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

+ **W.P.(C) 7383/2016 and C.M. Appl. No. 30294/2016 (for stay)**

DR. MAHMOODUZZAFAR

..... Petitioner

Through: In person with Mr. S.K. Das,
Advocate.

versus

UNION OF INDIA & ORS

..... Respondents

Through: Ms. Meera Bhatia, Advocate for UOI.
Mr. Saket Sikri, Advocate for R-2.

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

% **30.01.2017**

1. By this writ petition the petitioner had challenged the impugned order dated 11.7.2016 passed by the employer/respondent no. 2/Jamia Hamdard University retiring the petitioner under Rule 56 (j) of the Fundamental Rules which are applicable to the respondent no. 2/University.

2. After arguments, it is agreed that the entire language of the report of the Performance Review Committee pertaining to the petitioner will stand withdrawn as also any language in the impugned order dated 11.7.2016 with respect to any performance of the

petitioner, and all that would remain against the petitioner is that petitioner will be taken to have normally and ordinarily retired in the normal course as on 11.7.2016.

3. Accordingly, this writ petition is disposed of with the consent order, consent being of both the parties, that the impugned order dated 11.7.2016 will be treated as a simple case of voluntary retirement of the petitioner with effect from 11.7.2016 with the respondent no. 2/ University and the petitioner will get all the benefits of service assuming that the petitioner is taken to have ordinarily retired on 11.7.2016.

4. It is further agreed that the petitioner will be paid all service benefits taking the petitioner to have given voluntary retirement with effect from 11.7.2016 and papers in this regard will be processed by respondent no. 2 within a period of six weeks from today and payments made to the petitioner, if not already made whether in whole or in part. It is also agreed that the accommodation that the petitioner is presently occupying will be returned by the petitioner to the respondent no. 2/University, however, since the wife of the petitioner is also an employee of the respondent no. 2/University,

but as the wife is entitled to a lower category accommodation, respondent no. 2/University will now allot, within a period of two months from today, a house as per the category/entitlement to the wife of the petitioner and the petitioner undertakes to this Court that within one month of the alternative accommodation being given to the wife, petitioner will hand over possession of the accommodation which he is presently occupying to the respondent no. 2/University. Petitioner will pay normal rate of license fee to the respondent no. 2 till one month after the allotment of the accommodation to the wife of the petitioner or the earlier date of vacation of the present accommodation by the petitioner of which possession will be handed over to respondent no.2.

5. The writ petition is disposed of with the aforesaid consent order.

VALMIKI J. MEHTA, J

JANUARY 30, 2017

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