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

+ W.P.(C) 13029/2018 & CM APPLs. 50607/2018, 44823/2022

SAURABH MISHRA AND ORS.Petitioners

versus

GURU GOBIND SINGH INDRAPRASTHA
UNIVERSITY AND ORS.

.....Respondents

+ W.P.(C) 13036/2018 & CM APPLs. 50625/2018, 44824/2022

SUSHIL KUMAR UPADHYAY AND ORS.Petitioners

versus

GURU GOBIND SINGH INDRAPRASTHA
UNIVERSITY AND ORS.

.....Respondents

+ W.P.(C) 13650/2018 & CM APPLs. 53207/2018, 52384/2019

MS. AASTHA MEHTA NEE YADAV AND ORS.Petitioners

versus

GURU GOBIND SINGH INDRAPRATHA UNIVERSITY
THROUGH ITS REGISTRAR

.....Respondent

+ W.P.(C) 13962/2018 & CM APPLs. 54674/2018, 31695/2019

LALIT KUMAR & ORSPetitioners

versus

GURU GOBIND SINGH INDRAPRASTHA
UNIVERSITY & ANR

.....Respondents



Appearance:

Ms. Priyanka Goswami and Ms. Kinjal Aggarwal, Advocates for petitioner in Item No. 28.

Mr. Nikunj Arora, Advocate for petitioners in Item No.26 and 27.

Mr. P.S. Sharda and Ms. Richa Verma, Advocate for petitioner in Item No.29.

Ms. Ekta Sikri and Mr. Jasbir Bidhuri, Advocates for R-1.

Ms. Avnish Ahlawat, SC for GNCTD with Mr. Nitesh Kumar Singh, Ms. Laavanya Kaushik, Ms. Aliza Alam, Mr. Amitoj Chadha and Mr. Mohnish Sehrawat, Advocates.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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22.04.2025

1. These four writ petitions have been filed by members of the Non-Teaching Staff of Guru Gobind Singh Indraprastha University ["University"] against an order of the University dated 30.11.2018, by which the University has withdrawn the benefit granted to them, in terms of two orders dated 03.02.2015 issued by the Government of National Capital Territory of Delhi ["GNCTD"].
2. The orders of GNCTD dated 03.02.2015 are numbered Orders Nos. 57 and 58. By Order No.57, GNCTD granted a revised pay structure with effect from 01.01.2006 in Pay Band – II, Rs. 9300-34800 with Grade Pay of Rs. 4600 to certain Grade –II employees. By way of Order No. 58, Non-Functional Selection Grade to the same employees was granted by GNCTD.
3. The University constituted a committee to consider the grant of similar benefits to corresponding employees of the University. The Board of Management of the University, in its 62nd Meeting held on 15.03.2016,



approved the recommendations of the Finance Committee to this effect. However, the said decision was withdrawn by the impugned order dated 30.11.2018. According to the University, the withdrawal was pursuant to a Circular of GNCTD dated 21.10.2016. The said Circular only stated that the orders in question do not automatically apply to statutory authorities etc, but may be extended to them with approval of GNCTD.

4. In the course of hearing in these writ petitions, however, the University has reconsidered its stand. It has been submitted that the Board of Management of the University, in its meeting held on 29.07.2019, has taken a view by majority, that it is the Competent Authority to take a decision in the matter. It has also decided that the benefits accorded to employees, by adoption of Order Nos. 57 and 58, should be restored, i.e., that the impugned order dated 30.11.2018 should be withdrawn. A copy of the minutes of the meeting of the Board of Management has also been placed on record.

5. In view of this position, this Court, by order dated 20.02.2023, noted that the question to be decided is whether the University required the approval of the Finance Department, GNCTD, for this purpose. Learned counsel for GNCTD was granted time to address arguments on this issue.

6. By the order dated 13.02.2025, having regard to the aforesaid order, it was directed as follows:

“2. Before the matter progressed further, a representation, filed by the petitioners, was rejected by the respondent-University. This has also been challenged by amending the writ petition, in terms of order dated 26.07.2023 in W.P.(C) 13029/2018 and W.P.(C) 13036/2018, and in terms of order dated 04.08.2023 in WP (C) 13650/2018 and WP (C) 13962/2018. The University has filed counter-affidavits to the amended



writ petitions, but Government of NCT of Delhi [“GNCTD”] has not.

3. Having regard to the controversy identified in the aforesaid order, GNCTD is directed to file an affidavit in response to the amended writ petition positively within a period of four weeks from today. The affidavit will clearly state, as to whether any approval of GNCTD is required by the University for granting the benefit of Order Nos. 57 and 58 dated 03.02.2015 issued by the Services Department, GNCTD, to the employees of the University. The University is also directed to file a fresh affidavit within the same period, stating as to whether according to it, approval of GNCTD is required for this purpose, and whether there is any other impediment to grant of the relief sought.”

