



\$~74

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

+ W.P.(C) 1909/2025
MAHESH

.....Petitioner

Through: Mr. Ankur Chhibber, Mr. Anshuman Mehrotra, Mr. Nikunj Arora, Mr. Arjun Panwar, Mr. Amrit Kaul, Ms. Muskaan Dutta and Mr. Aditya Chawla, Advocates.

versus

DELHI URBAN SHELTER IMPROVEMENT BOARD AND
ORS

.....Respondents

Through: Mr. Anuj Chaturvedi and Ms. Harshita Maheshwari, Advocates for with Mr. P.K. Jha, Director for DUSIB.
Mr. Yeeshu Jain, ASC with Ms. Jyoti Tyagi, Advocate for R-2 and Mr. K.C. Surender, Special Secretary.
Mr. Kartikay Yadav, Advocate for R-3.

CORAM:
HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

%

27.03.2025

W.P.(C) 1909/2025 & CM APPL. 16598/2025 (for interim stay)

1. The petitioner has filed this writ petition for the following reliefs:-

“i. Issue a writ of Certiorari for quashing of order dated 20.12.2024 **Annexure-P1** issued by the Respondent/DUSIB to the extent that it renders extension of Petitioner's deputation period in DSUIB till 24.03.2025 as final; and

ii. Issue a Writ of Mandamus directing the Respondent/DUSIB

W.P.(C) 1909/2025

Page 1 of 5



*to issue order for absorbing the Petitioner in the rank of Assistant Engineer thereby absorbing the Petitioner in the post of Assistant Engineer (Electrical) in light of approval of such proposal by the Minister of Urban Development, GNCTD on 29.04.2022 **Annexure-P2** and also ratification of such proposal (tabled as Agenda 32/15) by 32nd Board of DUSIB convened on 01.03,2024 **Annexure-P3**; and*
iii. *Issue a Writ of Mandamus directing the Respondents to issue order of relieving to the Petitioner so as to enable his absorption against the post of Assistant Engineer (Electrical) in Respondent/DUSIB; and*
iv) *pass any such orders as the Hon'ble Court may deem fit in the light of above mentioned facts and circumstances of the case."*

2. The petitioner was appointed to the post of Junior Engineer (Electric) by Central University of Haryana ["University"] on 23.11.2013. He applied for the post of Assistant Engineer (Electrical) in Delhi Urban Shelter Improvement Board ["DUSIB"] on deputation basis, pursuant to an advertisement issued on 17.01.2017. The University also granted a No Objection Certificate for the deputation.

3. By a communication dated 20.06.2017, the petitioner was issued an appointment letter by DUSIB, initially for a period of one year commencing on 10.07.2017. He was relieved from the University on 25.07.2017 and joined DUSIB.

4. The petitioner's deputation was thereafter extended from time to time, at the request of DUSIB, and with the consent of the University. The last such order of the University is dated 20.08.2024. In the said communication, the University stated that the maximum deputation period of seven years has already lapsed. However, in view of DUSIB's request, the University stated that the petitioner be relieved from DUSIB and directed to report to the University by 23.09.2024, failing which his services would be terminated.



5. By a further letter dated 20.09.2024, DUSIB again requested an extension in the petitioner's deputation for a period of three months until 23.12.2024. The University did not respond to this request.

6. In the meanwhile, DUSIB commenced the process of absorption of the petitioner. By a letter dated 27.06.2019, DUSIB requested the University for such consent, which was issued by the University on 18.07.2019. The petitioner contends that the approval of DUSIB's Board was taken on 01.03.2024 for the absorption of the petitioner. The matter also travelled to the Minister of Urban Development, Government of National Capital Territory of Delhi ["GNCTD"], who is also the Vice Chairman of DUSIB. However, no final notification for absorption was issued by DUSIB.

7. By a letter dated 21.09.2024, addressed to the University, and copied to the authorities of DUSIB, just prior to the end of the petitioner's last deputation, he requested that he should either be absorbed into DUSIB or relieved, so that he could rejoin his parent department. The petitioner further stated that neither of these courses had been adopted, and instead a communication had been addressed by DUSIB to the University, for extension of his deputation for a further period of three months. The petitioner requested the University to either issue a consent letter for this period, or to request DUSIB to relieve him, so that he can join his parent department.

8. Neither DUSIB nor the University responded to the petitioner's communication, but DUSIB later requested the University for a further extension of the petitioner's deputation until 24.03.2025. Although the University did not grant such consent, it appears that the petitioner has



remained in the services of DUSIB until 17.03.2025, when DUSIB issued a letter relieving him to join his parent department w.e.f. 24.03.2025.

9. It is in these circumstances, the petitioner filed an application before this Court [CM APPL. 16598/2025]. By orders dated 24.03.2025 and 26.03.2025, it was recorded that the matter was pending with GNCTD. DUSIB and GNCTD were directed to take a final decision one way or the other, with regard to the petitioner's absorption, noting that his post in the University cannot be kept vacant indefinitely to await their decision.

10. I am informed today that a decision has been taken by GNCTD, in view of the advice of the Services Department, that absorption is not provided in the Recruitment Rules of DUSIB. A copy of the note sheet, to this effect, which is signed both by the Additional Chief Secretary, Urban Development Department, GNCTD, and the CEO of DUSIB, has been handed over to the Court, and is taken on record. A copy of the said note sheet has also been handed over to Mr. Ankur Chhibber, learned counsel for the petitioner. This decision covers the question of the petitioner's absorption. Mr. Chhibber submits that the right of the petitioner, to assail the said decision in accordance with law, be reserved.

11. Although the University had stated in the communication dated 20.08.2024, that the petitioner's services would be terminated if he did not report back by 23.09.2024, Mr. Kartikay Yadav, learned counsel for the University, informed the Court on 24.03.2025 that his services had not yet been terminated, and no replacement appointment has been made to the post held by the petitioner. Meanwhile, by the communication dated 17.03.2025, he was relieved by DUSIB, but *status-quo* has been



maintained in view of the order of the Court dated 24.03.2025. DUSIB's proposal to absorb the petitioner having been rendered unsuccessful at this stage, the petitioner stands relieved by the order dated 17.03.2025, and is directed to report to his parent department by 01.04.2025.

12. The writ petition stands disposed of, with these directions leaving it open to the petitioner to challenge the decision now taken by DUSIB/GNCTD, if he is so entitled in law.

PRATEEK JALAN, J

MARCH 27, 2025/SS/kb/