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

+ **W.P.(C) 5708/2023**

DR. RITU CHOWDHARYPetitioner

Through: **Mr. Kumar Utkarsh, Advocate.**

versus

ADITI MAHAVIDYALAYA AND OTHERSRespondents

Through: **Mr. Mohinder J.S. Rupal, Mr. Hardik Rupal and Ms. Aishwarya Malhotra, Advocates for Respondents No.1 and 3.**

Mr. Yeeshu Jain, ASC with Ms. Jyoti Tyagi and Ms. Manshi Tanwar, Advocates for Respondent No.2.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

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05.11.2024

CM APPL.64667/2024

1. This application has been preferred on behalf of the Petitioner to dispose of this writ petition with similar directions as passed by this Court vide order dated 22.10.2024 in W.P.(C) 14334/2024 titled *Dr. Manisha vs. Lt. Governor of Delhi & Ors.*
2. Issue notice.
3. Counsels, as above, accept notice.
4. For the reasons stated in the application, the same is allowed and disposed of and writ petition is taken up for hearing to be decided in terms of the earlier order passed by this Court in W.P.(C) 14334/2024.



W.P.(C) 5708/2023

5. This writ petition has been preferred on behalf of the Petitioner under Article 226 of the Constitution of India seeking the following relief:-

“i) issue any appropriate writ, order or direction directing the respondents and particularly respondent Aditi Mahavidyalaya to pay to the petitioner Dr Ritu Chowdhary her arrears of salary to the tune of Rs 31,74,063/- as calculated and mentioned in letter dated 23.03.2023 (Annexure P-1);”

6. Factual matrix to the extent necessary is that Petitioner was appointed as a Lecturer in Education-B.El.Ed. (Psychology) on 17.07.2004 in Aditi Mahavidyalaya/Respondent No.1, which is a constituent College of the University of Delhi and is fully funded by the Government of NCT of Delhi/Respondent No.2.

7. It is averred in the petition that Petitioner was appointed as Assistant Professor Stage-III/Reader, (Academic Level-12) w.e.f. 09.01.2010 on recommendations of Screening-cum-Evaluation Committee in its meeting held on 08.05.2021 and promotion was given effect to from 09.01.2010 under Merit Promotion Scheme, 1998. Petitioner was promoted as Associate Professor w.e.f. 09.01.2013 i.e. after completion of 3 years of service from the date of promotion as Assistant Professor/Reader and placed in Academic Level 13-A. By the same order dated 19.07.2021, it was directed that her pay will be fixed as per the provisions and guidelines of the University of Delhi.

8. Grievance of the Petitioner is that despite several representations including the recent ones made on 15.11.2022, 24.11.2022 and 12.12.2022 to the College, arrears of salary for the period 09.01.2010 to 30.05.2022, save and except, for the period 15.10.2014 to 17.08.2017, on account of



promotion in terms of order dated 19.07.2021 have not been released. Petitioner states that she had earlier approached this Court in W.P. (C) No. 2834/2023, which was disposed of on 06.03.2023, with a direction to the College to dispose of the representations and with a direction to GNCTD to treat the writ petition as a representation and take a decision on the grievances of the Petitioner that there was inaction in release of arrears of salary but despite this arrears have not been released and a total amount of Rs.31,74,063/- is outstanding against the Petitioner.

9. Learned counsel for the Petitioner submits that Petitioner has been prejudiced on two counts. Firstly, she was granted her due promotions to the post of Assistant Professor, Stage-III/Reader (Academic Level-12) vide order dated 19.07.2021 and thereafter promotion as Associate Professor belatedly and secondly, while promotions have been given from retrospective dates i.e. the dates of acquiring the eligibility, fruits of these promotions have not been made available inasmuch as the difference in the pay and allowances payable in the promoted posts have not been given to the Petitioner in the form of arrears. It is urged by the learned counsel that it is a statutory and a legal obligation of the Respondents to ensure that Petitioner gets her legitimate dues on time particularly when the promotions were granted after inordinate and unexplained delay. It is vehemently submitted that Petitioner has earned the difference in the pay by virtue of her hard work and having received promotions, it is not open to the Respondents to disburse the arrears at their whims and fancies as though these arrears are their bounty. Learned counsel relies on the earlier decisions of this Court in ***Sh. Nagendra v. Lt. Governor of Delhi & Ors., W.P. (C) No. 11096/2024***, decided on 12.08.2024, ***Dr. Monika Bansal v. Lt. Governor of Delhi &***



Ors., W.P. (C) No. 13626/2024, decided on 27.09.2024, and *Dr. Manisha v. Lt. Governor of Delhi & Ors., W.P. (C) No. 14334/2024*, decided on 22.10.2024, where this Court has painfully noted the delay in releasing arrears of salaries and passed appropriate directions for release.

10. College takes the usual stand that it is ready and willing to disburse the arrears but is unable to do so in the absence of release of funds from the concerned authorities. The other Respondents sing the usual song of budgetary allocations and pattern of assistance.

11. Having heard learned counsels for the parties, I may painfully note that Petitioner is having to struggle to receive arrears of pay, which she is legitimately entitled to. Despite the Petitioner being eligible for promotions to different posts, there was total inaction on the part of the University/College in taking steps towards promotions for over a decade. Finally, the said Respondents woke up from their deep slumber in 2021 and carried out promotion exercise and Petitioner was promoted from due dates of eligibility. Having received promotions on paper, Petitioner has been deprived of the fruits of her promotions, which admittedly came belatedly. Pay fixations qua the promoted posts have been carried out and approvals have been received, still arrears have not been released to the Petitioner and going by the common stand the hindrance is 'budgetary allocations'. Learned counsel for the Petitioner is right in his contention that despite earlier orders of this Court, Petitioner is having to struggle to receive her arrears and that too when in her own case, the Court directed the Respondents to decide the representations, which implied necessary action, not just on paper but in reality by releasing the dues. Every employee works hard and dedicatedly and aspires for promotion and action of the



Respondents in depriving the Petitioner of her hard earned arrears cannot be countenanced either in law or in equity.

12. Accordingly, this writ petition is allowed directing the Respondents to ensure that arrears of pay due to the Petitioner on account of her promotions are released to her as expeditiously as possible and not later than a period of eight weeks from the date of receipt of this order by the College. It would be for the Respondents to put their house in order and make arrangements in the budgetary allocations/planned estimates so that the order passed by this Court is complied with in letter and spirit without any delay. The issue of payment of interest on delayed payments of arrears of pay is left open.

13. Writ petition is disposed of in the aforesaid terms.

14. Date of 30.01.2025 stands cancelled.

JYOTI SINGH, J

NOVEMBER 05, 2024

B.S. Rohella/shivam