



\$~1

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

+ **W.P.(C) 7874/2024 & CM APPLs. 32594/2024, 32595/2024**

AJEET SINGH

.....Petitioner

Through: Mr. Raghavendra Mohan Bajaj,
Mr. Kumar Karan, Advocates.

versus

UNIVERSITY OF DELHI & ORS.

.....Respondents

Through: Mr. Santosh Kumar, Advocate for
R-1.

Dr. Monika Arora, Mr.
Subhrodeep Sahu, Mr. Prabhat
Kumar, Ms. Anamika Thakur, Mr.
Abhinav Verma, Advocates for R2.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

%

11.09.2025

1. The petitioner is a Group – B employee of the respondent No. 2 – Kirorimal College [“the College”]. He is aggrieved by an order of the College dated 13.01.2024, removing him from service pursuant to a resolution of the Governing Body of the College.
2. The counter affidavit filed by respondent No. 2 – College has been handed up in Court and is taken on record.
3. The impugned order refers to Rule 63(ix) of Section III of the University Non-Teaching Employees (Terms & Conditions of Service) Rules 2013 [“2013 Rules”]. Rule 63 provides for various minor and major penalties, which may be imposed upon non-teaching employees, of



the University or its constituent Colleges.

4. As the petitioner has approached this Court under Article 226 of the Constitution, directly against the order of the Disciplinary Authority, I have inquired from learned counsel for the parties with regard to the provision for appeal/review under the 2013 Rules.

5. My attention has been drawn to the following provisions:

***“Rule 64. Appointing Authority, Disciplinary Authority and Appellate Authority
(i) The Appointing Authority, Disciplinary Authority and Appellate Authority in respect of employees of the University/Colleges, other than teachers are specified in the table below.***

(ii) The Executive Council may impose on an employee of the University/College any of the penalties specified in Rule 63.

(iii) Without prejudice to the provisions of sub-Rule (ii), the following are the Disciplinary Authorities who may impose on an employee, the penalties specified under Rule 63:

(a) Employees of the University:

Description of Service	Appointing Authority	Disciplinary Authority competent to impose penalties		Appellate Authority
		<i>Authority</i>	<i>Penalties (Major/Minor)</i>	
<i>Group C Staff (including erstwhile Group D staff)</i>	<i>Registrar</i>	<i>Registrar</i>	<i>All</i>	<i>Pro Vice Chancellor</i>
<i>Group B</i>	<i>Pro Vice Chancellor</i>	<i>Registrar</i>	<i>Minor</i>	<i>Pro Vice Chancellor</i>
		<i>Pro Vice Chancellor</i>	<i>All</i>	<i>Vice Chancellor</i>
<i>Group A</i>	<i>Executive Council</i>	<i>Vice Chancellor</i>	<i>Minor</i>	<i>Executive Council</i>
		<i>Executive Council</i>	<i>All</i>	<i>Executive Council</i>

Note : Disciplinary sub-committee constituted by E. C. Resolution No. 229 dated 07/03/1987 will assist the Disciplinary Authority.



(b) **Employees of the Constituent/Affiliated Colleges other than Government Maintained Institutions**

Description of service	Appointing Authority	Disciplinary Authority competent to impose penalties and impose penalties which it may impose		Appellate Authority
		<i>Authority</i>	<i>Penalties (Major/Minor)</i>	
<i>Group C Staff (including erstwhile Group D staff)</i>	<i>Governing Body</i>	<i>Governing Body</i>	<i>All</i>	<i>Governing Body</i>
<u>Group B</u>	<u>Governing Body</u>	<u>Governing Body</u>	<i>All</i>	<i>Governing Body</i>
<i>Group A</i>	<i>Governing Body</i>	<i>Governing Body</i>	<i>All</i>	<i>Governing Body</i>

Note: In case of an officer drawn from the Central Pool is posted to work with the College, the disciplinary authority in his/her case would be as provided under Table (a) above.

74. Orders against which no appeal lies:

Notwithstanding anything contained in this part, no appeal shall lie against--

- (i) Any order made by the Executive Council.*
- (ii) Any order of an interlocutory nature or of the nature of a step-in-aid of the final disposal of a disciplinary proceeding, other than an order of suspension.*
- (iii) Any order passed by an inquiring authority in the course of an inquiry under rule 66.*

75. Order against which appeal lies:

Subject to the provision of Rule 74 an employee may prefer an appeal against all or any of the following orders, namely:

xxxx

xxxx

xxxx



(ii) an order imposing any of the penalties specified in rule 63 whether made by the Disciplinary Authority or by any Appellate or Revising Authority;

xxxx

xxxx

xxxx

76. Appellate Authorities:

1. An employee, including a person who has ceased to be in service of the University/College, may prefer an appeal against all or any of the orders specified in rule 75 in this behalf by a general or special order of the University or where no such authority is specified:

a) to the Appointing Authority, where the order appealed against is made by an authority subordinate to it; or

b) to the Executive Council/Governing Body (in the case of Colleges) where such order is made by any other authority.

c) Notwithstanding anything contained in sub-rule (1)

(i) an appeal against an order in a common proceeding held under Rule 70 shall lie to the authority to which the authority functioning as the Disciplinary Authority for the purpose of that proceeding is immediately subordinate.

