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

+ **W.P.(C) 15684/2024**

**DR. ARIF ALI KHAN**

.....Petitioner

Through: Mr. Akhilesh Lakhanlal Kamle,  
Advocate.

versus

**UNION OF INDIA & ORS.**

.....Respondents

Through: Mr. Jagdish Chandra Solanki and Mr.  
Aakash Pathak, Government Pleader for UOI.  
Mr. Pritish Sabharwal, Standing Counsel with Ms.  
Shweta, Advocate for JMI.

**CORAM:**

**HON'BLE MS. JUSTICE JYOTI SINGH**

**ORDER**

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**12.11.2024**

**CM APPL. 65849/2024**

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

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3. This writ petition has been preferred on behalf of the Petitioner under Articles 226 and 227 of the Constitution of India assailing the orders dated 19.10.2022, 10.07.2023, 25.01.2023, 11.10.2021 and 04.09.2024. It is the case of the Petitioner that Respondent No.3/Guru Gobind Singh Indraprastha University has illegally and arbitrarily denied to the Petitioner benefit of his past service specifically his tenure in research and teaching of 9 years 6 months and 17 days. Petitioner also alleges denial of benefit of UGC Regulations, 2010 and 2018 for grant of Annual Grade Pay ('AGP') amongst other reliefs. By this writ petition, Petitioner seeks a direction to the



University to count his past service in the post of Research Associate and Senior Research Associate as also his work done in Germany and accordingly fix the AGP from 08.07.2005 as per the UGC Regulations.

4. Issue notice.

5. Mr. Jagdish Chandra Solanki, learned counsel accepts notice on behalf of Respondent No. 1.

6. Mr. Prithish Sabharwal, learned Standing Counsel accepts notice on behalf of Respondent No. 3.

7. From a reading of order dated 04.09.2024, it is evident that Petitioner was granted promotion as Assistant Professor (Academic Level 11 to 12) w.e.f. 08.07.2014, but it is not discernable from any of the orders on record as to why the Petitioner's past service in research and teaching has not been considered for fixation of the AGP. Petitioner has flagged certain issues in the writ petition, which in my view, require consideration by the University.

8. Accordingly at this stage, this writ petition is disposed of directing Respondent No.3 to treat this writ petition as a representation and decide the same in accordance with law, within a period of six weeks from the date of receipt of this order. While taking a decision, the Competent Authority shall take into consideration the issues highlighted by the Petitioner, which according to him entail counting of his past service in the field of research and teaching as also taking into consideration the letter dated 27.02.2020 issued by UGC, wherein it has written to the Vice Chancellors of all the Universities to take appropriate action with respect to pending cases as several eligible candidates are facing difficulties in getting promotion and in counting past services. Needless to state that the Competent Authority in Respondent No.3 shall pass a reasoned and speaking order, which shall be



communicated to the Petitioner within one week from the decision and Petitioner will be at liberty to take recourse to legal remedies, in case of any surviving grievance. It is made clear that this Court has not expressed any opinion on the merits of the case.

**JYOTI SINGH, J**

**NOVEMBER 12, 2024/shivam**