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

+ **W.P.(C) 14450/2024**

PROF. RAJENDRA P KUNDU

.....Petitioner

Through: Mr. Shrutanjaya Bhardwaj and
Mr.Omkar Hemanth, Advocates.

versus

AMBEDKAR UNIVERSITY DELHI & ANR.Respondents

Through: Mr. Mohinder J.S. Rupal, Mr. Hardik
Rupal and Ms. Aishwarya Malhotra, Advocates for
Respondent No.1/AUD.

Ms. Monika Arora, Mr. Subhrodeep Saha and
Ms.Radhika Kurdukar, Advocates for Respondent
No.2/JNU.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

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29.10.2024

CM APPL. 60589/2024

1. Exemption allowed, subject to all just exceptions.
2. Application stands disposed of.

W.P.(C) 14450/2024 and CM APPL. 60588/2024

3. This writ petition has been preferred on behalf of the Petitioner under Articles 226 and 227 of the Constitution of India seeking the following reliefs:

“a. Direct AUD to pay the Petitioner the difference in salary amount owed to him for his service between 12.01.2016 and 11.01.2019 at AUD, upon the implementation of 7th CPC;

b. Direct AUD to transfer its contributions towards Leave Salary and Pension for period between 12.01.2017 and 11.01.2019, to JNU;



- c. *Direct AUD to transfer the deductions made towards General Provident Fund from the Petitioner's salary, including the deduction made in January 2019, to JNU;*
- d. *Direct AUD to transfer to the Petitioner the remainder of the Children's Education Allowance owed to him;*
- e. *Direct AUD to issue a 'No Dues' certificate, an Experience Certificate for Petitioner's services during the deputation period, and a certificate detailing the GPF deductions made from his salary, which are transferred or yet to be transferred to JNU;*
- f. *Direct AUD to issue Form 16 to the Petitioner upon the payment of the salary arrears, along with a calculation sheet detailing the year-wise break-up of the arrears;*
- g. *Direct AUD to transfer the Petitioner's Service Book to JNU."*

4. Factual matrix to the extent necessary and as averred in the writ petition is that Petitioner is a permanent employee of Respondent No.2/Jawaharlal Nehru University (JNU). Petitioner was working as an Assistant Professor earlier at JNU until 11.01.2016. In the meantime, on 19.11.2015, Respondent No.1/Dr. B.R. Ambedkar University, Delhi offered appointment to the Petitioner as Associate Professor (Economics) in the School of Liberal Studies. Vice-Chancellor of Respondent No.1 requested Respondent No.2 on 11.12.2015 to allow the Petitioner to join Respondent No.1 on deputation for 05 years and vide letter dated 11.01.2016, Respondent No.2 acceded to the request and permitted the Petitioner to proceed on deputation for a period of 03 years commencing from 12.01.2016. While working with Respondent No.1, Petitioner was offered to continue and serve as a Professor for the remaining period of his deputation and no objection was sought from Respondent No.2, which was granted *albeit ex-post facto* and on 09.10.2017, an order was passed that Petitioner's term would end on 11.01.2019 and he would serve as Professor (Economics) on deputation basis in PB-4 with AGP of Rs.10,000/- plus allowances. By



order dated 16.10.2018, deputation of the Petitioner was extended by two years. By order dated 06.11.2018, Government of NCT of Delhi allowed implementation of 7th CPC in Institutions under or funded by Department of Higher Education.

5. It is averred in the writ petition that despite requests of Respondent No. 1 and willingness of the Petitioner, neither his deputation was extended by Respondent No.2 nor he was permitted to be permanently absorbed in the said University. Pursuant to relieving order by Respondent No. 1 dated 11.01.2019, Petitioner sought his rejoining at Respondent No. 2 from the said date. On 11.01.2019, Respondent No.2 responded to Respondent No.1's request for Petitioner's absorption and stated that it had No Objection *albeit* Petitioner was not eligible to tender technical resignation which according to the Petitioner was in contravention of DoPT O.M. dated 27.08.2018.

6. It is averred that on 14.01.2019, Petitioner wrote to Respondent No. 2 withdrawing his joining report and for completing the formalities required for absorption in Respondent No.1 and by letter dated 16.01.2019, he questioned the decision not to treat Petitioner's resignation as technical resignation. Petitioner also wrote to Respondent No.1 on 29.01.2019 to withdraw the relieving letter and process the case for permanent absorption, which was subsequently done and a letter was issued on 05.02.2019 confirming his absorption as Professor from 12.01.2019. Petitioner states that he was made a member of the Committee for Research Ecology by Respondent No. 1 on 21.02.2019 and a pay slip was also issued for February, 2019. On 06.03.2019, Respondent No.2 informed Respondent No.1 that Petitioner had not submitted his resignation which led to the



Petitioner filing a writ petition in this Court being W.P. (C) No. 2472/2019 praying that his technical resignation be accepted.

7. Petitioner avers that thereafter Respondent No.1 started taking a contrary stand that Petitioner had been relieved on 11.01.2019 and was not on the rolls of Respondent No.1. After prolonged correspondence, Petitioner filed W.P. (C) 3716/2019 on 06.04.2019 and by order dated 02.12.2019, Court directed Respondent No. 2 to permit the Petitioner to join duties as Associate Professor from 03.12.2019. Respondent No.2 issued an Office Order dated 01.03.2023 regularising the period of deputation from 12.01.2019 to 02.12.2019 and wrote to Respondent No.1 by letter dated 03.04.2023 to transfer the Leave Salary Contribution of the Petitioner for the period of his deputation from 12.01.2016 to 11.01.2019. Petitioner also sought the No Dues Certificate as well as other documents such as Form-16 for the Financial Year 2018-19, certificate pertaining to GPF deduction, experience certificate etc. as well as transfer of pension contribution but no action was taken by Respondent No.1, compelling the Petitioner to file this petition.

8. The limited grievance of Petitioner in the present writ petition is for a direction to Respondent No.1 to release his outstanding dues arising from revision in pay under 7th CPC pay matrix, statutory contributions, such as Leave Salary, Pension etc. as also to supply documents aforementioned.

9. Issue notice.

10. Counsels, as above, accept notice for the respective Respondents.

11. Mr. Rupal, learned counsel appearing on behalf of Respondent No.1 submits that the matter is still pending with the Government of National Capital Territory of Delhi as the Department of Personnel and Training has



taken an objection to the very nature of appointment of the Petitioner with Respondent No.1 and assures that a decision will be taken expeditiously.

12. Without entering into merits of the case, at this stage, this writ petition is disposed of directing Respondent No.1 to take a decision with respect to the claims of the Petitioner by treating this writ petition as a representation. The decision will be taken within six weeks from the date of receipt of copy of this order and shall be communicated to the Petitioner within one week from the date of the decision. Petitioner will be at liberty to take recourse to legal remedies, if so advised.

13. Pending application also stands disposed of.

JYOTI SINGH, J

OCTOBER 29, 2024

B.S. Rohella/shivam