(ii) Where the person who made the order appealed against becomes, by virtue of his subsequent appointment or otherwise, the Appellate Authority in respect of such order, an appeal against such order shall lie to the authority to which such person is immediately subordinate.

80. Review

(1) Notwithstanding anything contained in these rules

(i) the Executive Council or Governing Body; or

(ii) the Appellate Authority, within six months of the date of the order proposed to be revised;

may at any time, either on his or its own motion or otherwise call for the records of any inquiry and revise any order made under these rules or under the rules repealed by Rule 83 from which an appeal is allowed, but from which no appeal has been preferred or from which no appeal is allowed and may—

(a) confirm, modify or set aside the order; or

(b) confirm, reduce, enhance or set aside the penalty imposed by the order or impose any penalty where no penalty has been imposed; or

(c) remit the case to the authority which made the order or to any other authority directing such authority to make such further enquiry as it may consider proper in the circumstances of the case; or

(d) pass such other orders as it may deem fit;



Provided that no order imposing or enhancing any penalty shall be made by any revising authority unless the employee concerned has been given a reasonable opportunity of making a representation against the penalty proposed and where it is proposed to impose any of the penalties specified in Clauses (v) to (ix) of Rule 63, or to enhance the penalty imposed by the order sought to be revised to any of the penalties specified in those clauses, and if an inquiry under Rule 66 has not already been held in the case, no such penalty shall be imposed except after an inquiry in the manner laid down in Rule 66 subject to the provisions of Rule 71, and after giving a reasonable opportunity to the employee concerned of showing cause against the penalty proposed on the evidence adduced during the inquiry.

*(2) No proceeding for review shall be commenced until after –
(i) the expiry of the period of limitation for an appeal, or
(ii) the disposal of the appeal, where any such appeal has been preferred.*

(3) An application for review shall be dealt with in the same manner as if it were an appeal under these rules.”

[Emphasis supplied.]

6. A curious problem, which arises from the above provisions is that, as far as employees of constituent/affiliated colleges are concerned, Rule 64(iii)(b) designates governing bodies of the colleges as the Appointing Authority, Disciplinary Authority, and the Appellate Authority. Evidently, the designation of the same body in the role of Disciplinary Authority and Appellate Authority is unworkable.

7. By order dated 08.09.2025, Mr. Santosh Kumar, learned counsel for the University, was requested to take instructions as to whether, on a proper reading of Rule 76, an appeal, in the present circumstances, would lie before the Executive Council of the University. He has returned with instructions to the effect that no such appeal would lie.

8. The situation, which emerges from the above, is that Rule 75(ii) confers a right of appeal against the impugned order, but the Appellate Authority constituted by Rule 64, is the same as the Disciplinary



Authority. Rule 76(1)(b) also does not provide a solution, as in the case of colleges, the Governing Body is constituted as the Appellate Authority under this Rule as well.

9. An answer, however, is provided in Rule 80, which vests the power of review, in the context of colleges, both in the Governing Body and in the Appellate Authority. The power of review may be exercised in respect of an order from which an appeal is permitted but has not been preferred, or from an order against which no appeal lies. The present case falls within these criteria, as although an appeal is permitted under the Rules, no effective provision exists for adjudication of such an appeal, and the petitioner has, in fact, not preferred one. It may also be noted that, although the provision is termed as one for review, Rule 80(3) of the 2013 Rules clearly provides that the review shall be dealt with in the same manner as an appeal.

10. Mr. Raghavendra Mohan Bajaj, learned counsel for the petitioner, requests that the writ petition be treated as an application under Rule 80. With the consent of Dr. Monika Arora, learned counsel for the College, the request is accepted, and it is directed that the writ petition shall be treated as an application for review before the Governing Body. The Governing Body is requested to dispose of the same by passing a reasoned order within a period of eight weeks from today.

11. In the event the petitioner wishes to file any additional documents, or to rebut the submissions of the College in the counter affidavit filed herein, he may file additional written submissions before the Governing Body within one week.

12. It is evident that considerable confusion has been caused by the



present provisions in the 2013 Rules. As these provisions affect disciplinary proceedings against all non-teaching employees of the University and its Colleges, Mr. Kumar is requested to place a copy of this order before the Registrar of the University, so that the University may consider making appropriate amendments to ensure that, to the extent possible, the Disciplinary Authority and the Appellate Authority are differently constituted.

13. The writ petition is disposed of in these terms, alongwith pending applications.

PRATEEK JALAN, J

SEPTEMBER 11, 2025

'Bhupi//UK/JM'