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

+ W.P.(C) 645/2024

DS THAKUR

.....Petitioner

Through: Mr. Shanker Raju & Mr. Nilansh
Gaur, Advocates.

versus

UNION OF INDIA AND OTHERS

.....Respondents

Through: Ms. Richa Dhawan, SPC with Ms.
Harshita Maheshwari & Mr.
Pawan Karan Deo, Advocates for
UOI.

Mr. Om Prakash, SPC with Mr.
Nitish Pande, Ms. Swati Mishra,
Mr. Amish Kumar & Mr. Sarthak
Udaipur, Advocates for R-2/UGC.
Mr. Amitesh Kumar & Ms. Priti
Kumari, Advocates for R-3.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

24.02.2025

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1. The petitioner is serving in the post of Documentation Officer in the respondent No. 3-National Institute of Educational Planning and Administration ["NIEPA"].

2. It is his contention that the post of Documentation Officer ought to be treated at par with the post of Assistant Librarian for all purposes, including applicability of Career Advancement Scheme, service benefits, academic grade pay, increments on acquiring Ph.D. degree, and extension



of superannuation age.

3. The petition has been taken up out of turn as the petitioner is retiring on attaining superannuation at the age of 60 years on 28.02.2025, whereas his superannuation age would be extended to 62 years, if he succeeds in the present petition.

4. I have heard learned counsel for parties. Mr. Amitesh Kumar, learned counsel for NIEPA, submits that the petitioner's representation for parity with the post of Assistant Librarian was first made on 19.11.2008, and was rejected on 16.03.2009. A copy of the said rejection memorandum has been annexed to the writ petition [Annexure P-4]. According to Mr. Kumar, the matter ought to have ended there, but the petitioner continued to make similar representations, which were erroneously entertained by NIEPA, and referred to Government of India ["GoI"], by communication dated 19.10.2012 [Annexure P-6 to the writ petition]. Further references have been made from time to time, the latest having been made in the year 2022.

5. The correspondence on record shows that NIEPA itself referred the matter to GoI, despite the aforesaid rejection in the year 2009. The matter has been pending with GoI.

6. A letter issued by GoI dated 13.11.2024 shows that certain documents were sought from NIEPA in order to take a decision. According to Mr. Kumar, those documents are yet to be provided.

7. Whatever the history of the matter, the decision in the matter by GoI appears to me to be unnecessarily delayed. The reference was made to GoI in the year 2012, but remains pending even today. In the meanwhile, the petitioner is to retire in four days. It would be appropriate,



in these circumstances, for the matter to be decided by GoI in a set time frame. However, given the petitioner's impending retirement, some protection also has to be afforded to him, so that the long pendency of the matter does not become a *fait accompli*.

8. GoI is directed to consider the petitioner's case as stated in the writ petition and NIEPA's stand in its counter affidavit, and take a final decision in the matter within four weeks from today. The decision will be communicated to the petitioner and the Registrar of NIEPA within one week thereafter.

9. The rights and contentions of the parties, in this regard, are left open. It is open to GoI to call the petitioner, representatives of NIEPA, or consult with the University Grants Commission before taking a final decision.

10. As the petitioner is scheduled to retire in four days' time, it is made clear that the representation will be decided independent of this fact, as it has been pending for long period. In the event, the representation is decided in favour of the petitioner, then all consequential benefits, including extension of his superannuation age, will follow.

11. The writ petition is disposed of with the aforesaid directions.

PRATEEK JALAN, J

FEBRUARY 24, 2025

'pv/AD'/