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

+ **W.P.(C) 8871/2024**

DR MANISHA

..... 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 R1 and 2.
Mr. Anurag Mathur, Advocate for R4.

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 Orders dated 28.09.2022 and 27.04.2023 issued by the Respondent No.3 and 4 on account of promotion of the Petitioner from the post of Assistant Professor [Academic Level-10] to Assistant Professor [Academic Level- 11]; then from the post of Assistant Professor [Academic Level - 11] to Assistant Professor [Academic Level-12]; then from the post of Assistant Professor [Academic Level-12] to Associate Professor and eventually to the post of 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 a Lecturer in Economics in August, 2005 in Respondent No. 4 College, which is a Constituent College of University



of Delhi on *ad hoc* basis and was subsequently confirmed vide order dated 27.09.2006. The grievance of the Petitioner is that she was granted promotions between 2021-2022 at levels 10, 11 and 12 from Assistant Professor to Associate Professor and while the pay was fixed as per the promoted post, the arrears of pay on account of difference in the pay-scales were not given. Subsequently, Petitioner was promoted to the post of Professor in 2023 but again arrears on account of difference in pay-scales were not released. Petitioner is stated to have made repeated requests to the College to release the arrears followed by a formal representation dated 27.06.2024 but the needful was not done 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 27.06.2024 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