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

% ***Date of decision: March 14, 2022***

+ LPA 187/2022 & CM APPL. 12717-18/2022

DHRUW KANT JHA & ORS. Appellants
Through: Ms. Warisha Farasat & Ms. Tanvi,
Advocates

Versus

NETAJI SUBHAS UNIVERSITY OF TECHNOLOGY & ORS. Respondents
Through: Mrs. Avnish Ahlawat, Standing
Counsel for GNCTD with Mrs. Tania
Ahlawat, Mr. Nitesh Kumar Singh,
Mr. Divyam Nandraj & Mr. Siddharth
Tyagi, Advocates

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT
HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

J U D G M E N T (oral)

1. The appellants are aggrieved by Administrative Order dated 31.03.2021 passed by respondent No. 1 withdrawing its earlier Office Order dated 23.09.2021 issued *vide* File No. 99(15)/2009/Estt./NSIT/1088 whereby the pay structure of Library Staff was upgraded. Against the aforesaid Administrative Order dated 31.03.2021, the appellants preferred W.P.(C) No. 4523/2021, wherein



the impugned interim order dated 12.04.2021 was passed by the learned Single Judge.

2. *Vidé* order dated 12.04.2021 the learned Single Judge has stayed any recovery to be made from respondent No. 1 pursuant to order dated 31.03.2021; however, the operation of the said order dated 31.03.2021 has not been stayed, as a result of which the appellants are being paid as per the old/reduced pay structure.
3. Learned counsel for the appellant submits that *vidé* impugned Administrative Order dated 31.03.2021, the salary of the appellants has been reduced from Pay Scale Rs. 9300-34800 with Grade Pay Rs.4200 to Pay Scale Rs. 5200-20200 with Grade Pay Rs.2400 thereby causing financial loss the appellants. It is also submitted that in two identical petitions being WP(C) No. 4939/2021 titled *Mrs. Sosamma Mathew Vs. Netaji Subhash University of Technology & Ors.*, and WP (C) No. 4974/2021 titled *Kaushal Kumar Shukla & Ors. Vs. Netaji Subhash University of Technology & Ors*, *vidé* orders dated 22.04.2021 and 23.04.2021 respectively, the learned Single Judge has not only stayed the recovery of monies by the respondents but has also stayed the very operation of the Administrative Order dated



31.03.2022; and as a result those other petitioners, who are similarly placed as the petitioners in the present proceedings, are getting enhanced pay-scales. Learned counsel also informs the court that, to seek parity with similarly placed persons, the appellants have filed a modification application before the learned Single Judge; however, the said application has not been decided till date.

4. Keeping in view the fact that the impugned order dated 12.04.2021 is subject matter of a modification application which is still pending before the learned Single Judge, we refrain from passing any orders on this appeal except to request the learned Single Judge to decide the modification application filed by the appellants expeditiously.
5. The present appeal and pending applications are disposed of accordingly.

(SURESH KUMAR KAIT)
JUDGE

(ANUP JAIRAM BHAMBHANI)
JUDGE

MARCH 14, 2022

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