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

+ W.P.(C) 10752/2025 & CM APPL. 44419/2025

PROF. RTD. ANIL KUMAR SHARMA AND ANRPetitioners

versus

SCHOOL OF PLANNING AND ARCHITECTURE,
NEW DELHI AND ANR

.....Respondents

+ W.P.(C) 10734/2025 & CM APPL. 44394/2025

PROF. RTD. SATISH KUMAR KHANNA

.....Petitioner

versus

SCHOOL OF PLANNING AND
ARCHITECTURE NEW DELHI AND ANR

.....Respondents

Appearances:

Ms. Avshreya Pratap Singh, Ms. Usha Jamnal, Ms. Harshita Chaturvedi,
Advocates for UoI in Item No. 8.

Mr. Raj Kumar Singh, Advocate for petitioners.

Mr. Ravi Kant Srivastava, Mr. Robert Laishram, Mr. Bhupender,
Advocates for UoI in Item No. 17.

Mr. Ankur Chhibber, Advocate for R-1.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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08.08.2025

1. By order dated 04.08.2025, it was recorded as follows:

"1. Further to the orders dated 24.07.2025 and 25.07.2025 passed in these petitions, Mr. Ankur Chhibber, learned counsel for the respondent No.1- School of Planning and Architecture ["SPA"], states that in the event the petitioners' request with regard to options to be covered under the Contributory Provident Fund-cum-Gratuity Scheme



or General Provident Fund-cum-Pension Scheme were given after the cut-off date of 30.09.1987, their cases would be covered by the Division Bench judgment in School of Planning and Architecture v. Neerja Tiku & Ors. [LPA No. 1116/2024, decided on 12.11.2024].

2. It is evident from the documents filed with the writ petitions that the petitioners' case is that they exercised their option on 27.07.1998 (in the case of Professor Satish Kumar Khanna), 12.11.1987 (in the case of Professor Anil Kumar Sharma), and 20.07.1989 (in the case of Professor Desh Bandhu). In fact, the option of Professor Khanna, annexed to W.P.(C) 10734/2025, appears to have been provided to him by SPA under the Right to Information Act, 2005.

3. Nonetheless, SPA has not been able to confirm this singular fact in the period of approximately ten days. Regrettably, the result is that further time is sought to take instructions.

4. SPA is granted three days' time to file an affidavit, clearly stating as to whether the aforesaid communications of the petitioners, annexed to the writ petitions at Annexure P-5, respectively, are consistent with its own records.

5. If the affidavit is not filed in terms of this direction, it will be assumed that SPA does not wish to controvert the factual pleas.

6. List on 08.08.2025."

2. Pursuant to the said order, the School of Planning and Architecture, New Delhi ["SPA"] [respondent No. 1 in both W.P.(C) 10752/2025 and W.P.(C) 10734/2025], has filed affidavits in both these petitions. As the affidavits have not come on record, copies have been handed over in Court and are taken on record.

3. These two petitions cover the cases of three petitioners.

4. As far as Professor Desh Bandhu [petitioner No. 2 in W.P.(C) 10752/2025] is concerned, Mr. Raj Kumar Singh, learned counsel for the petitioners, submits upon instructions that, in view of the document dated 24.09.1987, annexed to the counter affidavit as Annexure R-2, petitioner No. 2 does not press the relief sought in this writ petition.

5. As far as Professor Anil Kumar Sharma [petitioner No. 1 in



W.P.(C) 10752/2025] is concerned, the respondent does not dispute that his case is covered by the Division Bench decision of this Court in *School of Planning and Architecture v. Neerja Tiku & Ors.* [LPA 1116/2024, decided on 12.11.2024] [hereinafter, “*Neerja Tiku*”].

6. As far as Professor Satish Kumar Khanna [petitioner in W.P.(C) 10734/2025] is concerned, SPA’s records reveal that he submitted his option for the Contributory Provident Fund-cum-Gratuity Scheme [“CPF Scheme”] on 27.07.1998, well after the cut-off date of 30.09.1987. However, Mr. Ankur Chhibber, learned counsel for SPA, points out that the communication itself reveals that he has “*earlier opted for C.P.F Scheme*”.

7. In paragraphs 3(ii) and 3(iii) of the writ petition, however, Professor Khanna has clearly averred that he did not exercise any option until the cut-off date, and only exercised the option after the cut-off date. SPA’s counter affidavit does not controvert this position unequivocally, and states that Professor Khanna’s option form is not traceable. However, SPA relies upon a circular dated 28.10.1987, under which a list of staff members who had been “*deemed to come over to the Pension/GPF scheme*” was circulated. Professor Khanna’s name does not find a place in the said list. It is submitted, on this basis, that Professor Khanna must have exercised the option of remaining in the CPF Scheme prior to the cut-off date.

8. On a balance of probabilities, I do not find the material sufficient to hold in favour of SPA on this point. SPA has been able to produce the option form submitted by Professor Desh Bandhu on 24.09.1987, but is unable to produce any such form pertaining to Professor Khanna for the



same period. Professor Khanna has specifically averred that no such form was submitted by him. To arrive at a contrary conclusion simply on the fact that his name does not find a place in the list circulated, does not commend to me. In the absence of any specific record indicating that he had submitted an option prior to the cut-off date, I am of the view that he is also entitled to the benefit of the judgment in *Neerja Tiku*.

9. For the aforesaid reasons, W.P.(C) 10752/2025 is dismissed as withdrawn, insofar as petitioner No. 2 [Professor Desh Bandhu] is concerned. As far as petitioner No. 1 in W.P.(C) 10752/2025 [Professor Anil Kumar Sharma] and the sole petitioner in W.P.(C) 10734/2025 [Professor Satish Kumar Khanna] are concerned, their petitions are allowed on the basis of the judgment in *Neerja Tiku*. They are deemed to be covered under the General Provident Fund-cum-Pension Scheme. If they have availed the benefit of the CPF Scheme, they shall refund the employer's contribution with interest at the rate of 8% per annum, in terms of the judgment of the Supreme Court in *University of Delhi v. Smt. Shashi Kiran & Ors*, [(2022) 15 SCC 326].

10. The writ petitions, alongwith the respective pending applications, are disposed of with the aforesaid observations.

11. At this stage, on behalf of Professor Desh Bandhu, Mr. Singh seeks liberty to approach the respondent for sympathetic consideration. It is made clear that it is open to the respondent to consider such a request, notwithstanding this order.

PRATEEK JALAN, J

AUGUST 8, 2025

'Bhupi/Jishnu'