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

+ W.P.(C) 14597/2024

BALBIR SINGH MAAN

.....Petitioner

Through: Mr. Samman Vardhan Gautam, Ms.
Khushi Sharma, Mr. Praphull Kumar,
Advs.

versus

GOVT NCT OF DELHI & ORS.

.....Respondents

Through: Mr. Abhinav Singh, Mr. Virender
Vashisht, Advs. for R-1/GNCTD.
Mr. Arjun Singh Bawa, Mr. Sahil
Gupta, Mr. Siddharth, Advs. for R-3
and R-4

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

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01.04.2025

CM APPL.16429/2025 (seeking recalling of order dated 29.10.2024)

1. The present petition was filed by the petitioner being aggrieved by the impugned order dated 05.09.2024 (hereinafter '*the impugned order*') passed by the District Magistrate (South) whereby an application filed by the petitioner herein under Rule 22(2) of the Delhi Maintenance and Welfare of Parents and Senior Citizens Rules, 2009 (hereinafter '*the Senior Citizen Rules*') has been rejected.

2. While an appeal is maintainable against the impugned order before the Appellate Tribunal / Divisional Commissioner, Delhi in terms of Rule 22(3)(4) of the Senior Citizen Rules, the present petition was filed before this Court in view of the post of the Divisional Commissioner lying vacant. As a consequence, the appeal bearing Appeal Case File no. 20220000009961 filed by the petitioner before the Appellate Tribunal in



terms of the Senior Citizen Rules remained unheard.

3. *Vide* order dated 18.10.2024 of this Court, the present petition came to be disposed of in light of the statement made by the learned counsel for the Government of National Capital Territory of Delhi that a regular appointment had in fact been made to the post of the Divisional Commissioner and that the appeal already filed by the petitioner would be considered expeditiously by the Divisional Commissioner. The relevant portion of the said order reads as under –

“5. At this juncture, it must also be noted that Mr. Rishikesh Kumar, ASC for GNCTD, states that in fact a regular appointment has been made to the post of Divisional Commissioner and Mr. Nikhil Kumar, IAS has now been appointed as Secretary (Revenue)-cum-Divisional Commissioner.

6. In light of the above, the present writ petition is disposed of with the direction that the Secretary (L&B) – Mr. Nikhil Kumar, IAS, link officer for Secretary (Revenue)-cum-Divisional Commissioner shall consider the Petitioner’s appeal preferred in Appeal Case No. 20220000009961 as well as the request for the interim directions, if any, as expeditiously as possible.

7. If Mr. Nikhil Kumar’s appointment as the Divisional Commissioner has been confirmed as indicated by Mr. Rishikesh Kumar, ASC, the aforementioned directions shall be read accordingly.

8. All rights and contentions of the parties are reserved. It is made clear that the Court has not examined the merits of the case or expressed any opinion thereon.

9. With the above directions, the present writ petition is disposed of along with pending applications.”

4. Thereafter, the petitioner filed an application bearing CM Appl. 64123/2024 seeking recall of the present petition in light of the fact that the officer – Mr. Nikhil Kumar, IAS, who had been appointed as the Divisional Commissioner had now been posted as the Secretary to the Chief Minister, GNCTD. The said application came to be disposed of *vide* order dated 29.10.2024 passed by this Court on account of the fact that another officer – Mr. Ashish Chandra Verma, IAS, Principal Secretary (Finance) had been



conferred with the additional charge of Principal Secretary Revenue-cum-Divisional Commissioner. The relevant portion of the said order reads as under –

“3. Mr. Rishikesh Kumar, counsel for GNCTD apprises the Court that Dr. Ashish Chandra Verma, IAS, Principal Secretary (Finance) has been conferred additional charge of Principal Secretary Revenue-cum-Divisional Commissioner. The posting order of Dr. Ashish Chandra Verma reads as follows:-

“F. No 8/02/2024/S.I

Dated: 28.10.2024

ORDER NO. 347

The Hon’ble Lt. Governor, Delhi is pleased to order transfer/posting in respect of following IAS Officer, with immediate effect-

S.No	Name of the Officer	Present Place of Posting	Posted as
1	Dr. Ashish Chandra Verma, IAS (AGMUT, 1994)	Principal Secretary (Finance) holding additional charge of Principal Secretary (Planning)	Principal Secretary (Finance) holding additional charge of Principal Secretary (Planning) shall also hold additional charge of Principal Secretary (Revenue)-cum-Divisional Commissioner and Principal Secretary (Land and Building)

4. In light of the above, the application is disposed of with a direction that the order dated 18th October, 2024 shall now apply to Dr. Ashish Chandra Verma, IAS, Principal Secretary (Finance).

5. With the above directions, the instant application is disposed of.”

5. The present application bearing CM APPL. 16429/2025 has now been filed by the petitioner seeking recall of the order dated 29.10.2024 inasmuch as the appeal bearing No. 1035/2024 filed by the petitioner against the impugned order before the Divisional Commissioner / Appellate Tribunal continues to remain pending without “any meaningful or substantive proceedings” despite four scheduled dates having passed in the last five months.



6. Learned counsel for the respondent submits that the appeal pending before the respondent no.1 shall be taken up for hearing on priority and shall be disposed of within a period of six weeks from today. The said statement is taken on record.

7. In view thereof, no further direction/s is required to be issued; the present application is accordingly disposed of.

SACHIN DATTA, J

APRIL 1, 2025/dn