
Fax: 011-20861734
Email: qgcdda@Y.ahoo.co.in"

27. Despite the aforesaid opportunities, the documents that were submitted by the petitioner, did not specifically indicate, that the salary of the petitioner was being drawn from the Consolidate Fund of India/State. Thus, again a letter dated 12th August, 2023 was written by the respondents to the petitioner, which reads as under:

"From: Misra Anju Jai (मिश्रा अंजू जय) anjum@hpcl.in
Subject: RE: Subject: Certificate of pay and allowances
Date: 12 August 2023 at 02:06 PM
To: Qutab Golf Course qgcdda@yahoo.co.in
Cc: jaimisra@rediffmail.com

Dear Sir,
I once again submit letter as desired.

Regards:

Anju Jai Misra
GM -Head Delhi Retail Regional Office
Mobile-9891051510

From: Qutab Golf Course <qgcdda@yahoo.co.in>
Sent: 12 August 2023 13:44

Signature Not Verified
Digitally Signed
By:AMAN UNIYAL
Signing Date:25.04.2024
12:03:13

To: Misra Anju Jai (मिश्रा अंजू जय) < anjum@hpcl.in >
Subject: Re: Subject: Certificate of pay and allowances

Madam,

1. Please refer to your trail email.

2. The matter was forwarded to concerned authority at DDA for clarification regarding your category. It has been clarified that you should provide a certificate from it.

3. In view of the above, you are requested to forward your certificate duly signed by HOD regarding pay and allowances by email (qgcdda@yahoo.co.in) within three days from the

4. Submitted for your further necessary action please.

Best Regards
Qutab Golf Course
Press Enclave Road
New Dethi-110017
Tel: 011-20861731, 20861732
Fax: 011-20861734
Email: qgcdda@yahoo.co.in"

28. In spite of the aforesaid letters issued by the respondents time and again to the petitioner, the specific Certificate, as per the requirement of the DDA, was not submitted by the petitioner.

29. This Court also takes note of a Sample Certificate handed over by learned counsel appearing for the respondent for one of the applicants, wherein it is specifically Certified that the concerned official draws pay and allowances from the Consolidated Fund of India. The Certificate as issued by Gail India Limited to one of its employees, reads as under:

"GAIL BHAWAN
16 BHIKAJI CAMA PLACE
NEW DELHI-110066 INDIA
PHONE: +911126185941
E-mail: info@gail.co.in

GAIL (India) Limited

Certificate

This is to certify that Shri xxx is an officer of the 1995 Batch of the Indian Defence Accounts Service, a Group A Central Civil Service recruited through the Civil Services Examination conducted by the Union Public Service Commission whose pay and allowances are drawn from the Consolidated Fund of India.

The officer is currently on deputation with the Gas Authority of India Ltd. (GAIL) Delhi as its xxxx. Copy of the deputation order issued by the Department of Personnel and Training is enclosed.

(Syed Nuved)
CGM (HR-Admin)"

30. This Court also takes note of the specific requirement as given in the brochure, which was issued along with the Public Notice issued by the DDA for offering limited number of tenure rights/membership slots for Qutab Golf Course. The said brochure specifically stipulates the requirement of submission of an Identity Card issued by the Department concerned and Certificate that pay and allowances/Pension Pay Order (PPO), if the officer is retired, are being drawn from the Consolidated Fund of India/State. The relevant portion of the brochure is extracted as below:

"xxx xxx xxx

100 NOS. – GOVERNMENT CATEGORY

- *Identity Card of department/Retired Officer's Identity Card/ECHS Card/CGHS Card/Canteen Card for serving defence service officers.*

- *Certificate of the officer that pay and allowances / Pension Pay Order (PPO), if officer is retired, are being drawn from the Consolidated Fund of India/State or officer is on deputation*

xxx xxx xxx"

Signature Not Verified
Digitally Signed
By:AMAN UNIYAL
Signing Date:25.04.2024
12:03:13

