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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 3175/2026 & CM APPLs. 15321-15322/2026**
VASANTHA KUMARIPetitioner

Through: Mr. Abhik Chimni, Ms. Pranjal
Abrol, Mr. Gurupal, Singh, Ms.
Moksha Sharma and Mr. Ayan
Dasgupta, Advocates.

versus

JAWAHARLAL NEHRU UNIVERSITYRespondent
Through: Ms. Manisha Singh, Advocate.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **12.03.2026**

1. The Petitioner is the widow of Late S. Chandran Nair, who was appointed as a permanent Cook in the Respondent University with effect from 6th August, 1973 and served on a pensionable establishment. He was sanctioned earned leave for the period from 20th June, 1984 to 5th July, 1984. However, he did not rejoin duty upon expiry of the leave period. According to the Petitioner, Shri Nair went missing thereafter and a missing person report was lodged with the Delhi Police at the relevant time.
2. The Respondent University subsequently issued a show cause memorandum dated 13th May, 1985 to Shri Nair on account of his prolonged absence from duty. The memorandum was sent by registered post to his known address but was returned undelivered. Thereafter, the Respondent University published a public notice dated 29th June, 1985 in the Hindustan



Times stating that Shri S. Chandran Nair, Cook in the University, had been absent from duty since 20th December, 1984 without any intimation to the competent authority and calling upon him to show cause why action should not be taken against him for absconding from duty.

3. As no response was received, further show cause notices were published in the newspapers Hindustan Times and The Hindu on 17th July, 1985 and 19th July, 1985. Despite these notices, Shri Nair did not report for duty nor did he respond to the communications issued by the Respondent University.

4. In these circumstances, the Respondent University passed Office Order No. 75/85 dated 10th November, 1985 deeming the services of the Petitioner's husband terminated with effect from 6th July, 1984 in terms of the relevant leave rules governing unauthorized absence. The office order dated 18th November, 1985 reads as follows:

*“JAWAHARLAL NEHRU UNIVERSITY
ADMINISTRATION BRANCH – II*

No. Admn. II/8/II/73/ 10th November 1985

OFFICE ORDER NO. 75/85

In continuation of notice bearing No. Admn. II/8/II/73 dated 29.6.1985 published in the Hindustan Times (English) and The Hindu (English) Madras Edition, the services of Shri S. Chandran Nair, Cook in the Uttarakhand Halls of Residence are deemed to have been terminated w.e.f. 6th July, 1984 in terms of Rule 18.11(c) of the leave rules of the University, reproduced below:-

“18.11(c) – Where an employee absents himself from duty without prior permission for a continuous period of ninety days, he shall be treated as absconding from duty and his services can be deemed as terminated.”

*P.N. SHARMA
OFFICIATING REGISTRAR”*



5. According to the Petitioner, in 1985, she was granted compassionate appointment by the Respondent University as a Mess Helper in the hostel mess on account of her husband having gone missing. The Petitioner states that she continued to be associated with the University for some period but subsequently returned to her native place in Kerala on account of medical difficulties, including schizophrenia. The Petitioner further asserts that interview letters were issued to her in the years 1991 and 1993 in connection with regularisation of employment as a Mess Helper. However, she could not participate in the process due to her medical condition.

6. It is the case of the Petitioner that her husband passed away in Kerala on 15th December, 2020 and a death certificate in respect of Shri Nair was issued by the Palakkad Municipality, Kerala.

7. Thereafter, the Petitioner submitted an application dated 2nd July, 2024 to the Vice-Chancellor of the Respondent University seeking release of family pension, death gratuity, GPF accumulations and other retiral benefits in respect of her husband.

8. The grievance of the Petitioner was also registered with the Department of Pension and Pensioners' Welfare, Government of India on 23rd July, 2024 through the CPGRAMS portal.

9. The Petitioner thereafter submitted representation dated 12th August, 2024 to the Registrar and Vice-Chancellor of the Respondent University seeking expeditious settlement of her claim. By communication dated 17th October, 2024, the Respondent University informed the Petitioner that her request would be considered on sympathetic grounds and called upon her to furnish a Legal Heir Certificate in place of the missing person report.



10. In compliance with the said requirement, the Petitioner submitted a Surviving Member Certificate dated 11th November, 2024 to the Respondent University on 16th November, 2024 and again on 19th November, 2024, which was verified by the University's Legal Cell.

