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

+ **LPA 680/2023 & CM APPL. 41996/2024**

UNIVERSITY OF DELHI

.....Appellant

Through: Mr. Santosh Kumar and Ms. Nidhi Rani, Advocates

versus

DR. ROOPESH TEHRI & ORS.

.....Respondents

Through: Ms. Beenashaw N. Soni and Ms. Mansi Jain, Advocates

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

HON'BLE MR. JUSTICE GIRISH KATHPALIA

ORDER

% **26.07.2024**

LPA 680/2023

1. Pursuant to order dated 05.10.2023, counter-affidavit has been filed by the respondents and is on record. However, the rejoinder has not been not filed.
2. Learned counsel for the appellant submits that no rejoinder is required to be filed in the present appeal. Thus, the pleadings are complete.
3. Registry is directed to list the present appeal for final hearing on the date already fixed i.e., 18.09.2024.
4. Parties are directed to file their respective written submissions within four weeks from today alongwith relevant documents/judgments on which they wish to rely upon, with relevant portion duly highlighted for the convenience of this Court.

CM APPL. 41996/2024 (for interim stay)

5. By this application, the appellant is seeking *ex-parte interim injunction* against the respondents in contempt proceedings being



CONT.CAS (C) 827/2024, initiated by respondents No. 1 to 5 for non-compliance of the directions issued vide impugned order dated 19.05.2023 passed by the learned Single Judge.

6. Relevantly, the learned Single Judge in Paras-40 & 41 of the impugned order has observed and held as under-

“40.Having given a thoughtful consideration, in my view, the judgment is clearly distinguishable as in the present case, none of the Petitioners were appointed post 01.01.2004 and the neat legal nodus that arises is consideration of service rendered as temporary employees prior to 01.01.2004, which is uninterrupted and confirmed subsequently albeit post 01.01.2004. In Vijay Singh (supra), the Supreme Court was not in seisin of a dispute pertaining to coverage of the employees under OPS or NPS and the limited dispute was counting of ad-hoc service for the purpose of seniority.

41. For all the aforesaid reasons, this Court comes to the irresistible conclusion that the entire services of the Petitioners from the date of initial appointments on temporary basis till the date of regularisation shall be counted as qualifying service for the purpose of pension and they will be deemed to be in service prior to 01.01.2004 and governed by OPS. Needless to state that NPS will be inapplicable to the Petitioners and accordingly, necessary and corrective orders shall be issued by the Respondents in this regard.”

7. In the present appeal, right from the very first date of hearing i.e., 05.10.2023, the stay has not been granted. Therefore, we are not inclined to allow the present application.

8. Accordingly, the present application stands dismissed.

SURESH KUMAR KAIT, J

GIRISH KATHPALIA, J

JULY 26, 2024/riya