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

Date of decision: 16th August, 2018

+ W.P.(C) 9169/2017 & CM No.27311/2018

SURESH SHARMA Petitioner
Through Mr.Nirmal Mishra, Adv.
versus

UNION OF INDIA & ORS Respondents
Through Mr.Bhagvan Swarup Shukla,
CGSC with Mr.Kamaldeep, Adv. for R-1
Ms.Tamali Wad with Ms.Soumya Jain,
Adv. for R-2 & 3

CORAM:
HON'BLE MR. JUSTICE C.HARI SHANKAR

% **JUDGMENT (ORAL)**

1. The prayers in this writ petition read thus:

“A. Issue writ certiorari thereby quashing and setting aside the letter/order dated 22.01.2016 issued by the Registrar, NSD.

B. Issue a writ of mandamus or any other writ directing the respondent no. 2 & 3 to place the petitioner in the category of Faculty member in terms of appointment letter dated 20.08.1999.”

2. Ms. Tamali Wad, learned counsel for Respondent No.2, submits that her client has no objection in treating the petitioner as a faculty member. She, however, further submits that, even if the petitioner were to be treated as a faculty member, it may not result in any substantial benefit to him, *inter alia*, as regards his age of

superannuation. Mr. Nirmal Mishra, *per contra*, would seek to urge that treating his client as a faculty member would necessarily result in his client getting all the benefits which would be available to a faculty member.

3. However, I am not required to enter into that arena, given the limited nature of the relief prayed for, in this writ petition. The petitioner seeks that the letter dated 22nd January, 2016, which rejects his claim to be treated as a faculty member, be set aside and that the respondents be directed to place him in the category of faculty member. In view of the statement made by Ms. Wad, the matter would rest there, so far as this writ petition is concerned.

4. In view of the statement made by Ms. Wad, the prayers as contained in the writ petition are allowed in terms thereof. To the extent that the petitioner has not been treated as a faculty member by the respondent, the letter dated 22nd January, 2016, is set aside. The respondent is directed to treat the petitioner a faculty member.

5. The writ petition is allowed, to the above extent, without any order as to costs.

C.HARI SHANKAR, J

AUGUST 16, 2018/rk