11. The Petitioner asserts that in December 2024 the competent authorities of the Respondent University, including the Vice-Chancellor and Registrar, approved the release of GPF, insurance, death gratuity and family pension in respect of Late Shri Nair. However, according to the Petitioner, no payment was made pursuant to the said approvals.

12. The Petitioner thereafter submitted further representations including an urgent representation dated 12th February, 2025 to the Vice-Chancellor of the Respondent University seeking implementation of the approvals. The Respondent University subsequently issued a communication dated 30th April, 2025 calling upon the Petitioner to produce a copy of the FIR allegedly lodged after the disappearance of her husband.

13. In the meantime, the National Human Rights Commission, in proceedings arising out of the Petitioner's complaint, issued directions dated 6th August, 2025 to the Respondent University to submit a report regarding the payment of GPF, gratuity and family pension.

14. The Petitioner continued to pursue the matter and addressed a communication dated 15th August, 2025 to the Vice-Chancellor of the Respondent University reiterating her request for release of family pension and other benefits and explaining that the original missing person report could not be produced as the relevant documents had been lost during her eviction from the University quarters in the year 1989. The Petitioner thereafter submitted a further representation dated 20th November, 2025



reiterating her claim.

15. Thereafter, by the impugned order dated 12th December, 2025, the Respondent University rejected the Petitioner's request for grant of family pension on the ground that the Petitioner's husband had remained unauthorizedly absent from duty and his services had been deemed terminated with effect from 6th July, 1984. The impugned order dated 12th December, 2025 reads as follows:

“प्रशासन शाखा IV/ADMINISTRATION BRANCH-IV

F. No. Admin.II/8/II/73/Admn.IV/614
2025

Dated 12th December,

To

Mrs. Vasantha Kumari

W/o Late Sh. S. Chandran Nair

309, Ambedkar Chowk, Harijan Basti

Munirka Village, New Delhi-110067

Email: praveenkrjnu@gmail.com

Sub: Regarding your application dated 02.07.2024 for grant of Family Pension, GPF/Insurance Amount, and other Financial Benefits.

Madam,

With reference to your request letter dated 02.07.2024 on the subject cited above, I am directed to inform you that your request was placed before the Competent Authority and as per approval of the Competent Authority, the concerned Departments/Branches/Sections has been asked to clear the pending dues i.e. GPF amount/Insurance amount and other pension financial benefits etc., if any, in respect of your husband Late Sh. S. Chandran Nair, Ex-Cook. In this regard, you may contact Finance & Accounts Department of the University if the same has not been received by you.

As far as the Family Pension is concerned, the matter was referred to the duly constituted Committee and the committee analyzed your request for Family Pension in detail and after due deliberation, the following grounds/points were noted by the committee:

- (i) Late Sh. S. Chandra Nair, Ex-Cook was unauthorized absent from duty since 6th July, 1984 and never resumed his duty in the University.
- (ii) Late Sh. S. Chandra Nair had sent several leave applications upto



20.12.1984 to the University, however, the same had not been approved by the Competent Authority.

(iii) Late Sh. S. Chandra Nair, Ex-Cook maintained complete silence after 20th December, 1984 and not reported for his duty in the University.

(iv) Late Sh. S. Chandra Nair, Ex-Cook did not join his duty and the period of his absence was exceeded 90 days, accordingly, Memorandum No. Admin.II/8/II/73/1190-91 dated 13.05.1985 was issued to Sh. Nair and sent by registered post to the known address of Sh. Nair, directing him to show cause within 15 days of the receipt of the Memorandum, the letter was received back to the University undelivered. After the un-successful delivery of the letter(s), the show cause notice was got published in the Newspapers "The Hindustan Times" of 17th July, 1985 and "The Hindu" of 19th July, 1985 editions respectively directing Sh. Nair to show cause of his unauthorized absence within 15 days of publication of the notice. However, neither any reply was received nor reported/approached the University for joining of his duty.

(v) Accordingly, the service of Sh. Nair was deemed terminated w.e.f. 06.07.1984 vide Office Order No 75/85 dated 18.11.1985; hence the request of Smt. Vasantha Kumari W/o Late Sh. S. Chandran Nair, Ex-Cook, is not tenable.

(vi) You have requested the University after a long gap of approximately 40 years stating that your husband suddenly gone missing in 1984 and you do not remember if you had filed a missing person report. A few years ago, you learned about that your husband was living in Tamilnadu passed away in 2020.

