
(2018) 02 DEL CK 0455

In the Delhi High Court

Case No : Civil Writ Petition No. 1615 Of 2018, Civil Miscellaneous No. 6633, 6634 Of 2018

Dr. S.P. Gupta

APPELLANT

Vs

Kirori Mal College & Ors

RESPONDENT

Date of Decision : 20-02-2018

Acts Referred:

Citation : (2018) 02 DEL CK 0455

Hon'ble Judges : Sunil Gaur, J

Bench : Single Bench

Advocate : Dr.Rajesh Gupta, Pranav Kumar Jha, Amit Bansal, Seema Dolo

Final Decision : Disposed Of

Judgement

Sunil Gaur, J

1. Impugned order of 30th Â November, 2017 terminates petitionerâ??s service with effect from 8th April, 2017.

2. To assail the impugned order, learned counsel for petitioner submits that petitioner is an Ex-Principal of respondent-college who has rendered 42

years of service and on the last date of the superannuation, his service has been terminated without there being approval of the impugned order by the

Executive Council of respondent-College. Learned counsel for petitioner submits that denial of retiral benefits is wholly unjustified and

compensation/damages to the tune of ` 1.25 crores is sought in this petition.

3. At the outset, learned counsel for respondent-College submits that against impugned termination order, petitioner has to file a statutory appeal under

Clause 9 to the Annexure to Ordinance XII to the Delhi University Act, 1922 and regarding the retiral benefits, the Governing Body of the respondent-

College is yet to decide whether the contributory provident fund of petitioner is to be forfeited or not which would be subject to the approval of the

Vice Chancellor of the respondent-University. To submit so, attention of this Court is drawn to the minutes of the meeting of the Governing Body of

respondent-College (Annexure P-3).

4. Learned counsel for petitioner submits that as per Ordinance XX-F pertaining to the respondent-College, there is no provision of any appeal against

impugned termination and in any case, the termination of petitioner's service is required to be approved by the Executive Council of the

respondent-University and not by the Vice Chancellor. Attention of this Court is drawn by petitioner's counsel to Ordinance XVIII-D to point out

that the applicability of Ordinance XII is confined to certain clauses of Ordinance XII which does not include Clause 9 of Ordinance XII. Learned

counsel for petitioner submits that it is evident from the Inquiry Report that conducting of UGC Net Examination by petitioner has not caused any

financial loss nor has resulted in any financial gain to petitioner and at best, it is a case of financial irregularity. So, it is submitted that the impugned

order deserves to be quashed and retiral benefits ought to be released to petitioner forthwith as petitioner being a heart patient is finding it difficult to

take care of his medical expenses.

5. Upon hearing and on perusal of the material on record, the relevant Ordinances as referred above, I find that against impugned order, petitioner is

required to file an appeal in terms of Clause 9 to the Annexure to Ordinance XII of the Delhi University Act, 1922. The petitioner is granted 2

weeks' time to file the statutory appeal against the impugned order. So far as release of retiral benefits and the compensation sought is concerned,

it will depend upon the outcome of the statutory appeal.

6. In the facts and circumstances of this case, it is deemed appropriate to call upon the Appellate Authority to decide petitioner's appeal (if so

filed) within a period of 6 weeks and the fate of the appeal be conveyed to petitioner within a week thereafter, so that petitioner may avail of the

remedy as available in law, if need be. The aspect of forfeiture of petitioner's contributory fund is required to be dealt with by the concerned

authorities within a period of four weeks, if petitioner chooses to file a Representation within a week, to claim the contributory provident fund dues.

The fate of the said Representation (if so received) be promptly conveyed to petitioner.

7. With aforesaid directions, this petition and the applications are disposed of.