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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ LPA 37/2026
NETAJI SUBHAS UNIVERSITY OF TECHNOLOGY
(FORMERLY KNOWN AS NETAJI SUBHAS INSTITUTE OF
TECHNOLOGY)Appellant
Through: Mr.Rahul Sharma, ASC with
Mr.Mani Kant, Ms.Shikha Singh and
Mr. Rohit Rana, Adv.
Versus
SH DHRUW KANT JHA & ORS.Respondents
Through: Mr.Anuj Aggarwal, Adv. with
Mr.Pradeep and Ms.Divya Aggarwal,
Adv. for R-1.
Mrs. Avnish Ahlawat, SC for
GNCTD with Mr.N.K. Singh, Adv.
for DTTU.

CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE TEJAS KARIA

ORDER
27.01.2026

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CAV 34/2026

1. Since learned counsel for respondent no.1/caveator has put in appearance, the caveat stands discharged.

CM APPL. 5433/2026 (exemption) & CM APPL. 5434/2026 (exemption)

2. Allowed, subject to all just exceptions.

3. The applications stand disposed of.

LPA 37/2026 & CM APPLs. 5432/2026 & 5435-36/2026

4. This intra-court Appeal has been filed challenging the order dated 12.12.2024 (“**Impugned Order**”) passed by the learned Single Judge in W.P.(C) 4076/2022 allowing the Writ Petition filed by Respondent No. 1



challenging the order dated 07.12.2021 passed by the Appellant.

5. Respondent No.1 was initially appointed as Library Janitor on 01.12.1988 on *ad-hoc* basis and continued in the same position till 06.03.2002. Pursuant to an advertisement issued on 15-21.12.2001, Respondent No. 1 applied for the post of Library Assistant. The Selection Committee of the Appellant in its meeting held on 02.03.2002, recommended three candidates in the Un-Reserved (“**UR**”) Category and one candidate in Scheduled Caste (“**SC**”) Category, as none was found suitable in Other Backward Category (“**OBC**”) Category. As there were only two posts in the UR Category and Respondent No. 1 was at serial No.3, he was put in Waiting List whereas candidates at Serial Nos.1 and 2 were appointed on regular basis and SC candidate was appointed against the OBC Category vacancy. As no further sanctioned post of Library Assistant was vacant, Respondent No. 1 was appointed vide order dated 11.03.2002 as Library Assistant against the post of Junior Librarian, which was lying vacant at that time, purely on temporary basis.

6. On 25.05.2007, a two Member Committee was constituted by the Chairman, Board of Governors (“**BOG**”) of the Appellant to undertake the review of cases of Temporary / Ad-hoc / Contractual / Daily Wage employees pursuant to the Judgment of this Court dated 19.05.2006 W.P (C) 3898/2001 and give its recommendation on individual cases for regularisation.

7. During the meetings held on 25.03.2010 and 22.07.2010, the said Committee considered the case of Respondent No.1 and found that Respondent No.1 was overage at the time of appointment and, accordingly, it was recommended that his case may be considered by the competent



authority as deemed fit. However, the Committee was of the opinion that Respondent No.1 cannot be held at fault for the lapse on part of administration and he deserves to be given sympathetic consideration keeping in view of 22 long years of service rendered by him in the Appellant institute. Accordingly, it was recommended that BOG may consider the case of Respondent No.1 sympathetically.

8. As Respondent No.1 was not regularized and was not given minimum pay-scale and other allowances at par with the regular employees working with the Government of NCT of Delhi (“GNCTD”), Respondent No.1 along with other employees of the Appellant filed a Writ Petition being W.P.(C) No.665/2014. During the pendency of the said Writ Petition, the Appellant issued an order dated 12.05.2014 regularizing the services of 41 employees of the Appellant including Respondent No.1. Accordingly, the relief of regularization of Respondent No.1 was rendered infructuous and as regards the grant of minimum pay-scale and other allowances claimed by Respondent No.1, the right to approach this Court by filing appropriate proceedings in case the Appellant failed to extend the said relief was reserved by Respondent No. 1. Accordingly, W.P.(C) 665/2014 was disposed of *vide* order dated 10.09.2014 with the liberty as prayed for by Respondent No.1 and other petitioners in the said Writ Petition and a copy of the order dated 12.05.2014 passed by the Appellant was taken on record.