(vii) Delayed submission of your request for family pension after a long delay of 40 years, coupled with the initial absence of a police report immediately post-disappearance of your husband challenges the legitimacy of the claim under the stipulated rules.

In view of the above position, your request dated 02.07.2024 for the grant of Family Pension cannot be accepted, hence regretted.

This is for your information please

Yours Sincerely,

Sd/-

DEPUTY REGISTRAR

ADMINISTRATION"

16. Aggrieved by the rejection of her claim for family pension, the Petitioner submitted a further representation dated 31st December, 2025



seeking reconsideration of the decision. As no relief was granted, the Petitioner has approached this Court by way of the present writ petition.

Petitioner's Contentions

17. Counsel for the Petitioner submits that the Petitioner's husband went missing in December 1984 after proceeding on sanctioned leave. The Respondent University itself acknowledged this position in a public notice dated 29th June, 1985 stating that Shri Nair had been absent from duty since 20th December, 1984.

18. It is submitted that despite treating Shri Nair as a missing employee, the Respondent subsequently passed Office Order No. 75/85 dated 18th November, 1985 deeming his services terminated with effect from 6th July, 1984. According to the Petitioner, the said order is contrary to the Respondent's own records and cannot be relied upon to deny retiral benefits.

19. Counsel further submits that the Respondent granted compassionate appointment to the Petitioner in 1985. It is contended that compassionate appointment is available only to the families of deceased or missing employees and therefore the Respondent cannot now take the stand that Shri Nair was a terminated employee.

20. It is submitted that the Petitioner is entitled to family pension under Rule 54 of the CCS (Pension) Rules, 1972 read with the DoPT Office Memorandum dated 24th June, 2013 governing cases of missing Government servants. According to the Petitioner, the impugned order dated 12th December, 2025 rejecting family pension has been passed without considering the said statutory provisions.

21. It is further submitted that even the official records of the Respondent University in the year 2004 reflected Shri Nair as a "missing employee" and



recorded his notional date of superannuation as 31st December, 2011, which according to the Petitioner demonstrates that the Respondent itself treated Shri Nair as missing while in service.

22. Counsel also relies upon records of the Provident Fund Section of the Respondent University indicating that GPF deductions for the months of November and December, 1984 in respect of Shri Nair were deposited in June 1985 and remained unclaimed, which further supports the position that Shri Nair had not been treated as having abandoned service.

23. Counsel also submits that the absence of the missing person report cannot defeat the Petitioner's claim, as the Delhi Police has confirmed that records relating to missing persons prior to 2015 have been destroyed. The Petitioner had, in any event, furnished a Surviving Member Certificate as directed by the Respondent, which was verified by the University.

24. Lastly, it is submitted that the impugned order dated 12th December, 2025 was passed by a committee constituted by the Respondent without issuing any notice to the Petitioner or affording her an opportunity of hearing, in violation of the principles of natural justice.

Respondent's Contentions

25. On the other hand, Ms. Manisha Singh, counsel for the Respondent, submits that the Petitioner has misrepresented the facts. Although the Petitioner contends that she was granted compassionate appointment in the year 1985, however no document evidencing such grant has been placed on record.

26. It is submitted that the only document relied upon by the Petitioner in this regard is a communication dated 7th January, 1991 issued by the Respondent University inviting the Petitioner to appear before the Selection



Committee for interview for the post of Mess Helper. The said document only indicates that the Petitioner was being considered through a recruitment process and does not reflect any prior appointment on compassionate grounds as claimed.

27. The case set up by the Petitioner proceeds on the incorrect premise that her husband had gone missing while in service. The record, on the contrary reveals that he had remained absent from duty without authorization and never resumed his duties thereafter. In these circumstances, the Respondent University proceeded to treat Shri Nair as absconding from duty and deemed his services terminated. Reliance in this regard is placed on Office Order No. 75/85 dated 10th November, 1985 whereby the services of Shri S. Chandran Nair were deemed to have been terminated with effect from 6th July, 1984 under Rule 18.11(c) of the leave rules of the University on account of prolonged unauthorized absence.

28. Counsel further submits that once the services of Shri Nair stood terminated in the year 1985 on account of unauthorized absence, the Petitioner cannot claim family pension on the footing that he continued to remain in service. The death certificate placed on record indicates that Shri Nair passed away only in the year 2020, which demonstrates that the case is not one of presumed death of a missing employee.

