GOVERNMENT OF NCT OF DELHI
DEPARTMENT OF WOMEN AND CHILD DEVELOPMENT
(ADMINISTRATION BRANCH)
2ND FLOOR, MAHARANA PRATAP ISBT BUILDING
KASHMERE GATE, DELHI – 110006

F. No. DWCD-M021/13/2026-ADMIN/WCD/ 10880-85 Dated 11 NOV 2026

ORDER

Subject: Compliance with the order dated 14.09.2026 of the Hon'ble Central Administrative Tribunal, Principal Bench, New Delhi in O.A. No. 3322/2026 (Balinder Singh & Ors. v. Chief Secretary, GNCTD & Ors.).

By order dated 14.09.2026 in O.A. No. 3322/2026, the Hon'ble Tribunal disposed of the O.A. at the admission stage without going into the merits. It directed the Applicants to file fresh representations. It directed the competent authority amongst the Respondents to decide them by a reasoned and speaking order within six weeks of receipt. It was clarified that the issue of limitation remains open.

The representations have been received from the applicants on 30.09.2026 & 01.10.2026 in the abovementioned matter. These representations have been examined by the Department of Women & Child Development (DWCD), which is Respondent No. 7. This order deals with the matters that concern DWCD and its cadre. It does not decide matters that fall to other Respondents.

Further, the Department of Social Welfare (DSW) and DWCD are separate Departments. Since the order dated 24.07.2020, each is the Cadre Controlling Authority for its own posts: DSW for the posts allocated to it and DWCD for the posts allocated to it. The order also provides for seniority lists of feeder posts to be maintained separately. In this arrangement, the following matters raised in the representation concern the DSW cadre only:

(a) the Final Seniority List dated 07.10.2024 of DSW and the placement of any officer in it;

(b) the appointments, cadre allocation and promotions of Respondent Nos. 9 and 10, who are borne on the DSW establishment;

(c) the sanctioned strength and vacancy position of DSW's Superintendent cadre;

(d) amendment of the Recruitment Rules of DSW posts, including any conversion to 100% promotional posts or any one-time relaxation; and

(e) DPCs for the DSW posts of Senior Superintendent (Technical) and Superintendent, including compliance with any direction on them.

All of these matters are to be examined and decided by DSW, which holds the records and the powers for them. DWCD holds no record of these matters. It has no

authority to revise another Department's seniority list, cadre strength or Recruitment Rules, and it cannot convene a DPC for another Department's posts. DWCD therefore makes no admission and expresses no view on these matters.

Further, the prayer to repatriate 11 officers to WCD against its vacancies, and the reliance on the 47 vacancies noted in the Tribunal's order dated 21.01.2026 in O.A. No. 3278/2025, relate to the DWCD cadre. The position of the Department is as follows:

(a) The posts of the DWCD cadre, their sanctioned strength and their vacancies are managed by DWCD as Cadre Controlling Authority.

(b) A vacancy in DWCD is filled only in the manner prescribed by the Recruitment Rules of that post. It is filled in accordance with the sanctioned strength, the roster and the orders of the competent authority, and on the recommendation of the DPC or selection body where the Rules require. Officers borne on the DSW establishment have no right under those Rules to be placed against DWCD vacancies.

(d) If the Recruitment Rules of a particular DWCD post permit induction from another Department, for example by transfer or deputation, the matter will be considered only as the Rules provide and by the competent authority. Such consideration gives no vested right to any officer.

Additionally, it is a well-entrenched legal principle that constitution, amalgamation, bifurcation, or restructuring of a cadre falls exclusively within the Executive Domain. The Hon'ble Supreme Court in the landmark judgment of P.U. Joshi v. Accountant General, Ahmedabad (2003) 2 SCC 632 has categorically held that matters relating to the creation, abolition, or separation of cadres and formulation of service conditions are policy decisions within the exclusive domain of the Executive, and employees have no vested right to claim that a particular cadre structure or allocation must remain unaltered forever. Therefore, the separation of cadres effected via the orders of the Hon'ble Lieutenant Governor, Delhi, is a valid exercise of executive power, which cannot be disrupted at the instance of the Applicants.

Furthermore, it is a well-settled principle in Service Jurisprudence that long-settled matters, seniority lines, and established cadre structures cannot be disrupted at a belated stage. The formal separation of the DSW and DWCD cadres took effect via the statutory order dated 24.07.2020 approved by the Hon'ble Lieutenant Governor and has remained fully operational, settled, and acted upon for over six years. Any disturbance to this settled position in the year 2026 would gravely prejudice third-party rights and cause monumental administrative chaos.

It is also observed that the present representation is a mere tactical device to circumvent the law of limitation and resurrect a stale, dead issue. The Hon'ble Supreme Court (notably in **Sec. and Director General of Telecom v. M. Anthony Nair and C. Jacob v. Director of Geology and Mining**) has explicitly held that **merely filing repeated or belated representations, or obtaining a direction from a Tribunal for disposal of such representations at the admission stage, does not extend the period of limitation nor does it create a fresh cause of action. The applicants chose to**

remain silent for over six years; hence, this representation is heavily barred by Delay and Laches, resulting in a clear abuse of process and wastage of precious administrative and judicial time.

For these reasons, the request to repatriate 11 officers to the DWCD cadre cannot be accepted. It would go against the order dated 24.07.2020 separating the two cadres and against the Recruitment Rules.

This order is passed in compliance with the order dated 14.09.2026 of the Hon'ble Tribunal in O.A. No. 3322/2026.

This issues with the approval of the Competent Authority.

(Deputy Director, Admin)

Deputy Director (Admn.)
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Copy to:

1. Secretary, Department of Social Welfare, GNCTD, for information and necessary action.
2. P.S. to Additional Chief Secretary, DWCD, GNCTD
3. P.S. to Secretary, DWCD, GNCTD
4. O.S.D. to Director, Dept. of WCD, GNCTD
5. All Applicants, O.A. No. 3322/2026.
6. The A.D. (IT), DWCD, GNCTD for uploading on the website of the Department.

(Deputy Director, Admin)

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