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

+ **W.P.(C) 5909/2024**

MOHD IMTEYAZUDDIN

.....Petitioner

Through: Mr. Abhik Chimni, Ms. Pranjal Abrol, Ms. Shreya Bajpai, Mr. Rishabh Gupta and Mr. Gurupal Singh, Advocates.

versus

JAWAHARLAL NEHRU UNIVERSITY & ANR.Respondent

Through: Mr. Vasanth Rajasekaran, Sr. SC with Mr. Karan Prakash and Mr. Harshvardhan Korada, Advocates for JNU.
Ms. Saroj Bidawat, SPC for UOI.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **14.07.2025**

1. The present writ petition seeks a direction upon the respondent – Jawaharlal Nehru University [“JNU”] to permit the petitioner to switch from the National Pension Scheme to the Old Pension Scheme under the Central Civil Services (Pension) Rules, 2021. The petitioner also assails a communication of the Union of India [“UOI”] dated 18.08.2023, addressed to the University Grants Commission, which had the effect on withdrawing the said benefits from employees of autonomous bodies, including JNU.



2. Mr. Karan Prakash, learned counsel for JNU, submits that JNU is unable to accede to the petitioner's request, only on account of the aforesaid communication dated 18.08.2023.

3. In these circumstances, it is the UOI which has to defend the position taken. Despite the fact that notice was issued in the present petition more than one year ago on 26.04.2024, and directions were given for filing of a counter affidavit, no affidavit has been filed on behalf of the UOI. As recorded in the order of the learned Registrar dated 13.12.2024, Ms. Saroj Bidawat, learned Special Panel Counsel for UOI, states today that she is still not receiving instructions from the concerned department.

4. As a last opportunity, UOI is granted one week's time to file an affidavit in response to the petition, by an officer not below the rank of Director, particularly addressing the challenge to this communication dated 18.08.2023, and will also explain the reasons for the delay in filing of the affidavit. In the event the affidavit is not filed with the time granted, the concerned Joint Secretary is requested to remain present in Court alongwith the relevant records, either personally or by video conference, on the next date of hearing.

5. Ms. Bidawat is directed to communicate a copy of this order to the Secretary, Department of Higher Education, Ministry of Education, Government of India, for compliance.

6. Mr. Abhik Chimni, learned counsel for the petitioner, submits that, unrelated to the question of pension raised in this writ petition, JNU has not released the petitioner's leave encashment and gratuity dues, although he retired more than one year ago. Mr. Prakash states that he will take



instructions and ensure that permissible dues are released expeditiously. In the event necessary, it is open to the petitioner to avail of appropriate remedies after a period of four weeks from today.

7. List on 01.08.2025 in the category of “*Old/Targeted cases*”.

PRATEEK JALAN, J

JULY 14, 2025/SS/JM/