



2025:DHC:7953-DB



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

Date of decision: 09.09.2025

+ W.P.(C) 13771/2025

NATIONAL INSTITUTE OF FASHION TECHNOLOGY
AND ORS.Petitioners

Through: Mr.Piyush Gaur, Ms.Muskan
Jain, Advs.

versus

VIJAY KUMAR DUA AND ORS.Respondents

Through: Mr.Sudarshan Rajan, Mr.Rajesh
Mahajan, Mr.Hitain Bajaj,
Advs.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE MADHU JAIN

NAVIN CHAWLA, J. (ORAL)

CM APPL. 56448/2025 (Exemption)

1. Allowed, subject to all just exceptions.

W.P.(C) 13771/2025 & CM APPLs. 56446-47/2025

2. This petition has been filed challenging the Order dated 18.03.2025 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as the 'Tribunal') in O.A. No.3726/2024, titled ***Vijay Kumar Dua & Anr. v. Union of India & Anr.***, whereby the said O.A. filed by the respondents herein was disposed of with the following directions:



“11. For the reasons explained hereinabove arid in light of the fact that the respondents have themselves stated in the order dated 07.05.2024 that they could consider the cause of the applicants by constituting a review DPC, the respondents are directed to take the order dated 07.05.2024 to its logical conclusion within a period of eight weeks from the date of receipt of a certified copy of this order. In case the recommendations of the DPC find favour to the applicants, the applicants will be extended promotion to the post of Professor from the date their counterparts were extended promotion . The applicants will be entitled to all consequential benefits, albeit on notional basis.

12. It has been brought to our notice that applicant number two has passed away during the pendency of the O.A. and the O.A. is now being pursued by his legal heirs. Therefore, with respect to applicant number 2, the benefits so accrued in favour of the applicant number 2 would be extended to the legal heirs of the applicant on notional basis in terms of pension etc.”

3. The facts giving rise to the present petition are that the respondent nos. 1 and 2 were initially appointed as Assistant Professors on 28.06.1996 and 07.07.1997 respectively, whereas the respondent nos. 3 and 4 were appointed as Assistant Professors on 01.07.1999 and 20.11.1998 respectively.

4. Subsequently, the respondent nos.1 and 2 were promoted to the post of Associate Professor on 01.07.2004, and were posted at the Gandhi Nagar Campus and the Chennai Campus. However, they did not join their respective places of posting, and therefore, by Order dated 27.07.2004, their promotion was cancelled. Thereafter, the respondent nos.1, 2, and 4 were promoted to the post of Associate



Professor on 01.09.2005 and posted at the Delhi Centre, where they joined the said post on the same date.

5. As far as the respondent no.3 is concerned, he was promoted to the post of Associate Professor on 03.10.2005. He also did not join the place of posting, and his posting order was later changed to NIFT Delhi *vide* Order dated 04.01.2006. The respondent no.3 finally joined the said post on 09.01.2006.

6. A Departmental Promotion Committee (DPC) for promotion to the post of Professor was held on 16.06.2008, however, since the respondent nos.1 to 4 had not completed their residency period, they were not considered for promotion.

7. In the Review DPC held on 29.05.2013, convened to consider the representations of ten Assistant Professors, including the respondent nos.3 and 4, for promotion to the post of Associate Professor, they were granted ante-dated promotion with effect from 01.07.2004. Similarly, on the representation of the respondent nos.1 and 2, a Review DPC held on 14.09.2016, which granted them retrospective promotion to the post of Associate Professor with effect from 01.07.2004. The respondent nos. 1 to 4 were later promoted to the post of Professor on 01.09.2019.

8. On the basis that their promotion to the post of Associate Professor had been ante-dated, they claimed entitlement to be considered along with the batch of Associate Professors who had been considered in the DPC held on 16.06.2008. They made representations to the petitioners seeking promotion to the post of Professor with effect from 2008. They also filed an Original Application, being O.A.



No.834/2023, before the learned Tribunal, which was disposed of by the learned Tribunal *vide* its Order dated 22.03.2023, directing the petitioners to consider the representations of the respondents.

9. The petitioners, *vide* Orders dated 07.05.2024, allowed the representations of the respondents and directed that a Review DPC of 2008 be constituted to consider their eligibility for the post of Professor from a retrospective date. As the Review DPC was not held for a considerable period of time, the respondents filed the above O.A., that is, O.A. No.3726/2024, before the learned Tribunal.

