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

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Date of Decision: 09.04.2026

+ **LPA 243/2026, CM APPL. 22855/2026 & CM APPL. 22856/2026**

DR SHIBLI JAMEEL AHMAD

.....Appellant

Through: Mr. Adit S. Pujari, Mr. Nehal Siddiqui and Mr. Manvinder Singh Shekhawat, Advocates.

versus

JAMIA HAMDARD (DEEMED UNIVERSITY)Respondent

Through: Dr. Swaroop George, Mr. Mobashshir Sarwar, Mr. Abhinandan Jain, Mr. Shivam Prajapati, Mr. Abhigyan Dwivedi, Mr. Kartikey and Mr. Takrim Ahsan Khan, Advocates.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE TEJAS KARIA

TEJAS KARIA, J. (Oral)

1. The present Letters Patent Appeal has been filed by the Appellant being aggrieved by the judgment dated 10.02.2026 (“**Impugned Judgment**”) passed in W.P.(C) 1406/2025 (“**Writ Petition**”) whereby the Writ Petition seeking direction to the Respondent sought by the Appellant to convert the CPF-cum-Gratuity Scheme (“**CPF Scheme**”) to the GPF-cum-Pension Scheme (“**GPF Scheme**”) with consequential pensionary benefits was dismissed.



2. The Appellant was appointed on the post of Lecturer on 28.09.1999 with the Respondent – University and retired as a Professor on 31.07.2025 at the Department of Pharmacology, School of Pharmaceutical Education and Research (SPER) of the Respondent – University.
3. On 10.05.1989, the Respondent – University was granted status of deemed University. *Vide* office memorandum dated 01.05.1987 (“**1987 OM**”), the Government of India mandated a switch over from CPF Scheme to GPF Scheme for all CPF beneficiaries in service on 01.01.1986 deeming them to have converted unless they opted to continue with CPF by 30.09.1987 and for employees appointed after 01.01.1986, the GPF Scheme was the default.
4. On 14.09.1996, the Respondent - University issued an office order (“**1996 Order**”) and pursuant thereto the Appellant submitted his consent on 25.09.1996 for continuation of existing CPF Scheme. However, between 2016 and 2023, the Appellant made several representations to the Respondent – University for changing the option selected from CPF Scheme to GPF Scheme.
5. The representations made by the Appellant were considered by the Finance Committee of the Respondent – University and on 08.03.2018, the Finance Committee rejected the request of the Appellant and other similarly situated employees by observing that the switchover by the employees of CPF Scheme to GPF Scheme would mean a substantial and prolonged financial liability on the Respondent – University and all new appointments are governed by CPF Scheme as a matter of policy.



6. Thereafter, the Appellant sent multiple letters dated 09.08.2023, 22.12.2023 and 18.01.2024 requesting the Respondent – University to convert the option to GPF Scheme. On 05.03.2024, the Appellant submitted a request to the University Grants Commission (“UGC”). However, no action was taken either by the Respondent – University or the UGC. Accordingly, on 08.08.2024, the Appellant filed a RTI application with the Respondent – University seeking information regarding implementation of mandatory GPF Scheme. In the reply dated 23.09.2024, the Respondent – University provided certain documents, which included list of teaching staff with the date of appointment and the Provident Fund Scheme, i.e., CPF or GPF.

7. On 18.11.2024, a legal notice was sent by the Appellant through his Counsel calling upon the Respondent – University to comply with the 1987 OM and requesting change over from CPF Scheme to GPF Scheme.

8. On 23.01.2025, the Appellant preferred the Writ Petition and *vide* the Impugned Judgment, the learned Single Judge has dismissed the Writ Petition by declining to direct the Respondent – University to convert the Appellant from CPF Scheme to GPF Scheme. Accordingly, the Appellant has filed the present Appeal.

9. We have heard the learned Counsel for the Appellant as well as the learned Counsel for the Respondent University.

10. The learned Counsel for the Appellant has submitted that the Impugned Judgment has erroneously held that 1987 OM does not apply to the Respondent – University and the Appellant’s option exercised on 25.09.1996 to continue under CPF Scheme was a valid election as per 1996



Order issued by the Respondent University. It was further submitted on behalf of the Appellant that the learned Single Judge erred in dismissing the Writ Petition on the ground of delay and laches as the representations made by the Appellant were being considered by the Respondent – University until March 2018.

11. The learned Counsel for the Appellant submitted that the 1987 OM was applicable to the Respondent – University being a statutory body having a status of deemed to be University by the Ministry of Human Resource Development and, therefore, the Central Government Service Rules were applicable to the Respondent – University.

12. The learned Counsel for the Appellant also submitted that the option exercised by the Appellant on 25.09.1996 was not valid and determinative for the GPF Scheme as the same was introduced by the Respondent – University with effect from 01.10.1996. It was submitted that after 1996 Order, the Respondent – University had issued another notification dated 16.01.1997 regarding continuation under CPF Scheme or to opt for newly introduced GPF Scheme by giving option to the employees of the Respondent – University to be exercised before 31.01.1997. Accordingly, the deadline provided by the 1996 Order had not attained finality as Respondent – University itself granted another opportunity to convert CPF Scheme to GPF Scheme on two separate occasions. Therefore, it is evident that the 1996 Order was flexible and re-visitible by the employees of the Respondent – University.