9. In January 2022, Respondent No.1 attained the age of 60 years and superannuated. Despite the order dated 12.05.2014 passed in W.P.(C) 665/2014, the Appellant withheld the retirement dues and benefits of Respondent No.1 *vide* office order dated 07.12.2021, which is reproduced as under:



“Dated: 07/12/2021

OFFICE ORDER

On attaining the age of 60 years (D.O.B. 19.01.1962), the services of Sh. D.K. Jha, Library Information Assistant with the University will come to an end. Accordingly, he will stand relieved from the University w.e.f. 31.01.2022 [A.N]

All his pending dues, whatever is applicable, will be settled once his case of regularization is finalized.

He is directed to submit “NO DUES CERTIFICATE” from all the quarters concerned.

This issues with the approval of the Competent Authority, NSUT.”

10. It is the case of Respondent No.1 that the Appellant arbitrarily and illegally withheld the retirement dues and benefits of Respondent No.1 despite 33 years of long service rendered by him as a regular employee to the Appellant. It is also contended by Respondent No.1 that office order dated 07.12.2021 treating as if Respondent No.1 was not yet regularized, is contrary to the order dated 12.05.2014 issued by the Appellant whereby Respondent No.1 was regularized and based on which, W.P.(C) 665/2014 seeking relief of regularisation of Respondent No. 1 was disposed of having become infructuous *vide* order dated 10.09.2014 by this Court.

11. Being aggrieved by the office order dated 07.12.2021, Respondent No.1 sent a Representation dated 09.12.2021 to the Appellant, however, no action was taken by the Appellant. Therefore, Respondent No.1 preferred the Writ Petition being W.P.(C) No.4076/2022 challenging the office order dated 07.12.2021. The learned Single Judge *vide* impugned Judgement dated 12.12.2024, allowed the Writ Petition quashing the office order dated 07.12.2021 with a direction to the Appellant to treat Respondent No.1 as the



regular employee in terms of the order dated 12.05.2014.

12. The Appellant has challenged the impugned Judgement dated 12.12.2024 with a delay of 97 days in filing the Appeal and delay of 269 days in re-filing the Appeal, for which the Appellant has filed CM Application Nos. 5435/2026 and 5436/2026 respectively seeking condonation of the delay.

13. We have heard the learned Counsel for the Appellant and perused the record.

14. The main ground for challenging the impugned Judgment is that the order dated 12.05.2014 issued by the Appellant for regularization of Respondent No.1 was not approved by the Competent Authority and cannot be relied upon to accord the service benefits. Further, said order dated 12.05.2014 was subject to ratification by the BOG and was not approved when the matter for regularization was placed before BOG. Rule 22(b)(iii) of Memorandum of Association and Rules and Regulations of the Appellant specifically provides for obtaining approval of the BOG.

15. The learned Counsel for the Appellant submitted that the matter of gratuity, leave encashment etc. of all the employees was placed before the BOG in its meeting held on 08.03.2022 and it was resolved by BOG to obtain advice of the Law Department and Finance Department of GNCTD as the Appellant is funded by GNCTD. However, ratification by BOG regarding the regularization of Respondent No.1 is still pending.

