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

+ W.P.(C) 8822/2018 & CM APPL. 44740/2018

SUSHIL KUMAR UPADHYAY AND ORS. Petitioners

Through: Mr. Ankur Chhibber, Advocate.
versus

GURU GOBIND SINGH INDRAPRASTHA UNIVERSITY AND
ORS. Respondents

Through: Mr. Sandeep Sethi, Sr. Advocate with
Mr. Ekta Sikri and Mr. Jasbir Bidhuri,
Advocates for R-1 & R-2.
Ms. Rashmi Chopra and Ms. Anuja,
Advocates for R-3(GNCTD).

+ W.P.(C) 8876/2018 & CM APPL. 44768/2018

SAURABH MISHRA AND ORS. Petitioners

Through: Mr. Ankur Chhibber, Advocate.
versus

GURU GOBIND SINGH INDRAPRASTHA UNIVERSITY AND
ORS. Respondents

Through: Mr. Sandeep Sethi, Sr. Advocate with
Mr. Ekta Sikri and Mr. Jasbir Bidhuri,
Advocates for R-1 & R-2.
Ms. Mini Pushkarna, Advocate for
GNCTD/R-3 with Ms. Swagata
Bhuyan, Ms. Shina Pandey and
Ms.Neha Goel, Advocates for
GNCTD.

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

ORDER

% **26.10.2018**

1. Vide the present petition, the petitioner seeks direction directing the respondents as under:-

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- a. *Issue a writ of Certiorari for quashing the order dated 10.08.2018 and any other order whereby the respondents are seeking to withdraw the benefit given to the petitioners by virtue of order No. 57 & 58 dated 03.02.2015 and further directed to start the process of recovery of dues from the employees and has further directed to refix the pay of the petitioners within one month.*
 - b. *Issue a writ of Mandamus directing the respondents to allow the petitioners to get the benefit pursuant to order No. 57 & 58 issued by the Government of NCT of Delhi vide letter dated 03.02.2015 which has been duly accepted by the Finance Committee as well as the Board of Management of the GGSIPU and pursuant to which their pay was fixed in year 2016 and which is being paid to them as of now.*

2. Vide order dated 27.08.2018 operation of the impugned order dated 10.08.2018 has been stayed.
3. The case of the petitioner is that order dated 10.08.2018 is passed without giving them opportunity of being heard.
4. Mr. Sandeep Sethi, learned senior counsel appearing on behalf of the respondent has stated at bar that respondent shall issue show cause notice to the petitioners within one week and thereafter the petitioner may submit response thereto and that will be decided within the time bound manner as per the directions of this Court.
5. Counsel for the petitioner agreed to this proposition and accordingly I, hereby direct the respondents to issue show cause notice to the petitioner within one week from today.
6. On the receipt of the show cause notice, the petitioners are directed to submit their response within two weeks from the date of the

receipt of the show cause notice.

7. The respondents are directed to decide the representation of the petitioner within two weeks from the receipt of the representation.
8. The respondents are further directed to communicate the decision within two days thereafter to the petitioner.
9. If the petitioner still aggrieved by the decision taken by the respondents, they may challenge before the appropriate forum.
10. I, hereby, make it clear that till the decision is taken on the representation to be filed by the petitioner, the order dated 27.08.2018 passed by this Court shall remain in force.
11. In view of above, the order dated 10.08.2018 is hereby set aside.
12. In view of above, the counsel for the respondent seeks permission to withdraw the order dated 10.08.2018. Permission is granted. The aforesaid order permitted as withdrawn.
13. Needless to state that after the decision taken by the respondents on the representation to be filed by the petitioner, the order dated 01.10.2018 passed by the respondent shall be applicable. After taking the final decision of the issue mentioned above, the respondent shall implement 7 % commission qua the petitioners also.
14. The Petition is disposed of with pending application, if any.
15. A copy of this order be given dasti under the signatures of the Court Master.



SURESH KUMAR KAIT, J

OCTOBER 26, 2018
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