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

+ W.P.(C) 13807/2018

DR. RATNA RAMAN Petitioner

Through: Mr. Siddharth Iyar, Adv.

versus

UNIVERSITY GRANTS COMMISSION AND ORS.

..... Respondents

Through: Mr. Mohinder J.S. Rupal with
Mr.Kousik Ghosh and Ms. Manisha
Relia, Advs. for University of Delhi.
Mr. Rajinder Dhawan with Mr. B.S.
Rana, Advs. for R-3.

CORAM:

HON'BLE MR. JUSTICE A. K. CHAWLA

ORDER

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09.01.2020

W.P.(C) 13807/2018 & CM APPL. 53876/2018 (for stay)

By the instant petition, the petitioner, in effect, seeks issuance of a Writ of Certiorari to quash the letters nos.CS-SDC/149/2018/863 dated 12.03.2018 issued by the University of Delhi in short 'the University'; CS-SDC/124/2018/974 dated 19.04.2018 issued by respondent no.3–Sri Venkateswara College, in short 'the College', and, the other order dated 12.09.2018 issued by the University.

Relevant to the subject matter, it emerges from the record that the petitioner, who was employed with the College and was working as Lecturer in senior scale, was promoted as Reader vide communication dated 28.09.2002. On completion of 05 years her pay was fixed at Rs.14,940/-

from 27.07.2003 and so communicated to her vide letter dated 28.01.2004. It appears that at some subsequent point of time, a few of the Lecturers / Readers of the College, who claimed parity with the fixation of pay of the petitioner as Reader at Rs.14,940/- made some representations but the respondents refused to entertain. It resulted into filing of W.P.(C) 380/2018 '*Dr. M. Padma Suresh & Ors vs. Union of India & Ors.*' The petition so filed by these persons came to be disposed of by the Id. Single Judge vide order dated 16.01.2018 with the direction to decide their representations in a time bound manner by a speaking order. In pursuance of the directions so issued, the University took a decision of re-fixation of the pay of the petitioner w.e.f. 27.07.2003 as per the Government of India, Ministry of Human Resource Development (Department of Education) letter no.F-1-22/97-U.I. dated 24.03.1999. As a result thereof, the College proceeded to communicate the decision so taken by the University to the petitioner vide its letter dated 24.04.2018, which forms part of the paper book as Annexure A-11. It resulted into filing of a writ petition being W.P.(C) 7624/2018 '*Dr. Ratna Raman vs. University Grants Commission & Ors.*', which petition came to be disposed of by the Id. Single Judge vide order dated 24.07.2018 granting liberty to the petitioner to make a detailed representation. On the representation so made by the petitioner, the University passed the impugned order dated 12.09.2018.

The issue agitated falls in a narrow compass. The pertinent question for consideration is with regard to fixation of pay of the petitioner at Rs.14,940/- w.e.f. 27.07.2003 and communicated to her vide letter dated 28.01.2004. The substantive part thereof reads, as follows:

"I am pleased to inform you that the University of Delhi South

Campus vide letter No.SDC/CB/MPS-SVC/2003/ZR(B)/13302, dated 16.1.2004 conveyed its approval to the fixation of your pay at Rs. 14940/- as on 27.7.2003 in the scale of pay of Rs. 12000-420-18300 with next date of increment as on 1.7.2004 on completion of 5 years service in the Reader's grade.....”

According to the University, the said stepping up of pay was erroneous inasmuch as it was in violation of the guidelines dated 24.03.1999 of Govt. of India, Ministry of Human Resource Development (Department of Education). According to the University, the petitioner was not entitled to stepping up of her pay w.e.f. 27.07.2003 on account of her ineligibility inasmuch as she was promoted as Reader under the Merit Promotion Scheme of 1998 as on 27.07.1998 and only those Readers / Lecturers (Selection Grade) were eligible to the scale of Rs.14,940/-, who had 05 years of service in the grade as on 01.01.1996. Relevant to the context, subject guidelines, read as follows:

Sr. No.	Point of doubt	Clarification
1.	How the pay of Readers/Lecturers (Selection Grade) is to be fixed in the revised scale of pay.	In the case of Readers/Lecturers (Selection Grade) having five years of service in the grade as on 1.1.96 the pay may be fixed initially in terms of CCS (RP) Rules, 1997. If the pay so fixed as on 1.1.96 is less than the stage of Rs. 14,940/- it may be stepped up to the stage of Rs.14,940/-.

Undisputedly, the petitioner was neither the Reader (Selection Grade) and did not meet the stipulation of 05 years to be eligible to attract the

application of the foregoing guidelines for stepping up of her pay at Rs.14,940/- at that point of time. The effect of the impugned communications / orders is only to the given effect.

In the submissions of the ld. counsel for the petitioner, a decision of pay fixation of the petitioner to the given effect having been taken in July, 2003 and given effect to over the years, attracts the principle of acquiescence. More so, in his submissions, the University or the College was not vested with any authority to review such order so belatedly.

Though the submissions made by the ld. counsel for the petitioner appear to be logical, the fact remains that the instructions of the Ministry of Human Resource Development have to be followed without exception inasmuch as these are in the nature of statutory instructions, more so, when no challenge is extended to it. An error can always be corrected and no negative equality can be asserted for grant of any benefit, if, the petitioner seeks to assert so. Then, the Court also finds that the action vide the impugned communications / order is only of re-fixation of pay and does not speak for any recovery of the financial benefits already availed of by the petitioner on the fixation of her pay w.e.f. 27.07.2003. Taking note of such equitable considerations already followed by the respondents, the Court does not see any perversity in the impugned communications / order.

For the foregoing reasons, the petition is dismissed along with pending application.

A. K. CHAWLA, J

JANUARY 09, 2020

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