

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

Date of Order: May 11, 2018

+ **W.P.(C) 5090/2018 & CM 19699/2018**

PROF. DR. MD. ISHTIYAQUE Petitioner
Through: Mr. Arjun Krishnan and Mr. Ankur
Singh, Advocates

versus

JAMIA MILLIA ISLAMIA Respondent
Through: Nemo

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

1. Petitioner is a Professor in Geography with respondent-University, who is aggrieved by levy of damage charges while he remained on deputation as Vice-Chancellor of Magadh University. Petitioner claims to have made Representation (*Annexure P-8*) on 25th November, 2016 to seek waiver of the damage charges. According to petitioner's counsel, there is no proper response to Representation (*Annexure P-8*) and that although successive Representations were made by petitioner, still respondent-University has deducted a sum of ₹4.50 lacs (*approx.*) from the salary of petitioner towards damage charges in an unjustified manner.
2. According to petitioner's counsel, while on deputation, petitioner was entitled to retain the residential accommodation provided to him by

respondent-University. In all fairness, learned counsel for petitioner has drawn attention of this Court to respondent's Communication of 18th February, 2016 (*Annexure P-7*), which discloses that the permissible period for retention of a house after proceeding on deputation is of two months only. It is also pointed out by petitioner's counsel that the aforesaid stand taken in Communication of 18th February, 2016 (*Annexure P-7*) was reiterated by respondent-University vide its Communication of 24th January, 2017 (*Annexure P-10*), but the aspect of petitioner's entitlement to retain the residential accommodation during the deputation period has not been properly considered by respondent-University in either of the two Communications. Reliance is sought to be placed by petitioner's counsel upon Ordinance 10 (X) (*Annexure P-9*) relating to Allotment of Residential Accommodation, to justify the retention of residential accommodation while being on deputation. Learned counsel for petitioner submits that reliance placed by respondent upon SR 317-B 11(2) is of no avail to the case of respondent-University.

3. Despite service of advance notice, none appears on behalf of respondent.

4. Since there is no effective response to petitioner's Representation (*Annexure P-8*), followed by successive Representations, therefore, in the facts and circumstances of this case, it is deemed appropriate to dispose of this petition and the application with permission to petitioner to make fresh concise Representation to respondent-University to seek the relief as sought in this petition, within a period of two weeks from today. Upon receipt of such a Representation, respondent-University shall pass a

speaking order thereon, within a period of six weeks and convey its fate to petitioner within a week thereafter, so that petitioner may avail of the remedies as available in law, if need be.

5. With aforesaid directions, this petition and the application are disposed of.

Copy of this order be given *dasti* to counsel for petitioner.

(SUNIL GAUR)
JUDGE

MAY 11, 2018

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