7. Pursuant to this order, the University has filed a further affidavit dated 24.03.2025, in which it has taken a categorical stand as follows:

“5. It is the humble submission of the answering respondent that the University is a self-financing University and no proposal of the University relating to Pay & Allowances of its employees is being sent to Finance Department, Govt, of NCT of Delhi for its concurrence.

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8. Furthermore, as per Statute 15, sub- clause 6, all proposals relating to revision of grades, upgradation of the pay scales and those items which are not included in the budget shall be examined by the finance committee before they are considered by the Board of Management. A Copy of the Statute 15 is annexed herewith and marked as ANNEXURE XA-2.

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11. In view of the above, it is stated that in the case of revision of pay scale of the employee of the answering respondent University, no approval of Finance Department, GNCTD is required.

In the present case, the procedure for implementation of Order No. 57 and 58 was duly adopted by the University. However, after taking the note of contents of the circular dated 21.10.2016, whereby, the GNCTD clarified that that the earlier Order No. 57 and 58 are exclusively for DASS cadre and Steno Cadre employees of GNCTD with a caveat that the organisation intending to give the similar pay structure/financial upgradations to its employees may decide the issue on its own in consultation with finance department and with due approval of the competent authority, the benefits were withdrawn by the University at its own level without prior approval of the Principal Executive Body of the University i.e. Board of Management. However, the issue was again placed before the Board of Management i.e.,



Principal Executive Body of the University in its 82nd meeting held on 29.07.2019 and by majority decision, the earlier decision of the Board of Management dated 15.03.2016 taken in its meeting held on 15.03.2016 was reiterated and reaffirmed.

12. Here, it is relevant to add that the University is bound to consult with the Government only in the case of any such decisions which are likely to result in financial commitment on the part of the Government of NCT of Delhi as per the terms and conditions of the Memorandum of Understanding of 2005 with the Govt, of NCT of Delhi. The relevant portion is reproduced below:

"The decision which is likely to result in financial commitment on the part of the Government, shall be taken in consultation with the Government"

A copy of the Memorandum of understanding between the University and the Govt. of NCT of Delhi is annexed herewith and marked as ANNEXURE XA-3."

8. Despite the aforesaid order dated 13.02.2025, GNCTD has not file any affidavit after the aforesaid order. However, an affidavit was filed earlier by the Services Department, GNCTD, on 29.04.2019, in which it was stated as follows:

"8. That the decision to extend the benefits of the Orders No. 56, 57 & 58 dated 03.02.2015 to its employees and the subsequent withdrawal of the benefits with the direction to initiate recovery from the employees who were given such benefits was undertaken by the University authorities on their own accord and as per their own Rules and Regulations. It is submitted that it is the prerogative of the Respondent No. 1 to devise a pay scale on its own for its employees.

9. That the present dispute is only between the Petitioner and Respondent No.1. Further, as submitted, it has also been clarified vide Circular dated 21.10.2016 that organization intending to extend the benefit of Order No. 56, 57 and 58 dated 03.02.2015 issued by the Services Department for DASS Cadre officials, may decide the issue on its own. Such decision may be taken by the respective institutions in consultation with Finance Department and with due approval of the competent authority."

9. The position that emerges from above is that the University has decided to withdraw the impugned order dated 30.11.2018, and confer the benefit, corresponding to Orders No.57 and 58 dated 03.02.2015, to the



petitioners and similarly placed employees. The University has taken a categorical position that it is a self-financing University, and is not dependent upon GNCTD for grant of these benefits, and that no approval of concurrence of GNCTD is required. GNCTD, despite opportunity, has not controverted this position. Its only affidavit on record, in fact, supports the University's case that the question of grant or withdrawal of these benefits is the prerogative of the University alone.

10. In view of the above, the writ petition is disposed of in terms of the University's submission that the impugned order dated 30.11.2018 stands withdrawn by it. The said order has been stayed by the interim orders granted in these petitions, and the employees have thus been granted the benefit of Order Nos. 57 and 58 during the pendency of the writ petition. No further consequential orders are, therefore, required.

11. The petitioners' representations against the order dated 30.11.2018 were rejected by the University by order dated 02.12.2019, which has also been challenged in the amended writ petition. Ms. Sikri accepts that the said order also does not survive the final decision taken by the University.

12. The facts referred to above are taken from W.P.(C) 13029/2018. However, learned counsel for the parties are *ad-idem* that the same principles will govern the other three writ petitions also.

13. All pending applications also stand disposed of.

PRATEEK JALAN, J

APRIL 22, 2025
SS/JM/