13. As regards the delay and laches, the learned Counsel for the Appellant submitted that the continuous representations made by the



Appellant before the Respondent – University shows that there was no delay on part of the Appellant to approach this Court as the Respondent – University itself had placed the request of the Appellant before the Finance Committee, which was duly considered in 2018.

14. It was submitted on behalf of the Appellant that the Impugned Judgment is contrary to the law laid down in *University of Delhi v. Smt. Shashi Kiran and Ors.*, 2014 SCC OnLine Del 2798, wherein the Division Bench of this Court has held that in absence of a valid option within a stipulated period, the employee was deemed to have come over the pension regime and any option exercised beyond the cut off date was legally ineffective.

15. The learned Counsel for the Appellant submitted that the Impugned Judgment is also contrary to the decision of this Court in *Manoj Pant v. JNU*, (2022) 288 DLT 662, wherein this Court following *Shashi Kiran (supra)* held that the employees who decided to remain in CPF regime within the cut-off date cannot be pinned down to the original choice as exercised and were entitled to revise the option submitted in terms of the subsequent extensions.

16. It was submitted on behalf of the Appellant that due to confusion with regard to the applicability of the Pension Scheme, the Appellant realized the financial implication in 2016 and made representations to the Respondent – University. It was further submitted that the rejection of the representations made by the Appellant on the ground of additional financial burden upon the Respondent – University was arbitrary, illogical and illegal.



17. The learned Counsel for the Appellant submitted that the findings in the Impugned Judgment are constitutionally flawed, contrary to binding pension jurisprudence and has resulted in manifest arbitrariness in violation of Articles 14, 16, 21 and 300A of the Constitution of India, 1950.

18. The learned Counsel for the Respondent – University submitted that the Respondent – University had not opted for the Service Rules related to Provident Fund and, therefore, 1987 OM was not applicable. It was submitted that the employees of the Respondent – University were allowed Contributory-cum-Gratuity Scheme after the declaration of the Respondent – University as deemed to be University from 10.05.1989. It was submitted that the Respondent – University is a registered society, which has been granted the status of deemed to be University by the Central Government under Section 3 of the UGC Act, 1956. As Respondent – University is only an aided minority higher educational institution, at the time of appointment, the Appellant was informed that he would be governed under the Provident Fund and Gratuity Rules enforced in Respondent – University. It was submitted that the Finance Committee of the Respondent – University considered the request of the Appellant and other employees for switching over from CPF Scheme to GPF Scheme, however, the said request was not approved.

19. Having considered the submissions made on behalf of the Parties and the Impugned Judgment, we find that the learned Single Judge has decided the issues of applicability of 1987 OM to the Respondent – University and assuming the same applies, whether a writ of *mandamus* can be issued to undo the option selected by the Appellant and compel the Respondent –



University to convert the said option from CPF Scheme to GPF Scheme.

20. While the Appellant asserts that the 1987 OM was applicable to the Respondent – University, there is no evidence on record to support its applicability. The Respondent – University has explicitly denied that the 1987 OM applies. Examination of the 1996 Order issued by the Respondent – University indicates that employees were given an option, and the Appellant chose to remain under the CPF Scheme. Thus, unlike the deemed selection provided in the 1987 OM, the 1996 Order is substantially different. Furthermore, when another opportunity was provided to change options on 16.01.1997, the Appellant did not exercise it. The first request by the Appellant to switch from CPF Scheme to GPF Scheme was made only in 2016. The Respondent – University considered and rejected this request, along with those from other similarly situated employees, providing reasons for the decision. Consequently, there is no evidence establishing the applicability of the 1987 OM to the Respondent – University, and the Appellant cannot revoke the option chosen in 1996 after a lapse of twenty years.

21. The decision in *Shashi Kiran (supra)* relied upon by the Appellant is not helpful as there was no selection of an option within the stipulated time and there was a deemed selection in absence thereof. However, in the present case, the Appellant has selected an option within the stipulated time. Therefore, the Appellant cannot seek parity with the cases of *Shashi Kiran (supra)* and *Manoj Pant (supra)*.

22. The Appellant's justification for the delay and laches, citing ongoing representations, is unconvincing as no explanation has been provided for the



absence of any request for change during the period between 1996 and 2016. Additionally, there is no rationale offered for the filing of the Writ Petition in 2025, immediately prior to the Appellant's retirement, especially given that the rejection of the initial request was communicated in 2018. Consequently, the learned Single Judge correctly determined that the Writ Petition could not be entertained due to delay and laches.

23. In light of the foregoing, we agree with the findings of the learned Single Judge in the Impugned Judgment that the 1987 OM does not apply to the Respondent – University and the Appellant cannot reverse an option exercised after significant delay and acquiescence.

24. Accordingly, we do not find any infirmity with the Impugned Judgment. Consequently, the present Appeal is dismissed. All pending Applications stand disposed of. There shall be no order as to costs.

TEJAS KARIA, J

DEVENDRA KUMAR UPADHYAYA, CJ

APRIL 9, 2026

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