31. This Court also notes that the Circular dated 27th February, 2012 issued by the Sports Wing of the Delhi Development Authority, which pertains to all the Sports Complexes and Golf Courses, wherein the requirement of drawing the salary from the Consolidated Fund of India/State Government has been notified, for the purposes of applying membership under the Government Category. The said Circular dated 27th February, 2012 reads as under:

"DELHI DEVELOPMENT AUTHORITY
SPORTS WING: COORDN. CELL

No. F10(14) SW/Coordn./DDA/74 *Date: 27.02.2012*
To

All Secretaries of Sports Complexes / Golf Courses
DDA

Sub: Service Membership

Recently there have been enquires from some of the Sports Complexes about clarification of grant of membership under Govt. category and charging the entry fee and monthly subscription. In this connection, attention is invited to Item No. 2 (vi) of 35th Meeting of the Sports Management Board (SMB) held on 01.11.1999 reproduced as under:

Extract of the Minutes of the Meeting of the Sports Management Board held on 01.11.1999 at 11:00 a.m. at Yamuna Sports Complex.
Item No. 2

(vi) "Service Membership of the Golf Course will be for individuals who are Govt. servants and who receive their salary from the consolidated fund of India/State. Government employees on deputation/foreign service who continue to hold lien on their posts in the Central/State Govt. will continue to remain in the category of Service Membership. All other individuals working in PSUs, Banks, Autonomous and Local bodies, etc. will come under the category of Non-Service Membeship. The only exception will be employees in the local bodies of MCD, NDMC, DVB & Delhi Jal Board who will be treated as Service Members. This categorization of Service and non service members will also be applicable in all the DDA's Sports Complexes with immediate effect. However, past cases will not be re-opened".

Signature Not Verified
Digitally Signed
By:AMAN UNIYAL
Signing Date:25.04.2024
12:03:13

The Sports Complexes may treat the person as per the decision given by SMB as above and charge the fee / subscription accordingly.

A list of Colleges under University of Delhi is enclosed for your information.

Col. (Retd.) O.P. Maheshwari
Secretary (Coordn.)"

Encl.- 1

32. This Court also takes note of the Minutes of the Meeting dated 28th August, 2023 chaired by the Principal Commissioner (Sports), wherein all the applications under the Government Category, which were placed before the Principal Commissioner (Sports), were considered by the Committee headed by the Principal Commissioner (Sports). The case of the petitioner was considered in the said Meeting dated 23rd August, 2023 chaired by the Principal Commissioner (Sports).

33. Perusal of the said Minutes of the Meeting clearly shows that the case of the petitioner was duly considered and rejected for the reasons that the Certificate regarding drawing pay and allowances from Consolidated Fund of India, had not been submitted by the petitioner. The relevant portion of the said Minutes of the Meeting chaired by Principal Commissioner (Sports) on 23rd August, 2023, is extracted as below:

*" **Delhi Development Authority***
Qutab Golf Course

Press Enclave Road, New Delhi-110017

No.F1(42)/QGC/DDA/Memb./2016-17/ *Dated : 28.08.2023*

Sub : ***Minutes of meeting chaired by Pr. Commissioner (Sports) on 23.08.2023 regarding playing rights of Qutab Golf Course***

Signature Not Verified
Digitally Signed
By:AMAN UNIYAL
Signing Date:25.04.2024
12:03:13

1. The following were present at the meeting:
(i) Shri Chittaranjan Dash, Pr. Commissioner (Sports) – in Chair
(ii) Shri D. Sarkar, Commissioner (Sports)
(iii) Shri V.S. Tomar, Director (Systems)
(iv) Shri G.C. Sharma, Director (Sports Wing)
(v) Shri Ajay Kumar Gupta, Dy. CAO (Sports)
(vi) Col. Raman Bhatia (Retd.), Secretary (Coordn.) Sports Wing
(vii) Col. I.S. Kohli (Retd.), Secretary, Qutab Golf Course

2. Secretary, QGC intimated the details of applications received in various categories in response to the offer of tenure playing rights. A total of 621 applicants have paid the application fee. However, one individual, namely, Sh. Bipin Chhabra has been omitted in the list though he has made the payment on 21.07.2023 and receipt of the payment has been confirmed by the bank. Hence, it was decided that this application be added and the total applications received would be 622.

