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

+ **W.P.(C) 8870/2024**

DR. UMA NIJHAWAN

..... Petitioner

Through: Mr. Sanjay Sharawat and Mr. Ashok Kumar, Advocates.

versus

LT. GOVERNOR OF DELHI & ORS.

..... Respondents

Through: Mr. Yeeshu Jain, Additional Standing Counsel with Mr. Rachit Gupta and Ms. Jyoti Tyagi, Advocates for R-1 and 2.
Mr. Anurag Mathur, Advocate for R-4.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

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02.07.2024

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

“[a] Issue a writ of mandamus and direct the Respondent No.1, 2 and 4 to release and pay to the Petitioner the arrears of pay upon fixation of her pay vide Office Order dated 04/16.08.2022 issued by the Respondent No.4 on account of promotion of the Petitioner from the post of Assistant Professor in Senior Scale to Assistant Professor in Selection Grade and promotion from the post of Assistant Professor in Selection Grade to Associate Professor; and

[b] Issue a writ of mandamus and direct the Respondent No. 1, 2 and 4 to pay to the Petitioner upto date interest @ 18% per annum w.e.f the date of accrual till the date of payment of the aforesaid arrears of pay; and

[c] Pass any other and further order(s) as may be deemed fit.”

2. Petitioner was appointed as Lecturer in Economics on 28.02.1996 in Respondent No. 4 College, which is a Constituent College of University of Delhi and retired on 31.01.2024 as Associate Professor. Upon retirement, all



pensionary and other post retirement benefits were paid to the Petitioner and to this extent there is no grievance. Petitioner is aggrieved by non-payment of arrears of pay on account of difference in pay-scales consequent upon her promotion, for which she has been repeatedly representing to the College. As per the averment in the petition, a formal representation was sent by the Petitioner to the College through e-mail dated 04.06.2024, seeking disbursement of arrears of pay with interest @ 18% per annum, but to no avail, constraining the Petitioner to approach this Court.

3. Issue notice.

4. Mr. Yeeshu Jain, learned Additional Standing Counsel appearing for Respondents No.1 and 2 submits, on instructions, that no representation has been received from the Petitioner by the Directorate of Higher Education/ Respondent No.2 and though Petitioner claims to have made a representation to the College, no representation has been forwarded by the College. Nonetheless, it is submitted that in case the Petitioner submits any representation, the same shall be considered in accordance with law. Mr. Anurag Mathur, learned counsel appearing for the College acknowledges the receipt of the aforementioned representation from the Petitioner and submits that the same was forwarded to Respondent No.2.

5. In my view, without getting into the controversy whether representation dated 04.06.2024 was forwarded by the College to Respondent No.2, it is directed that Respondent No.2 shall treat the present writ petition as a representation and decide the same within a period of eight weeks from today, after giving an opportunity of hearing to the Petitioner and permitting her to file additional documents, if any, in support of her case. Needless to state that the order will be a reasoned and speaking order,



copy of which shall be forwarded to the Petitioner within one week of passing of the order. Petitioner will be at liberty to challenge the order in case of any surviving grievance, if so advised.

6. Petition is disposed of in the aforesaid terms.

JYOTI SINGH, J

JULY 02, 2024/shivam