



2025:DHC:5299-DB



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

Date of decision: 04th July, 2025

+ LPA 418/2025

REHAN AHMED KHAN

.....Appellant

Through: M. Tarique Siddiqui, Mr.
Abhishek K. Tanwar, Md.
Bilal, Mr. Fajallu Rehman and
Ms. Lakshmi Advocates.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr. Viplav Acharya, Sr. Panel
Counsel for UOI
Mr.Pritish Sabharwal, SC for
R-4 with Ms. Rashi Wadhwa,
Adv.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE RENU BHATNAGAR

NAVIN CHAWLA, J. (ORAL)

CM APPL. 38529/2025 (Exemption)

1. Allowed, subject to all just exceptions.

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2. This appeal has been filed challenging the Order dated 29.04.2025 passed by the learned Single Judge of this Court in W.P.(C) 5496/2025 titled *Rehan Ahmed Khan v. Union of India & Ors.*, dismissing the writ petition filed by the appellant herein.

3. By the said writ petition, the appellant had prayed for the



following prayers:

"(a) an appropriate writ, direction or order in the nature of Mandamus to respondents to consider petitioners' past services at respondent no. 4/ Jamia Millia Islamia from the date of petitioner's initial/ first appointment on 19.07.2002 as Lecturer (against leave vacancy) which continued without interruption till petitioner's permanent appointment on 26.10.2005 (against the post advertised on 25.06.2002), as qualifying service for enabling him for the purpose of pensionary benefits under the Old Pension Scheme (GPF) under CCS (Pension) Rules, 1972 (now 2021) and grant the consequential pensionary benefits under CCS (Pension) Rules.

(b) an appropriate writ, direction or order in the nature of Mandamus declaring that New Pension Scheme notified by the Govt. of India vide gazette notification F.No.S/7/2003-ECB&PR dated 22.12.2003 for 'new entrants' to Central Govt. service from 01.01.2004 (except to Armed Forces in the first stage) is not binding on the employees in service prior to 01.01.2004 and as such not binding on the petitioner."

4. The appellant had placed reliance on an Office Memorandum No.28/30/2004-P&PW(B) dated 11.06.2020 (hereinafter referred to as OM dated 11.06.2020), however, the learned Single Judge, by the Impugned judgment, dismissed the writ petition filed by the appellant by simply placing reliance on the Judgment dated 03.03.2015 passed in W.P.(C) 1964/2015 titled **Rehan Ahmad Khan v. Jamia Milia Islamia Central University & Anr.**, a writ petition which had earlier been filed by the appellant seeking similar relief, which had been rejected by the said judgment.



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5. The learned counsel for the appellant submits that O.M. dated 11.06.2020 gave a new cause of action to the appellant to maintain his prayer.

6. Though this is disputed by the learned counsel for the respondents, we find that there is no finding by the learned Single Judge on the applicability or otherwise of the O.M. dated 11.06.2020 to the facts of the appellant. As the said Office Memorandum had been issued post the dismissal of the earlier writ petition filed by the appellant, in our view, this gave a new cause of action to the appellant and, therefore, the mere dismissal of the earlier writ petition could not have been a ground to dismiss the writ petition filed by the appellant without considering the effect of the said Office Memorandum and if the same applied to the facts of the appellant.

7. Keeping in view the above, we set aside the Impugned judgment dated 29.04.2025. The writ petition, being W.P.(C) No. 5496/2025, is restored to its original number and remanded to the learned Single Judge for fresh adjudication.

8. We make it clear that we have not expressed any opinion on the plea of the appellant based on the O.M. dated 11.06.2020, and the application thereof to the facts of the appellant shall be decided by the learned Single Judge on its own merits.

9. We further make it clear that the only issue before the learned Single Judge would be the application of O.M. dated 11.06.2020 to the facts of the appellant and the subsequent representations made by



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the appellant.

10. The parties shall appear before the learned Single Judge on 29th July, 2025.

11. The appeal is disposed of in the aforesaid terms, with no order as to costs.

NAVIN CHAWLA, J

RENU BHATNAGAR, J

JULY 4, 2025

Pallavi/kj/SJ

Click here to check corrigendum, if any