

MINUTES

1. The Meeting of the Committee constituted by the Competent Authority to consider the representation of teachers who were working on temporary basis, prior to their appointment on permanent basis in the University/Colleges, was held on 26.05.2026 (Tuesday) at 11:00 A.M. and 03.06.2026 (Wednesday) at 03.00 P.M. in the Committee Room of the Dean of Colleges.

The following members were present:

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| i. Treasurer | : Chairperson. |
| ii. Prof. Vinod Kumar Paliwal - Principal, DSC & E.C. Member | |
| iii. Prof. Arun Kumar Chaudhary, Principal, Aurobindo College and A.C. Member | |
| iv. Prof. Paramjit - An Academician representing SC/ST | |
| v. Joint Registrar (Colleges) | |
| vi. Joint Registrar (Legal) | |
| vii. Internal Audit Officer | |
| viii. Assistant Registrar (Estab.Teaching) | : Member Secretary |
2. The Chairperson welcomed the members and asked the Assistant Registrar (Establishment -Teaching) to apprise the Committee about the details of matter
 3. The Committee was apprised that 18 faculty members of various Colleges of the University vide their representation dated 07.11.2025 have submitted the following:
 - i. *We were appointed as Temporary faculty in various colleges after following due processes of all India advertisements and interview by duly constituted selection committee in substantive posts.*
 - ii. *We were receiving annual increments. EL. ML. LTC etc., as admissible under the University of Delhi rules.*
 - iii. *However, we were denied the annual increment even after becoming permanent in the same post in the same college, and now we are being designated as new/fresh entrants.*
 - iv. *Whereas as per past practices, the university of Delhi has always protected the pay of Temporary faculty.*
 - v. *We sincerely appeal to your kind office to recommend the restoration of our annual increments and accrued leave for the purposes of pay fixation since there is no break in service.*
 - vi. *We further request you to also recommend the counting of entire tenure of past services for promotion of various levels, i.e. Level 11, Level 12 and Level 13A as applicable for individual candidates, again as per past practices.*

4. In order to examine the representation, the Committee referred the following O.M.s/Rule position and Court cases:
- a. **DoPT O.M. dated 14.09.2022** regarding Pay Protection on appointment to Central Government posts on DR basis, which states that *the benefit of pay protection would be available to an Officer coming from PSU etc. only if the officer has completed the period of probation successfully for being regularized/ confirmed in the post in the parent organization.*
 - b. **The Statute 28-A of the Statutes of the University** states that the *Qualifying Service' means service rendered by a person in a substantive capacity including periods spent on probation. All service rendered to the University on a full time basis in a temporary or officiating capacity followed without interruption by confirmation in the same or another post shall count as qualifying service except in respect of periods of service paid from 'Contingencies'.*
 - c. **Central Civil Service (Temporary Service) Rules, 1965** states that the *"temporary service" means the service of a temporary Government servant in a temporary post or officiating service in a permanent post under the Government of India.*

Subject to the provisions of sub-rule (4), these rules shall apply to all persons:

who hold a civil post including all civilians paid from the defence services estimates under the Government of India and who are under the rule making control of the President, but who do not hold a lien or a suspended lien on any post under the Government of India or any State Government;

Terminal gratuity payable to temporary Government servants

(1-A).....

(1-B) In the case of a temporary Government servant who retires from service on attaining the age of superannuation or on his being declared to be permanently incapacitated for further Government service by the appropriate medical authority, after he has rendered temporary service of not less than 10 years or who has sought voluntary retirement by giving three months notice in writing on completion of 20 years service, provisions of sub-rule (1) shall not apply and in accordance with the provisions of the Central Civil Services (Pension) Rules, 1972-

- (i) Such a Government servant shall be eligible for the grant of superannuation, invalid or retiring pension, as the case may be, and retirement gratuity; and
- (ii) in the event of his death after retirement, the members of his family shall be eligible for the grant of family pension.

Explanation- For the purpose of this sub-rule --

- (i) "Central autonomous body" means a body which is financed wholly or substantially from cess or Central Government grants and includes a Central statutory body or a Central University but does not include a public undertaking falling under the purview of the Bureau of Public Enterprises;

Contd.

- (d) Excerpts of the petitions filed by the similarly placed faculty members of the Colleges of the University in the High Court of Delhi:

(i) W.P.(C) 2060/2019 (Dr. R. N. Mishra VS SGTB Khalsa College)

Petitioner was initially appointed on 21.10.1992 as ad-hoc Lecturer in Khalsa College for two months followed by ad-hoc appointment in Satyawati College between 1994-1995 and again as ad-hoc lecturer in Khalsa College, where he worked from 1995 to 30.04.2003. Pursuant to recommendation of a duly constituted Selection Committee, Petitioner was appointed as Lecturer on 13.03.2003 on temporary basis against the lien vacancy of Dr. (Mrs.) Jitinder Kaur and joined on 16.07.2003. Petitioner rendered continuous service till 27.08.2004 without any interruption.