29. The Respondent rightly rejected the Petitioner's request for family pension and that the present petition, filed after a lapse of several decades, deserves to be dismissed.

Analysis and findings

30. The Court has considered the aforementioned contentions and perused the material on record. The position that emerges from the record is that the



Petitioner's husband remained absent from duty after July, 1984. The impugned order also records that Shri Nair had sent leave applications to the University upto 20th December, 1984, however the same were not approved by the competent authority. Show cause notices were issued by the Respondent University and upon unsuccessful service thereof, notices were also published in newspapers calling upon Shri Nair to report for duty. As no response was received, the Respondent University passed Office Order dated 10th November, 1985 deeming the services of Shri Nair terminated with effect from 6th July, 1984 in terms of Clause 18.11(c) of the leave rules on account of unauthorized absence exceeding ninety days.

31. The principal submission of the Petitioner is that the Respondent University having recorded in the public notice dated 29th June, 1985 that Shri Nair was missing, could not subsequently proceed to terminate his services on account of unauthorized absence. The said contention, however, is misconceived. The public notice merely recorded that Shri Nair had remained absent from duty without intimation and called upon him to explain his absence. The notice itself contemplated disciplinary action in the event he failed to respond. The subsequent order deeming his services terminated was therefore in continuation of the disciplinary process initiated by the Respondent and cannot be said to be inconsistent with the earlier notice.

32. The Petitioner seeks to contend that she had been granted compassionate appointment on account of her husband having gone missing. However, no document evidencing grant of compassionate appointment has been placed on record. The communication dated 7th January, 1991 only reflects that the Petitioner was invited to appear for interview for the post of



Mess Helper. In the absence of any contemporaneous record establishing compassionate appointment, the said contention cannot be accepted.

33. The Petitioner has further relied upon Rule 54 of the CCS (Pension) Rules, 1972 read with the Office Memorandum dated 24th June, 2013 issued by the Department of Pension and Pensioners' Welfare governing cases of missing Government servants. The said provisions contemplate grant of family pension to the family of an employee who goes missing while in service, subject to fulfillment of certain formalities including lodging of a police report. In the present case, however, no missing person report has been placed on record.

34. In any event, the material placed on record indicates that the services of Shri Nair had already been deemed terminated in the year 1985 on account of prolonged unauthorized absence. Once the employee stood terminated from service, the Petitioner cannot claim family pension on the premise that Shri Nair was a "missing employee".

35. The Petitioner also relies on the fact that the public notice recorded Shri Nair as absent from duty since 20th December, 1984 whereas the termination order deemed his services terminated with effect from 6th July, 1984. This submission also does not advance the Petitioner's case. It is the Petitioner's own case that Shri Nair had proceeded on sanctioned leave in June 1984 and thereafter did not resume his duties. Although, the impugned order records subsequent correspondence by way of leave applications upto December 1984, it does not alter the fact that he had not returned to duty. The action taken by the Respondent in treating his prolonged absence as unauthorized and proceeding under the leave rules cannot therefore be said to be arbitrary merely on account of the reference to different dates in the



record.

36. The Petitioner has also relied upon certain records of the Respondent University indicating that Shri Nair had at some stage been reflected as a missing employee and that GPF deductions for certain months in the year 1984 had remained unclaimed. These circumstances, however, do not alter the legal position. The existence of such entries or the fact that certain amounts remained unclaimed cannot override the order dated 10th November, 1985 whereby the services of Shri Nair were deemed terminated under the applicable leave rules. Once the services stood terminated, the Petitioner cannot claim family pension on the footing that Shri Nair continued to remain in service.

37. The Petitioner has also contended that the impugned order was passed by a committee without affording her an opportunity of hearing. However, the impugned order reflects the consideration and disposal of the Petitioner's request letter seeking grant of family pension on the basis of the available service record. The decision was taken upon examination of the existing record and the applicable rules. In such circumstances, the absence of a separate personal hearing would not vitiate the impugned decision.

38. In view of the foregoing, this Court finds no infirmity in the impugned order dated 12th December, 2025 whereby the Respondent rejected the Petitioner's request for grant of family pension.

39. Pending applications, if any, are also disposed of.

SANJEEV NARULA, J

MARCH 12, 2026/as