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

+ W.P.(C) 2683/2022 (*Disposed of*)

YOGESH NIGAM

.....Petitioner

versus

JAMIA MILLIA ISLAMIA

.....Respondent

+ W.P.(C) 17659/2022 (*Disposed of*)

YOGESH NIGAM

.....Petitioner

versus

JAMIA MILLIA ISLAMIA

.....Respondent

Appearance:

Mr. Vishwendra Verma, Ms. Shivali, Mr. Archit Verma and Mr. Abhishek Nagar, Advocates for petitioner.

Mr. K.K. Mishra, ASC for JMI.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **17.04.2025**

CM APPL. 22401/2025 in W.P.(C) 2683/2022 (*for directions*)

CM APPL. 22317/2025 in W.P.(C) 17659/2022 (*for directions*)

1. The petitioner has filed these applications with a prayer for consideration of the reliefs sought in these writ petitions. The writ petitions were disposed of by order dated 04.11.2024. The prayers in the writ petition were as follows:

W.P.(C) 2683/2022:

“(i) Issue directions to the respondents to grant benefits of old pension



scheme alongwith other benefits to the petitioner as he was appointed in the year 1987 and since then he is regularly working with the respondents;

(ii) Grant all consequential benefits pertaining to service to the petitioner alongwith interest;

(iii) To grant any other relief which may deems fit in the facts and circumstances of the present case;”

W.P.(C) 17659/2022:

“(i) Issue directions to the respondents to grant all benefits of MACP/ACP with all consequential benefits in the interest of justice;

(ii) Grant all consequential benefits pertaining to service to the petitioner alongwith interest;”

2. After considering the submissions of learned counsel for the parties, the Court passed the following directions:

“6. In my view, the matter requires re-consideration by the Respondent and learned counsel for the Respondent fairly submits that he has no objection to the matter being reconsidered by the Respondent in light of the aforementioned judgments. Accordingly, without entering into the merits of the case, these writ petitions are disposed of with a direction to the Respondent to re-consider the cases of the Petitioners and take a decision whether the Petitioners would be covered under the OPS taking into account their dates of appointments and the factum of their regularization as also the judgments referred to above and relied upon by the petitioners. The decision shall be taken within two months from the date of receipt of this order. Needless to state, if the decision is in favour of the Petitioners, their cases will be processed for pensionary benefits under OPS. If for any reason, the decision is otherwise, a reasoned and speaking order shall be passed, which shall be communicated to the Petitioners and they will be at liberty to take recourse to legal remedies, if so advised.”

3. Pursuant to this order, the petitioner made representations to the respondent, which have been rejected by order dated 24.03.2025. It is the contention of the petitioner that the rejection of his representations is not in accordance with the order of this Court dated 04.11.2024. He has, therefore, filed the present applications.

4. Even if the contention of the petitioner is correct, I am of the view



that it does not entitle him to file applications, in the disposed of writ petitions, for re-opening of the petitions. The order makes it clear that the writ petitions were disposed of with certain directions, and that the petitioner would be at liberty to take recourse to legal remedies in the event of an adverse order. The orders passed by the respondent will now have to be challenged in substantive proceedings, rather than by way of applications in the disposed of writ petitions.

5. The applications are, therefore, disposed of, with liberty to the petitioner in terms of the aforesaid.

PRATEEK JALAN, J

APRIL 17, 2025

SS/kb/