3. Thereafter, the following issues were discussed:
(a) Clarification and decision on applications
(b) Methodology on conduct of draw of lots
(c) Issue of demand letters

4. Clarification and decision on applications

As clarity was required regarding some applications in govt. category, after due scrutiny the following cases were decided:

(i) 100 nos. in govt. category.

S.No.	*Name & Application no.*	*Designation & Department*	*Decision*
18.	*Anju Jai Misra (47547UAURT)*	*Joint Director (D&ES), Petroleum Planning & Analysis Cell*	*Rejected as certificate regarding drawing pay and allowances from Consolidated Fund of India/State not submitted*

xxx xxx xxx"

34. Perusal of the aforesaid clearly shows that a proper procedure was followed by the respondents in considering the application of the petitioner.

The petitioner was granted opportunity time and again to submit the requisite Certificate clearly specifying the fact that the salary and pay and allowances of the petitioner were being drawn from the Consolidated Fund of India. Moreover, despite various opportunities, the specific Certificate was not submitted by the petitioner, though, other documents were submitted which only showed the pay scale and the post of the petitioner. However, the said documents, as submitted by the petitioner with the respondents, were not as per the requirement of the respondents. Thus, no error can be found in the decision of the respondents while rejecting the application of the petitioner.

35. This Court also rejects the contention made by learned counsel for the petitioner that the communication dated 22nd September, 2023, by which the application of the petitioner was rejected, is a cryptic and a non-speaking order. This is for the reason that in the various communications issued by the DDA, it had categorically been stated that the petitioner was required to submit a Certificate clearly stating the fact that her pay and allowances were being drawn from the Consolidated Fund of India. Thus, in view of the fact that the petitioner had been communicated in clear terms about the specific document required to be submitted, the submission of the petitioner that she was not made aware of the conditions that were required to be fulfilled by her, cannot be sustained.

36. The Supreme Court in the case of ***Municipal Council, Neemuch Versus Mahadeo Real Estate & Ors, (2019) 10 SCC 738***, has categorically held that an interference in the decision of the Government would be warranted only if such decision is vitiated by an apparent error of law, which is apparent on the face of it. If no procedural impropriety is found in the

Signature Not Verified
Digitally Signed
By:AMAN UNIYAL
Signing Date:25.04.2024
12:03:13

decision making process, then it would not be permissible for the Courts to interfere in such decision making process. Thus, it has been held as follows:

> *"xxx xxx xxx*
> *14. It could thus be seen that the scope of judicial review of an administrative action is very limited.* ***Unless the Court comes to a conclusion that the decision-maker has not understood the law correctly that regulates his decision-making power or when it is found that the decision of the decision-maker is vitiated by irrationality and that too on the principle of "Wednesbury unreasonableness" or unless it is found that there has been a procedural impropriety in the decision-making process, it would not be permissible for the High Court to interfere in the decision-making process. It is also equally well settled that it is not permissible for the Court to examine the validity of the decision but this Court can examine only the correctness of the decision-making process.***
>
> *xxx xxx xxx*
>
> *16.* ***It could thus be seen that an interference by the High Court would be warranted only when the decision impugned is vitiated by an apparent error of law i.e. when the error is apparent on the face of the record and is self-evident.*** *The High Court would be empowered to exercise the powers when it finds that the decision impugned is so arbitrary and capricious that no reasonable person would have ever arrived Arbitral Tribunal It has been reiterated that the test is not what the Court considers reasonable or unreasonable but a decision which the Court thinks that no reasonable person could have taken. Not only this but such a decision must have led to manifest injustice.*
>
> *xxx xxx xxx"*

(Emphasis Supplied)

37. In view of the aforesaid detailed discussion, no merit is found in the present petition. The same is accordingly dismissed along with the pending applications.

MINI PUSHKARNA, J

APRIL 15, 2024/*MR*

Signature Not Verified
Digitally Signed
By:AMAN UNIYAL
Signing Date:25.04.2024
12:03:13