



2025:DHC:3720-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI*****Date of decision: 14.05.2025***

+ LPA 687/2023 & CM APPL. 52205/2023

UNIVERSITY OF DELHI

.....Appellant

Through: Mr.Santosh Kumar, Ms.Nidhi
Rani, Advs

versus

DR. RAVINDRA NARAYAN MISHRA & ORS.

.....Respondents

Through: Dr.Amar Nath Gupta,
Mr.Santosh Kumar Sahu,
Mr.Rajiv Mitra, Mr.Deepak
Gupta, Advs for R-1 with R-1
in person.
Mr.Om Prakash, Ms.Swati
Mishra, Mr.Chandresh Pratap
Nitish Pande, Mr.Sarthak
Udaipuria, Mr.Amish Kumar,
Advs. for R-3/UGC.**CORAM:****HON'BLE MR. JUSTICE NAVIN CHAWLA****HON'BLE MS. JUSTICE RENU BHATNAGAR****NAVIN CHAWLA, J. (ORAL)**

1. This appeal has been filed by the appellant, challenging the Judgment dated 19.05.2023 passed by the learned Single Judge of this Court in W.P(C) 2060/2019, titled ***Dr. Ravindra Narayan Mishra v. Sri Guru Tegh Bahadur Khalsa College and Ors***, allowing the said writ petition filed by the respondent No. 1 herein, with the following directions:-

“41. For all the aforesaid reasons, this Court



comes to the irresistible conclusion that the entire services of the Petitioners from the date of initial appointments on temporary basis till the date of regularisation shall be counted as qualifying service for the purpose of pension and they will be deemed to be in service prior to 01.01.2004 and governed by OPS. Needless to state that NPS will be inapplicable to the Petitioners and accordingly, necessary and corrective orders shall be issued by the Respondents in this regard."

2. When this appeal was heard on 29.04.2025, the learned counsel for the appellant vehemently submitted that the learned Single Judge erred in not appreciating that the respondent no.1 had been appointed to the post of Lecturer on 24.04.2006 pursuant to an advertisement issued on 09.08.2005 for the said post.
3. The same was disputed by the learned counsel for the respondent no.1, who contended that he had, in fact, been absorbed in the post of Lecturer in Shri Guru Tegh Bahadur Khalsa College, on a permanent basis, with effect from 27.08.2004.
4. In light of the above varying stand of the parties, we directed the learned counsel for the appellant to take instruction on the above. We also warned the appellant that, in case we found that the appeal has been filed in a casual manner and based on incorrect facts, we shall be constrained to impose exemplary costs on the appellant, particularly considering that the respondent is seeking fixation of pension in accordance with law.
5. The learned counsel for the appellant has today placed before us certain documents which he claims to have filed yesterday. These documents are taken on record.



6. A perusal of these documents would show that the appellant has stated incorrect facts in the appeal, which has been filed in a most casual manner.

7. From the documents now filed by the appellant, it is evident that the respondent no.1 was appointed as a Lecturer in the Department of Political Science at Shri Guru Tegh Bahadur Khalsa College, on a temporary basis against the leave vacancy of Dr.(Mrs.) Jitender Kaur, a Reader in Political Science, who had later joined Shaheed Bhagat Singh College as a Principal. The Selection Committee had recommended that if the lien vacancy of Dr.(Mrs.) Jitender Kaur fell vacant during the validity of the panel, the appointment of the respondent no.1 be made permanent.

8. By a Resolution passed in the Meeting of the Governing Body of the College held on 25.11.2005, it was, therefore, resolved to seek permission from the University to confirm the services of the respondent no.1 to the post.

9. Pursuant thereto, by an Order dated 7/10.04.2006, the respondent no.1 was confirmed in the post of Lecturer in Political Science in the College against a substantive post with effect from 26.08.2004, that is, from the date when the lien vacancy of Dr.(Mrs.) Jitender Kaur fell vacant consequent upon the acceptance of her resignation by the Governing Body.

10. It is, therefore, clear that the appointment of the respondent no.1 has nothing to do with the Advertisement dated 09.08.2005, which formed the entire basis of this appeal filed before us. This is in spite the fact that the learned Single Judge had also noted the above facts and the appeal was premised on the submissions that the learned Single Judge



has proceeded to grant relief to the respondent on incorrect facts.

11. The appellant has clearly acted in a casual manner and, despite the warning of this Court, has persisted with the same.

12. As observed in the Order dated 29.04.2025, the present appeal arises from a direction issued by the learned Single Judge by the Impugned Order for the non-applicability of the New Pension Scheme to the respondent no.1 and for the counting of his qualifying service for determination of pension of the respondent no.1. The respondent no.1 has been made to run around for his legal dues by the University of Delhi, which has no concerned for the same.

13. On merit of the appeal, once it is conceded that the respondent was appointed on 29.09.2003, albeit against leave vacancy and with condition that if the leave vacancy falls vacant during validity of the panel, he shall be confirmed against the said post, on such confirmation, the service rendered by the respondent has to be counted for his pensionary benefits and he should be governed by the OPS.

14. We accordingly find no merit in the present appeal. The same is dismissed with costs quantified at Rs.50,000/- to be paid by the appellant to the respondent no.1 within a period of four weeks from today. The pending application is also disposed of as being infructuous.

NAVIN CHAWLA, J

RENU BHATNAGAR, J

MAY 14, 2025/Arya/DG

Click here to check corrigendum, if any