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

+ **W.P.(C) 6404/2025 & CM APPL. 29210/2025**

MUKESH KOHLI

.....Petitioner

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

versus

UNIVERSITY OF DELHI & ANR.

.....Respondents

Through: Mr. Mohinder J.S. Rupal, Mr. Hardik Rupal and Ms. Aishwarya Malhotra, Advocates for DU.
Mr. Santosh Kumar, Mr. Vaibhav Mishra, Advocates for College.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **14.05.2025**

CM APPL. 29211/2025 (for exemption)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

W.P.(C) 6404/2025 & CM APPL. 29210/2025 (for stay)

1. Issue notice. Mr. Mohinder J.S. Rupal, learned counsel, accepts notice on behalf of University of Delhi. Mr. Santosh Kumar, learned counsel, accepts notice on behalf of respondent No. 2.
2. The petitioner assails orders dated 03.12.2024 and 05/06.10.2021, by which his pension has been re-fixed.
3. It is submitted by Mr. Abhik Chimni, learned counsel for the



petitioner, that the petitioner was appointed as Director of Physical Education in respondent No. 2 – Aryabhatta College by way of an appointment order dated 15.05.1982. The petitioner continued to serve until 31.03.2017, when he retired upon attaining the age of 65 years. His pension was fixed by order of respondent No. 1-University dated 23/27.08.2018. He has continued to receive pension in accordance with the said order since 2018. By way of the impugned order, his pension has been re-fixed on the basis that his retirement, at the age of 65, was contrary to the Rules, and he ought to have retired on 31.03.2014, at the age of 62.

4. Learned counsel for the parties state that, even prior to the order dated 03.12.2024, an order dated 28.12.2022 was issued for recovery of excess payment, which has been challenged in W.P.(C) 2652/2023. In the said writ petition, the Court, by order dated 07.03.2023, has stayed the recovery order dated 28.12.2022. At present, therefore, the petitioner is receiving pension in accordance with the re-fixation order, but without any deduction on account of recovery.

5. The question of whether the respondents were entitled to re-fix pension in the circumstances aforesaid, requires consideration.

6. Counter affidavits be filed within four weeks from today. Rejoinders thereto, if any, may be filed within two weeks thereafter.

7. List before the learned Registrar on 04.08.2025, for completion of pleadings.

8. List before the Court on 30.10.2025.

9. In the meanwhile, the respondents will continue to pay the petitioner's pension in terms of the order dated 03.12.2024. However, it is



made clear that if the petition succeeds, they will be liable to pay the balance amount as arrears in accordance with the directions of the Court.

MAY 14, 2025/SS/AD/

PRATEEK JALAN, J