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

+ W.P.(C) 12697/2022 & CM APPL. 50109/2024

GIANWATI TAXAK

.....Petitioner

Through: Mr. A. K. Singla, Sr. Advocate with
Mr. Santosh Kr. Sahu, Mr. Amar Nath Gupta,
Advocates

versus

UNIVERSITY OF DELHI & ORS.

.....Respondents

Through: Mr. Mohinder J.S. Rupal, Mr. Hardik
Rupal & Ms. Aishwarya Malhotra, Advocates for
R-1
Mr. B. S. Rana, Advocate for R-2

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

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05.12.2024

1. This writ petition has been preferred by the Petitioner under Article 226 of Constitution of India, seeking the following reliefs:-

a) Quash the Respondents' hurriedly taken decision dated 29.09.2020 to close the matter of Petitioner's compulsory retirement without satisfying the well-settled principles of natural justice and also in violation of the direction dated 05.03.2015 of this Hon'ble Court in W.P. (C) No. 8136/2014 titled as "Gianwati Taxak vs. The University of Delhi & Ors.";

b) Quash the decision dated 24.07.2015 for Petitioner's compulsory retirement taken by the Respondent no.3 in its caretaker Governing Body's emergent meeting without waiting for proper constitution of the main Governing Body as per Delhi University Statutes, Ordinances and the Rules;

c) Issue writ of mandamus or any other appropriate writ, order or direction to the Respondent nos. 1, 2 and 3 to release full service benefits to the Petitioner for the period 03.04.2014 till date with appropriate simple interest to the tune of 8% per annum and compensation after adjusting the amounts already paid to the petitioner;



d) Issue the writ of mandamus or any other appropriate writ, order or direction to the Respondent no.1 for punitive action against the Respondent no.4 Dr. Prashant Kumar, who acted against the Petitioner with biased mind throughout and wilfully misused his official position, to cause harm the Petitioner;

2. At the outset, the learned counsels for the Respondents take a preliminary objection to the maintainability of this petition on the ground that an earlier writ petition being W.P.(C)14454/2021 was filed by the Petitioner seeking the same reliefs as in the present writ petition.

3. The petition was disposed of along with pending application as withdrawn with limited liberty to the Petitioner to file a claim with regard to pension and gratuity.

4. Mr. A. K. Singla, learned Senior Counsel for the Petitioner candidly and fairly at this stage on instruction from the counsel on record, who is in turn instructed by the Petitioner, seeks to withdraw this writ petition with liberty to file the writ petition in terms of the liberty granted by the Court in W.P.(C) 14454/2021 on 16.12.2021.

JYOTI SINGH, J

DECEMBER 5, 2024/j