
(2003) 03 DEL CK 0056

In the Delhi High Court

Case No : Civil Writ No. 5929 of 2002 and C.M. 10107 of 2002

Manju Chandra

APPELLANT

Vs

University of Delhi and Another

RESPONDENT

Date of Decision : 12-03-2003

Acts Referred:

Citation : (2003) 3 AD 447 : (2003) 104 DLT 508 : (2003) 70 DRJ 353 : (2003) 3 SLJ 478

Hon'ble Judges : S.K. Mahajan, J

Bench : Single Bench

Advocate : Dinesh Agnani, for the Appellant; Anurag Mathur, for the Respondent

Judgement

S.K. Mahajan, J.

Rule.

1. With the consent of the parties, the matter has been heard and disposed of by this order.

2. Petitioner was Reader in Daulat Ram College. Her services were terminated on 23.12.1997 for her remaining absent without leave. She filed an appeal under Clause 9 (I) of the Annexure to Ordinance XII of the Ordinances of the University. Under Clause 9(1) any dispute arising in connection with the termination of the services of the teacher, except when on probation, by the Governing Body shall be referred to the arbitration of an Appeal Committee of three independent persons appointed by the Chancellor, who shall have power to enquire into all the facts of the case and to interpret the terms of the agreement, and their decision shall be final and binding on both the parties. In terms of the aforesaid clause, the Appeal Committee shall give its final decision within a reasonable time. On receipt of this appeal, the Chancellor constituted a Committee of three independent persons on 26.7.2000 to decide the dispute regarding the termination of the petitioner. However, the Committee could not meet for quite some time as one or the other Member of the Committee

expressed his/her inability to continue as Member of the Committee. On 11.6.2001, another Committee was constituted in view of the inability expressed by Prof. K.N. Tripathi to continue as a Member of the Committee. This Committee could also not function as both Professors, namely, Mrs. Nomita Aggarwal and Prof. Mrs. S.K. Verma expressed their inability to continue as Members of the Committee. On expressing their inability to continue as Members of the Committee, the Chancellor on 5.9.2001, constituted still another Committee. This Commission could also not function as the Convener of the Committee, namely, Mr. M.C. Gupta, Director, Indian Institute of Public Administration demitted his office and was thus unable to continue as Convener of the Committee. On Mr. M.C. Gupta demitting his office as Director, Indian Institute of Public Administration the Vice Chancellor on 9/14.5.2002, appointed Dr. P.L. Sanjeev Reddy, Director, Indian Institute of Public Administration as Convener of the Committee. I am informed that despite this Committee having constituted on 14.5.2002, they have not yet started hearing of the matter.

3. It is unfortunate that the matter which was raised by the petitioner by filing appeal as early as in 1999, has not been heard and decided even after four years of the matter having been referred to the Chancellor. There may have been reasons for not holding the meetings of the Committee in time but after the last Appeal Committee was constituted, there is no reason as to why no meeting has taken place and the matter not heard by the Committee. If meeting of the Committee is not held for years together, one or the other member would either express his/her inability to hear the matter or he/she would retire causing a vacancy in the Committee. It is, Therefore, necessary that expeditious steps are taken by the Committee to decide the appeal referred to it by the Chancellor.

4. Since the last Committee was constituted on 9/14.5.2002, and despite a period of 10 months having already expired no meeting had taken place. I direct the Committee to decide the appeal referred to it by the Chancellor of the University as expeditiously as possible but not later than six months from the date of communication of this order to the Convener of the Committee. With these observations, the petition stands disposed of.