3. Petitioner was absorbed on permanent basis in the college with effect from 27.08.2004 on the post being vacated by Dr. (Mrs.) Jitinder Kaur, who joined Bhagat Singh College as Principal. In 2007, Petitioner was approved for promotion as a Lecturer in Senior Scale pursuant to Selection Committee's recommendations and on 22.04.2010, Respondent No. 2/ Delhi University intimated its approval for fixing Petitioner's pay in Reader's Grade under MPS-1998.

Till 2014, Petitioner was treated as an employee under the OPS, however, on 23.06.2014 Respondent No. 2 (University of Delhi) wrote to the College that GPF number was erroneously granted to the Petitioner and he should be covered under NPS. On 05.08.2014, College requested Respondent No. 2 (University of Delhi) to reconsider the matter but Respondent No. 2 (University of Delhi) refused to reverse its decision. Petitioner made a representation to Respondent No. 2 (University of Delhi) on 22.01.2015, requesting restoration of his status to OPS, but to no avail.

(ii). W.P.(C) 9832/2018 (Dr. Ajay Jaiswal VS University of Delhi)

6. Petitioner was appointed as Lecturer of Computer Science in Acharya Narendra Dev College on 30.10.2000, pursuant to recommendations of duly constituted committee and his appointment was temporary only for the reason he had not cleared NET at the relevant time. Otherwise, the appointment of the Petitioner was on a substantive post and later in 2003, he cleared NET and was also conferred Doctorate by JNU in Computer Science in 2013. On 23.06.2001, Shaheed Sukhdev College of Business Studies/Respondent No. 2 issued an advertisement inviting applications for several posts of lecturers including 5 permanent posts of lecturers in Computer Science. Petitioner was selected by a Selection Committee from amongst several candidates, who had participated in the selection process and he joined on 07.09.2001. Respondent No. 1/ University of Delhi accorded its approval vide letter dated 17.04.2002 for fixation of pay of the Petitioner in pay-scale of Rs. 8000-13500, retaining previous date of increment falling on 01.11.2001 and the subsequent dates of increments on 1st November each year.

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7. On 27.02.2013, Petitioner made representation to the college to place him in OPS as per the University of Delhi Ordinance, Statute 28-A. Representation was considered by the Governing Body of the College on 27.02.2013 and case of the Petitioner was approved, directing the administration to deduct provident fund from the date of his appointment in the College i.e. 07.09.2001. The College addressed a communication dated 25.09.2013 to Respondent No. 1 (University of Delhi) requesting for according approval for placing the Petitioner under OPS. On 20.02.2014, Respondent No. 1 (University of Delhi) conveyed its approval to count the temporary service of the Petitioner from 19.11.2000 to 06.09.2001 rendered at Acharya Narendra Dev College, for the purpose of pensionary benefits as per Statute 28-A Clause 1(h) and further w.e.f. 07.09.2001 to 03.11.2004 in Shaheed Sukhdev College of Business Studies. However, on 23.06.2014, Respondent No. 1 (University of Delhi) issued the impugned communication withdrawing the decision to cover the Petitioner under OPS, on the ground that faculty members recruited after 01.01.2004 through a fresh recruitment process will not be covered under the OPS, irrespective of their previous temporary/ad-hoc service.

(iii). W.P.(C) 7007/2015 (Dr. Roopesh Tehri VS University of Delhi)

8. Petitioner No. 1 was initially appointed against a permanent post as temporary Lecturer (Mathematics) after recommendations of a duly constituted Selection Committee in 2000 in a pay-scale of Rs. 8,000-13,500 and continued without any break. On 06.11.2006, Petitioner No. 1 was appointed on the same post on substantive basis and placed on probation protecting his erstwhile pay and was subsequently promoted in senior scale followed by Reader's grade and finally as Assistant Professor, on which post he continues to work till date. College has also deducted provident fund from November, 2000 onwards over the years deeming him to be covered under OPS in terms of Statute 28-A.

(e).The Judgement passed by the High Court after clubbing the aforesaid petitions:

Considering the appeals of the appellants vide the aforesaid W.P.(C)s, the Hon'ble Delhi High Court pronounced the following judgement-

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.

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(f). The Judgement passed by the Court on the appeal filed by the University/Colleges:

The Judgment of the Hon'ble single Judge was challenged in LPA No. 687/2023 and CM Appeal. 52205/2023, which was decided on 14.05.2025 in the matter of Dr. Ravindra Narayan Mishra in following terms:

7. From the documents filed by the appellant, it is evident that the respondent No.1 (Dr. Ravindra Narayan Mishra) was appointed as a Lecturer in the Department of Political Science at Shri Guru Tegh Bahadur Khalsa College, on a temporary basis against the leave vacancy of Dr.(Mrs.) Jitender Kaur, a Reader in Political Science, who had later joined Shaheed Bhagat Singh College as Principal. The Selection Committee had recommended that if the lien vacancy of Dr.(Mrs.) Jitender Kaur fell vacant during the validity of the panel, the appointment of the respondent No.1 be made permanent.

