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

+ **W.P.(C) 12082/2019**

DR. B. RUPINI

.....Petitioner

Through: Mr. Rajaram Iyer & Mr. B. Vinnesh,
Advvs.

versus

THE UNIVERSITY OF DELHI AND ORS.

.....Respondents

Through: Mr. Mohinder J.S. Rupal, Mr. Hardik
Rupal, Ms. Aishwarya Malhotra &
Ms. Tripta Sharma, Advvs. for UOD.
Mr. Girindra Kumar Pathak, Adv. for
R-1.
Dr. Harsh Pathak, Ms. Shaveta
Mahajan & Mr. Aditya, Advvs. for R-
3.

CORAM:

HON'BLE MR. JUSTICE AVNEESH JHINGAN

ORDER

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23.12.2025

1. This petition is filed with a prayer to quash the order dated 03.09.2019 passed by Sri Venkateswara College (respondent no. 2) rejecting the request of the petitioner to be governed by the Old Pension Scheme (for short 'OPS').
2. The brief facts as pleaded are that the petitioner joined Navyug School Education Society (hereinafter 'NSES') on 29.04.2003 and was governed under OPS. On 25.08.2004, the petitioner joined respondent no. 2 as a lecturer on an ad hoc basis. The petitioner technically resigned from NSES and made a request to count her past service and to be governed by OPS. On 07.04.2014, NSES agreed to transfer the pensionary liability of the



petitioner. The matter was referred by respondent no. 2 to the University of Delhi. By the impugned order, the request for treating the petitioner as an employee governed by OPS was rejected and it was decided that the amount received be returned. Hence, the present petition.

3. Learned counsel for the petitioner submits that respondent no. 2 in the reply filed before this Court has admitted the claim of the petitioner and the impugned order be quashed.

4. Respondent no. 2 relying upon the pleadings in the reply contends that the petitioner is governed by OPS and the remaining procedure is required to be complied with by respondent no. 3 (Indira Gandhi National Open University).

5. Before proceeding further, it would be relevant to reproduce para six to para ten of the reply filed by respondent no. 2.

“6. That prior to her permanent appointment, the petitioner worked as a Lecturer in the Department of Chemistry at the same college on an ad hoc basis from 25.08.2004 to 15.07.2005, during which the petitioner was on lien from her previous employer, Navyug School Educational Society, New Delhi, where she held the position of TGT (Science) from 29.04.2003.

7. The petitioner continued to be governed by the Old Pension Scheme during this time until she submitted her technical resignation on 15.07.2005 to Navyug School Education Society, in order to join the college as a Lecturer in Chemistry on a regular basis from 16.07.2005. The copy of resignation letter dated 15.07.2005 is annexed herewith as **Annexure R2/1**.

8. That the college, in accordance with the terms of the petitioner's appointment, considered her eligible for the New Pension Scheme (NPS) due to her appointment to a regular and substantive post as a Lecturer in Chemistry from



16.07.2005, as indicated in her appointment letter.

9. That as per the appointment letter, the petitioner was appointed under New Pension Scheme, however, subsequent developments, including a letter from NSES dated 7.4.2014, confirmed her eligibility for the Old Pension Scheme. The copy of letter from NSES dated 07.04.2014 is annexed herewith as **Annexure R2/2**.

10. That accordingly the University of Delhi South Campus, in response to the college's reference, confirmed the petitioner's eligibility for the Old Pension Scheme in a letter dated 23.08.2018. The copy of letter dated 23.08.2018 is annexed herewith as **Annexure R2/3**.”

6. In view of the reply filed by respondent no. 2, the impugned order is quashed. The respondent no. 3 with whom the petitioner is presently working shall proceed further keeping in view the subsequent developments and the stand taken by respondent no. 2.

7. The respondent no. 3 shall consider the matter in accordance with law expeditiously not later than four months from the date of receipt of the certified copy of the order. If any clarification or document is sought by respondent no. 3, respondent no. 2 shall ensure the compliance of it immediately.

8. The writ petition is allowed.

9. Needless to say that the petitioner, if aggrieved of the order, shall be at liberty to avail remedies in accordance with law.

AVNEESH JHINGAN, J

DECEMBER 23, 2025/‘JK’