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

+ LPA 98/2016, CM APPL. 5264-5266/2016

DEV RAJ SINGH RANA Appellant
Through: Mr. R.K. Jain, Advocate.

versus

DELHI UNIVERSITY & ANR Respondents
Through: Mr. Pranav Kumar Jha, Advocate for
Resp-2.
Ms. Gunjan Bansal, proxy for Mr. Arun Bhardwaj,
Advocate for Resp-1.

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MS. JUSTICE DEEPA SHARMA

ORDER
15.02.2016

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1. The present appeal is directed against the judgment and order of the learned Single Judge dated 22.09.2015 whereby the petitioner/appellant's claim for grant of benefit under the One Time Upward Movement Scheme was rejected.
2. The appellant was appointed as Junior Laboratory Assistant with the respondent College and on 10.04.1986 granted the benefit under the One Time Upward Movement Scheme and placed under the higher pay grade of ₹380-560 w.e.f. 01.01.1986. He was later promoted as Senior Laboratory Assistant on 27.03.2011 in the pay scale of ₹1320-2040. After merger of the two cadres of Junior

Laboratory Assistant and the Senior Laboratory Assistant (w.e.f. 01.03.1993), he was placed in the higher scale of ₹1400-2300. The Delhi University issued a Notification on 01.03.2000 deciding in principle that all Library Assistants who were granted One Time Upward Movement Scheme w.e.f. 01.01.1986 or from the date they became eligible, be placed in the pay scale of ₹1400-2300 to give effect to their parity with Library Attendants. The appellant's scale was, therefore, revised to ₹1400-2300 w.e.f. 01.01.1986 notionally. He was placed in the yet higher pay scale of ₹1640-2900 notionally w.e.f. 01.01.1994. He contends that the learned Single Judge fell into error in not directing the revision with arrears of pay rather than confining the notional benefits as he was given.

3. Learned Single Judge noticed that the petitioner is seeking through the proceedings relate back to an order w.e.f. 01.01.1986. The Single Judge was of the opinion that even though the appellant's contention that he was not aware of the correct facts and also had sought an information through RTI, might be accurate, at the same time, the fact remains that the decisions were taken long ago and that the appellant himself was a recipient.

4. This Court has heard the counsel for the appellant. It is evident from the factual narrative itself that the decision to revise the pay scale, merger of cadres and granting of notionally One Time Upward Movement Scheme was taken long ago. On each occasion, the appellant benefitted incrementally. May be he did represent against the denial of retrospective benefits/arrears but that he was not alone in this situation - other employees like him were also placed in the

higher pay scale but not granted full arrears. This Court perceives no justifiable claim having regard to the circumstances; the impugned judgment cannot be faulted. The appeal is consequently dismissed along with pending applications.

S. RAVINDRA BHAT, J

DEEPA SHARMA, J

FEBRUARY 15, 2016
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