



\$~24 to 26, 28 and 32

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

+ **W.P.(C) 3756/2020 & CM APPLs. 13445/2020, 59105/2024**
GEETHA B. NAMBISSANPetitioner

versus

JAWAHARLAL NEHRU UNIVERSITY, THROUGH ITS
REGISTRARRespondent

+ **W.P.(C) 8532/2020 & CM APPLs. 27507/2020, 28744/2020, 28784/2020**
PROFESSOR BALBIR SINGH BUTOLAPetitioner

versus

JAWAHARLAL NEHRU UNIVERSITY, THROUGH ITS
REGISTRARRespondent

+ **W.P.(C) 3924/2021**
JANAKI NAIRPetitioner

versus

JAWAHARLAL NEHRU UNIVERSITY THROUGH
REGISTRARRespondent

+ **W.P.(C) 3396/2022 & CM APPL. 66429/2023**
PROFESSOR BIRENDER NATH MALLICKPetitioner

versus

JAWAHARLAL NEHRU UNIVERSITYRespondent

+ **W.P.(C) 5190/2022**
AVIJIT PATHAKPetitioner

versus



JAWAHARLAL NEHRU UNIVERSITY

.....Respondent

Appearances:- Mr. Abhik Chimni, Ms. Pranjal Abrol, Mr. Gurupal Singh, Ms. Shreya Bajpai & Mr. Rishab Gupta, Advocates for Petitioner in Item Nos. 24 to 28 & 32.
Mr. Vasanth Rajasekaran, Sr. Standing Counsel for JNU with Mr. Karan Prakash & Mr. Harshvardhan Korada, Advocates for JNU. [M:-8826502108]

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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22.05.2025

1. The petitioners were all members of the faculty of respondent-Jawaharlal Nehru University ["JNU"]. They have filed these writ petitions with regard to release of their pensionary benefits, gratuity, and leave encashment.
2. The case of the JNU is that the petitioners' retiral dues have been withheld due to disciplinary proceedings instituted against them in respect of casual leave taken by them on 31.07.2018, alongwith several other faculty members. This has been characterised by the University as a "strike". The chargesheets issued to the petitioners have been challenged in W.P.(C) 8686/2019, which remains pending in this Court. However, the disciplinary proceedings have been stayed by order dated 14.08.2019, which was upheld by the Division Bench *vide* order dated 30.09.2019.
3. Leave encashment dues have already been released to the petitioners, pursuant to orders of the Court dated 29.10.2021 in W.P.(C) 3756/2020, W.P.(C) 8532/2020 and W.P.(C) 3396/2022, and 30.03.2022 in W.P.(C) 3924/2021 & W.P.(C) 5190/2022.



4. As far as the pension dues are concerned, I am informed that provisional pension benefits have been released during the pendency of the writ petitions, except in W.P.(C) 3924/2021 and W.P.(C) 5190/2022, where the petitioners were entitled to Contributory Provident Fund. The same will continue, subject to the result of the aforesaid proceedings. The petitioners' entitlement with regard to full pension will abide by the result of W.P.(C) 8686/2019 and/or the disciplinary proceedings which are the subject matter of that writ petition.

5. As far as the question of gratuity is concerned, by order dated 29.04.2025, the respondents were directed to take instructions as to the statutory basis for withholding the petitioners' gratuity dues.

6. Mr. Vasanth Rajasekaran, learned Senior Standing Counsel for JNU, submits that the gratuity dues of all the petitioners will be released within a period of four weeks from today. The respondents are directed to do so, alongwith interest at the rate of 6% per annum from the date the gratuity became due. The respondents will also furnish computations of the gratuity amount to the petitioners. In the event there is any dispute as to the quantification, the parties will try to sort out the same, failing which the petitioners will be entitled to approach the Controlling Authority under Section 7 of the Payment of Gratuity Act.

7. As no further other orders are sought in these writ petitions, the writ petitions, alongwith pending applications, are disposed of.

PRATEEK JALAN, J

MAY 22, 2025/'pv/JM'/