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

+ W.P.(C) 2424/2025 & CM APPL. 11533/2025

MEENAKSHI SAHAY

.....Petitioner

Through: Mr. Saharsh Saxena, Advocate.

versus

UNION OF INDIA & ORS.

.....Respondents

Through:

Mr. Rohan Jaitely, CGSC with Mr. Dev Pratap Shahi, Mr. Varun Pratap Singh, Ms. Yogya Bhatia, Advocates for UOI.

Mr. Parmanand Gaur, Standing Counsel for UGC with Mr. Vibhav Mishra and Ms. Megha Gaur Advocates for R-2.

Mr. Mohinder Rupal, Mr. Hadik Rupal & Ms. Aishwarya Malhotra, Advocates for University of Delhi. Mr. Girindra Kumar Pathak, Mr. Saksham Verma, Advocates for R-4

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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28.02.2025

1. The petitioner has filed this petition under Article 226 of the Constitution, for directions upon the respondents – the Union of India, the University Grants Commission [“UGC”], the University of Delhi [“the University”], and Shri Venkateshwara College [“College”] to fix the family pension payable to the petitioner on account of services of her late



husband as a Professor in the College.

2. The writ petition discloses that the petitioner's husband died on 30.05.2021 of COVID-19 related complications, at the age of 52.

3. The petitioner has made representations for fixation of family pension, but it hasn't been released to her despite the passage of almost four years since her husband passed away. Learned counsel for the petitioner draws my attention to a representation dated 16.07.2024, addressed by the petitioner to the College, which was forwarded to the University on 19.07.2024, for its advice with regard to grant of family pension in case of death of a subscriber in the National Pension Scheme while in service. The University in turn has requested the Ministry of Education to consider the matter of extension of such benefit sympathetically. The Finance Committee of the University at its meeting dated 08.10.2024, approved the extension of the Department of Personnel & Training Office Memorandum dated 26.10.2022 in this regard to the University. While doing so, it referred to a communication dated 26.09.2024 of the Ministry of Education, Government of India, stating that all administrative and academic decisions are to be taken by the University with the approval of its statutory bodies such as the Executive Council, Academic Council and Court.

4. A resolution of the Executive Council dated 14.10.2024 has also been placed on record in which the aforesaid decision of the Finance Committee was noted, and it was approved by the Executive Council. The University has, in terms of this decision, sent the matter to the UGC for approval on 24.10.2024.

5. It appears that this is where the matter rests, and the petitioner's



representation for family pension continues to remain pending. In light of this position, a time-bound decision on the question is required.

6. The writ petition is, therefore, disposed of with the following directions:

A. The Ministry of Education, Government of India, has already communicated, by its communication dated 26.09.2024, that administrative decisions of this nature are to be taken at the level of the University. If it has any further directions or comments to offer on the proposal in question, it will communicate the same to the University within a period of three weeks from today.

B. As noted above, the University has also requested the UGC for its comments, which are still awaited. UGC is directed to respond to the same within the same period.

C. Within the period of eight weeks from today, the University is directed to pass necessary orders on the petitioner's representation after considering the comments of the Union of India and/or UGC, if any comments have been received within the aforesaid period. If no comments have been received, the University may proceed on the basis of the resolutions of its Finance Committee and Executive Council.

PRATEEK JALAN, J

FEBRUARY 28, 2025

“pv/Bhupi/JM”/