

IN THE HIGH COURT OF DELHI AT NEW DELHI

Judgment delivered on: 20.11.2017

LPA 737/2017

ZIAUDDIN HASSAN

..... Appellant

Versus

UNIVERSITY OF DELHI & ORS

..... Respondents

Advocates who appeared in this case:

For the Appellant : Mr. Arvind Kumar, Advocate
For the Respondents : Mr. Santosh Kumar and Mr. Abhinav Sharma, Advocates for R-1 & R-2
Mr. B.S. Rana, Advocate for R-3
Mr. Apoorv Karur and Ms. Isha Mittal, Advocates for R-4

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

HON'BLE MS. JUSTICE DEEPA SHARMA

J U D G M E N T

SIDDHARTH MRIDUL, J (ORAL)

CM No.41830-41831/2017 (Exemption)

1. Exemption granted subject to all just exceptions.
2. The application is disposed of accordingly.

CM No. 41833/2017 (Condonation of Delay)

3. The present application under Section 151 of the Code of Civil Procedure, 1908 filed on behalf of the applicant/appellant seeks condonation of 40 days' delay in filing the accompanying appeal.

4. Notice.

5. Mr. Santosh Kumar, learned counsel accepts notice on behalf of respondent Nos.1 and 2. Mr. B.S. Rana, learned counsel accepts notice on behalf of respondent No.3. Mr. Apoorv Kurur, learned counsel accepts notice on behalf of respondent No.4. Counsel fairly do not oppose the present application.

6. In view of the foregoing and for the reasons stated in the application, which are duly supported by an affidavit, the same is allowed. The delay of 40 days in filing the accompanying appeal is condoned.

7. The application is disposed of accordingly.

LPA 737/2017 & CM No.41832/2017 (Additional Documents)

8. The present appeal apparently assails an order dated 01.09.2017, rendered by a learned Single Judge of this Court in Writ Petition (Civil) No.7700/2017, titled '*Ziauddin Hassan vs. University of Delhi & Ors.*', whereby the said writ petition, insofar as, it relates to prayer clause 'a' and 'b' has been rejected.

9. For a proper adjudication of the said impugned order dated 01.09.2017, it would be necessary to extract the prayers sought in the aforesaid Writ Petition (Civil) No.7700/2017:-

“The present petition has been filed for the following prayers:

- a. Issue appropriate directions, orders or writ in the nature of mandamus directing the Respondents to give all the benefits associated with the grade to which the Petitioner was entitled to in

2006 at the time of his second upgradation till the time of his retirement in 2016.

- b. Issue appropriate directions, orders or writs in the nature of mandamus directing the Respondents to give differential amount of all the retirement benefits to the Petitioner in conformity with the grade to which he was entitled to at the time of second upgradation.
- c. Issue appropriate directions, orders or writs in the nature of mandamus directing the Respondents to give benefits of additional post of in-charge library as permissible under rules.
- d. Issue appropriate directions, orders or writs in the nature of mandamus directing the Respondents to give differential amount of gratuity money to the Petitioner in accordance with the rules followed by the Respondents.
- e. Issue any other directions, orders or writs which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.

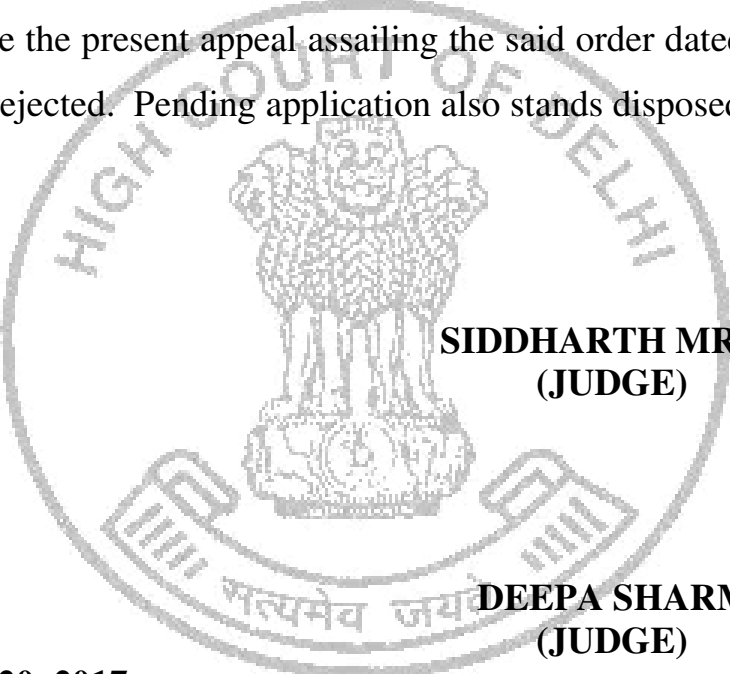
10. The learned Single Judge having taken the same into consideration, as well as, the pleas urged on behalf of the appellant that the delay was occasioned on account of his repeated representations to the respondents, which went unrepresented; came to a conclusion that the same were belated and resultantly rejected the writ petition qua prayers 'a' and 'b'.

11. However, we observe that, insofar as, prayer clauses 'c' and 'd' are concerned, the petition is still pending adjudication before a learned Single Judge of this Court.

12. In the present case, it is an admitted position that prayer clauses 'a' and 'b' sought relief, which related back to 11 years, prior to the institution

of the said writ petition. It is further observed that there is no cogent explanation for the delay. The plea urged on behalf of the appellant that the delay was occasioned on behalf of the repeated representations made by him to the respondents is not tenable, inasmuch as, repeated representations cannot entitle a party to agitate a dead and stale claim. It is trite to state that equity does not aid those who slumber over their rights.

13. In this view of the matter, we see no reason to interfere with the impugned order dated 01.09.2017 passed by the learned Single Judge of this Court and hence the present appeal assailing the said order dated 01.09.2017 is accordingly rejected. Pending application also stands disposed of.



SIDDHARTH MRIDUL
(JUDGE)

DEEPA SHARMA, J
(JUDGE)

NOVEMBER 20, 2017

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