10. The petitioners before the learned Tribunal raised only one objection, which is that the respondents had not joined their respective places of posting to the post of Associate Professor. Insofar as respondent nos. 1 and 2 are concerned, the only ground urged by the petitioners to oppose the said O.A. was that since they had not joined their places of posting pursuant to the promotion granted to them as Associate Professors, their promotion had been cancelled, and they were subsequently promoted to the said post only on 01.09.2005. Similarly, respondent nos. 3 and 4 joined their posts as Associate Professor only on 01.09.2005 and 09.01.2006 respectively, due to which they had not completed the requisite residency period for promotion from the post of Assistant Professor.

11. The petitioners further contended that the Recruitment Rules were in the process of being framed and that there were instructions from the Nodal Ministry, that is, the Ministry of Textiles, not to proceed with promotion until the Recruitment Rules were framed.

12. The learned Tribunal, however, observed that since the



petitioners themselves had passed orders directing that a Review DPC be held to reconsider the cases of the respondents for promotion to the post of Professor, they could not now be permitted to urge a new ground to oppose the said relief.

13. Aggrieved by the above, the petitioners have filed the present petition.

14. The learned counsel for the petitioners submits that the learned Tribunal has failed to appreciate that, as on 2008, the respondents did not possess the essential qualification for the post of Professor. He submits that for promotion to the post of Professor, the respondents/candidates were required to possess a Ph.D., which admittedly they did not. He further submits that, having given up their earlier promotion, respondent nos. 1 and 2 were not eligible to be promoted to the post of Professor along with the 2008 batch, as they also lacked the requisite experience. He also submits that the learned Tribunal failed to appreciate that the Recruitment Rules were in the process of being redrafted and that the Nodal Ministry has advised the petitioners not to effect any promotions in the meantime.

15. He further submits that the petitioners had extensively considered the case of the respondents for a Review DPC, and the said request was found to be without merit by the DG-NIFT and the Joint Secretary, Ministry of Textiles and Member-BoG *vide* their notings dated 13.09.2022 and 19.09.2022 respectively.

16. On the other hand, the learned counsel for the respondents, who appeared on advance notice, submits that respondent nos. 1 and 2, having been granted retrospective promotion to the post of Associate



Professor by the Review DPCs held on 29.05.2013 and 14.09.2016, ante-dating their promotion to 01.07.2004, were entitled to have their cases considered for promotion to the post of Professor along with their batch.

17. He submits that juniors to the respondents were promoted to the post of Professor, notwithstanding that they too did not possess a Ph.D. at the relevant time.

18. He further submits that the instructions of the Nodal Ministry would not apply to the case of the respondents, inasmuch as their cases were required to be considered under the Recruitment Rules prevailing in 2008, which were applied to other officers who were promoted to the post of Professor.

19. As regards the relevance of the notings of the DG-NIFT and the Joint Secretary, Ministry of Textiles and Member (BoG), he submits that since these notings pre-date the final decision of the petitioners, which was communicated to the respondents on 07.05.2024, no reliance can be placed upon them by the petitioners.

20. We have considered the submissions made by the learned counsels for the parties.

21. We have extracted hereinabove the directions issued by the learned Tribunal. They mandate that, in terms of the communication dated 07.05.2024 issued by the petitioners on the representations of the respondents, a Review DPC shall be held to consider the case of the respondents for promotion to the post of Professor. The Review DPC is to take its decision based on the Recruitment Rules and the Standards that were applied to other officers who were promoted to



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the post of Professor in the year 2008. It is only if the respondents are found eligible by applying such standards, that the Review DPC shall take a decision on their promotion to the post of Professor from the date their counterparts were promoted.

22. All pleas of the petitioners can, therefore, be considered by the DPC, including whether the respondents meet the requirements of the Recruitment Rules; and in case any exemptions were granted by the DPC held in the year 2008 to other officers, the respondents would also be entitled to the same relaxation.

23. In view of the above, we find no merits in the present petition. The same is, accordingly, dismissed. The pending applications are also disposed of as infructuous.

NAVIN CHAWLA, J

MADHU JAIN, J

SEPTEMBER 9, 2025/Arya/DG