16. The ground taken in this Appeal for challenging the impugned Judgment that the order dated 12.05.2014 was subject to ratification by BOG and the same was not approved before the BOG, is entirely misconceived as the order dated 10.09.2014 in W.P.(C) 665/2014, whereby order dated



12.05.2014 issued by the Appellant regularising the services of Respondent No. 1 was taken on record, was passed by this Court in the presence of the learned Counsel for the Appellant. A bare perusal of order dated 10.09.2014 shows that the Appellant did not object to the submission made on behalf of Respondent No.1 that on account of order dated 12.05.2014 passed by the Appellant regularizing the service of Respondent No.1, W.P.(C) 665/2014 had become infructuous to the extent of the relief for regularization of Respondent No.1. The Appellant also did not inform this Court at the time of passing the order dated 10.09.2014 in W.P.(C) 665/2014 that the decision taken by the Appellant for regularizing Respondent No.1 was subject to ratification of BOG. The Appellant has also not challenged the order dated 10.09.2014 passed in WPC 665/2014. Accordingly, the said order has attained finality and binding on the Appellant.

17. The Appellant has adopted a completely lackadaisical approach by not giving effect to the order dated 12.05.2014 passed by the Appellant confirming that Respondent No.1 was regularized till his retirement in January 2022. The order dated 12.05.2014 was taken on record while disposing of W.P.(C) 665/2014 *vide* order dated 10.09.2014. This clearly shows that the order dated 12.05.2014 issued by the Appellant was binding on the Appellant as relying on the said order, W.P.(C) 665/2014 was disposed of recording the statement on behalf of Respondent No. 1 that the said petition had become infructuous. It is not open for the Appellant to now wriggle out of the order dated 12.05.2014 on the excuse of non-ratification by BOG of the Appellant.

18. The Appellant has acted in complete disregard to the order dated 10.09.2014 passed by this Court in W.P.(C) 665/2014 by not treating the



Respondent No. 1 as having been regularized in service. The contention of the Appellant that the Appellant is awaiting the feedback from Law Department and Finance Department of GNCTD for giving effect to the regularization of Respondent No.1 cannot be accepted as it has been more than 11 years since passing of the order dated 12.05.2014 confirming regularization of Respondent No.1 and no action has been taken by the Appellant to implement its own decision.

19. Accordingly, we entirely agree with the finding in the impugned Judgement that the order dated 12.05.2014 issued by the Appellant has merged with the judicial order dated 10.09.2014 passed by this Court and the Appellant is bound to implement the same in letter and spirit. Hence, the impugned Judgement does not require any interference in this Appeal as no ground has been made out for challenging the same by the Appellant.

20. Having said that, this is fit case for imposing exemplary costs upon the Appellant for not treating the Respondent No. 1 to have been regularized despite the order dated 10.09.2014 passed by this Court though more than 11 years have elapsed since then and the Respondent No. 1 has even retired. Respondent No.1 has given 33 years, which was the best period of his life in the service of the Appellant and by dragging Respondent No.1 to Court in two rounds of litigation by not implementing its own order of regularizing Respondent No.1 and not paying his retirement dues, the Appellant has caused grave prejudice and agony to Respondent No.1.

21. The Appellant has all along acted in causal manner without having due regard to the judicial orders passed by this Court and, therefore, is liable to pay the costs for such lackadaisical approach.



22. The apathetic approach of the Appellant is also evident from the delay of 97 days in filing the Appeal and delay of 269 days in re-filing the Appeal. The Applications seeking condonation of delay in filing as well as re-filing the present Appeal do not disclose any sufficient cause for condoning the delay. Hence, no case is made out for condoning the delay.

23. Accordingly, the present Appeal is dismissed on the ground of delay as well as on merits with exemplary costs of ₹2,00,000/- to be paid by the Appellant in the following manner:

- ₹50,000/- to be paid to Delhi High Court Bar Clerks' Association (A/c No.15530100006282: IFSC Code:UCBA0001553);
- ₹1,00,000/- to be paid to Respondent No.1; and
- ₹50,000/- to be paid to Delhi High Court Legal Services Committee.

24. The cost as directed above shall be paid within six weeks from today, failing which, the Registry shall take appropriate steps to recover the same as arrears of land revenue.

25. The Appeal along with the pending Applications stands dismissed with the aforesaid direction.

DEVENDRA KUMAR UPADHYAYA, CJ

TEJAS KARIA, J

JANUARY 27, 2026
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