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

+ **W.P.(C) 8886/2024**

SH VIKASH CHAUDHARY

..... Petitioner

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

versus

LT. GOVERNOR OF DELHI & ORS.

..... Respondents

Through: Mr. Gaurav Dhingra and Mr.
Shashank Singh, Advocates for R1 and 2.
Mr. Anurag Mathur, Advocate for R4.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

% **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 his pay vide Office Order dated 18.04.2022 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 Computer Science on 18.11.1999 in Respondent No. 4 College, which is a Constituent College of University of Delhi on probation and was subsequently confirmed vide order dated 27.01.2003. As per the narrative in the writ petition, by virtue of Merit



Promotion Scheme, 1998, issued by UGC, Petitioner became eligible for promotion in the post of Lecturer in Senior Scale on 30.11.2004 but the Committee was constituted belatedly in 2010 and favourably recommended the case of the Petitioner for promotion. The recommendation was finally approved much later by the University in 2013. On completion of 5 years w.e.f. 30.11.2004, Petitioner became eligible for promotion to Lecturer in Selection Grade/Assistant Professor and further to the post of Associate Professor w.e.f. 30.11.2012. For about 11 years, no action was taken by the Respondents and it was only in 2021 that the University constituted two separate Selection Committees, one for promotion to the post of Assistant Professor in Selection Grade and the other for the post of Associate Professor. Vide order dated 21.10.2021, College conveyed the approval of promotion of the Petitioner as Assistant Professor in Selection Grade w.e.f. 30.11.2009 and for the post of Associate Professor w.e.f. 30.11.2012 and by a subsequent order dated 18.04.2022, approval was conveyed for fixation of pay on the promoted posts. Petitioner thus became entitled to receive arrears of pay on account of difference in the pay-scales due to the promotions and made several requests to the College for releasing the arrears of pay. Not receiving a favourable response, Petitioner made a formal representation through e-mail dated 08.06.2024, requesting the College to disburse the arrears with interest @ 18% per annum. Unsuccessful in getting the arrears, Petitioner has filed the present petition.

3. Issue notice.

4. Mr. Gaurav Dhingra, learned 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 08.06.2024 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 him to file additional documents, if any, in support of his 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