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

+ **W.P.(C) 2044/2022, CM APPL. 42199/2023, CM APPL. 57747/2024
& CM APPL. 34735/2025**

DR. NEERAJ MALIK

.....Petitioner

Through: Mr. Abhik Chimni, Mr. Gurupal
Singh, Ms. Pranjal Abrol and Mr.
Ayan Dasgupta, Advs.

versus

**INDRAPRASTHA COLLEGE FOR WOMEN
& ORS.**

.....Respondents

Through: Mr. Om Prakash with Ms. Swati
Mishra and Ms. Komal Yadav, Advs.
Mr. Rajesh Gogna, Sr. Panel Counsel
with Ms. Rebina Rai and Mr. Shivam
Tiwari, Advs. for R-1
Mr. Santosh Kumar and Mr. Adithya
Ramani, Advs for R-2

CORAM:

HON'BLE MR. JUSTICE AVNEESH JHINGAN

ORDER

07.11.2025

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1. This petition is filed aggrieved of withholding of the retiral benefits on account of recovery of house rent allowance (HRA) paid to the petitioner while she was serving and occupying an accommodation given by the college.
2. Learned counsel for the petitioner relies upon the order of the Supreme Court dated 18.12.2024 titled as *Papori Kanwar & Ors. Vs. I.P. College for Women & Ors* to contend for the issue of recovery of HRA, a committee was to be formed to look into the grievances. The contention is for this petition to be disposed of in the same terms.



3. Learned counsel for the respondents has no objection to the limited prayer made.
4. The decision of this court was challenged before the Supreme Court in *Papori Kanwar* (supra) and the special leave appeal was disposed of by passing the following order:

“Heard learned senior counsel/counsel appearing for the parties.

These are cross petitions. The petitioners/respondents (employees/teachers) have challenged the order dated 16.03.2017 passed by the Division Bench of the Delhi High Court which basically reiterates and follow the Division Bench order dated 07.12.2016. The primary issue before the Division Bench of the Delhi High Court was whether the teachers and employees of the Delhi University who are working in various colleges affiliated to the Delhi University could take House Rent Allowance (HRA) if they are having a free accommodation given by the University or by a college. The university relied upon a circular No.F.1-36/2000(DC) dated 08.03.2001 of the University Grants Commission (UGC) by which an employee or a teacher could claim either HRA or an accommodation and could not claim both. This is what was held by the learned Single Judge of the Delhi High Court and subsequently by the Division Bench of the Delhi High Court. The Division Bench, however, while disposing the petition(s) and upholding the decision of the learned Single Judge, also directed that a Committee to be set up which would go into the issue primarily to decide how much amount is to be recovered, if any, from employees/teachers who have been taking HRA though they were not entitled to. There were other allied issues to be considered by the concerned



Committee. This order has been challenged before us. The primary concern of the petitioners/respondents(employees/teachers) before this Court is that the Committee may not exceed its jurisdiction given by the Delhi High Court and moreover, there are certain issues which still remain unresolved. Be that as it may, since a Committee has already been constituted and the Committee must now resolve the issues as referred to it by the Division Bench of the Delhi High Court. The employees/teachers and the College would be at liberty to raise all their grievances before the concerned Committee which are directly or indirectly connected with the reference, which has been formed by an order of the Division Bench of the Delhi High Court and shall pass an order therein.

With these observations, the present petitions shall stand disposed of. Pending application(s), if any, stand (s) disposed of.”

5. In view of the restricted prayer at this stage, no further orders are called for in view of the directions issued by the Supreme Court. The petition is accordingly disposed of. All pending applications stand disposed of.

AVNEESH JHINGAN, J

NOVEMBER 7, 2025/Pa