12. As observed in the Order dated 29.04.2025, the present appeal arises from a direction issued by the learned Single Judge by the Impugned Order for the non-applicability of the New Pension Scheme to the respondent no.1 and for the counting of his qualifying service for determination of pension of the respondent no.1. The respondent no.1 has been made to run around for his legal dues by the University of Delhi, which has no concerned for the same.

13. On merit of the appeal, once it is conceded that the respondent was appointed on 29.09.2003, albeit against leave vacancy and with condition that if the leave vacancy falls vacant during validity of the panel, he shall be confirmed against the said post, on such confirmation, the service rendered by the respondent has to be counted for his pensionary benefits and he should be governed by the OPS.

Considering the decision of the Hon'ble Court dated 14.05.2025, Dr. Ravindra Narayan Mishra has been granted all the benefits by counting his temporary service as qualifying service for all purposes including OPS.

5. It was also noted by the Committee that the teachers whose representations is under consideration, were appointed against leave vacancy arising on account of regular teachers proceeding on long leave (EOL/Study Leave). Their appointments were made in the interest of teaching learning activity and for providing the continuity in classes and mentorship to the students with the due approval of the University. In view of this the concept of lien for moving from temporary service to regular service does not arise in the matter of these teachers. It is also not the case of temporary appointment followed by confirmation on the same post. All the teachers were appointed through direct recruitment facing fresh selection committee. Accordingly, the issue of consideration of these faculty members under OPS does not arise.

However, having served more than 10 years and received all the benefits (Earned Leave, Half Pay Leave, LTC etc.) as applicable equivalent to regular teachers followed by regular appointment on same post either in the same college or in the new college, it is not logical or rather inhumane to fix their pay at the minimum of the pay scale of Assistant Professor which they were getting at the time of their initial appointment in temporary service. The Hon'ble Court in almost similar cases have given relief to the petitioners. Accordingly, their demand for pay protection on assumption of regular appointment seems appropriate.

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6. Considering all the peculiar facts and rule positions quoted above, the Committee proposes the following:
 - 6.1. Protection of pay on permanent appointment may be admissible to such faculty members whose appointment on temporary basis was made through all India advertisement by open recruitment and duly constituted Selection Committee either in the same College/Institution or similar Institutions funded by the Govt. of India/NCT of Delhi.
 - 6.2. Such faculty members shall be eligible for NPS from their date of appointment on regular basis.
 - 6.3. The past service at Pay Level-10 may be considered for promotion as per prevailing UGC Regulations and/ or University of Delhi rules.
 - 6.4. Appropriate provisions in the University's Statute/Rules on the basis of the Hon'ble Court's orders and peculiar circumstances/ facts of these type of cases in the University and its colleges, may be considered so that in case of any representation received in future, suitable decision is taken.
 - 6.5. Each cases is to examined by the respective college and seek concurrence of the University prior to implementing the recommendation of protection of pay.
 - 6.6. These recommendations will be applicable for appointment made since 1st April 2022.
7. The meeting ended with a vote of thanks to chair.



दिल्ली विश्वविद्यालय UNIVERSITY OF DELHI

No.Estab.II(i)/Pay protection(TS)/2026/ 607

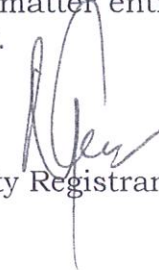
05.05.2026

NOTIFICATION

The Competent Authority has constituted the following Committee, to consider the issue of protection of pay in respect of teachers who were, prior to their appointment on permanent basis in the University/Colleges, were appointed on temporary basis following due processes and procedures i.e. through All India advertisement by open recruitment and duly constituted Selection Committee against substantive post(s) either in the same College/Institution or similar Institutions funded by the Govt. of India/NCT of Delhi:

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|----|--|---|-------------------------|
| 1. | Treasurer | : | Chairperson |
| 2. | Joint Registrar (Colleges) | | |
| 3. | Joint Registrar (Legal) | | |
| 4. | Internal Audit Officer | | |
| 5. | Professor Vinod Kumar Paliwal – Principal, DSC & E.C. Member | | |
| 6. | Professor Arun Chaudhary – Principal, Sri Aurobindo College
& A.C. Member | | |
| 7. | Professor Paramjit - An Academician representing SC/ST | | |
| 8. | Assistant Registrar (Estab.Teaching) | : | Member Secretary |

The above Committee is supposed to consider the matter entirely and is expected to submit its report within three weeks positively.


Deputy Registrar (Estab.NT)

Copy to:

1. All members