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

+ W.P.(C) 15566/2024

DR. ANSUL RAO

.....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 Ms. Jyoti Tyagi and Ms. Manshi Tanwar, Advocates for DoE/R-2.

Mr. Mohinder JS Rupal and Mr. Hardik Rupal, Advocates for University of Delhi.

Mr. Anurag Mathur, Advocate for the College.

96

+ W.P.(C) 15571/2024

DR. MANISHA BHUTANI

.....Petitioner

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

versus

LT. GOVERNOR OF DELHI & ORS.

.....Respondents

Through: Ms. Latika Choudhry, Advocate for R-1 and R-2.

Mr. Mohinder JS Rupal and Mr. Hardik Rupal, Advocates for University of Delhi.

Mr. Anurag Mathur, Advocate for the College.

98

+ W.P.(C) 15573/2024

DR. PUNAM DAGAR

.....Petitioner

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

versus

LT. GOVERNOR OF DELHI & ORS.

.....Respondents

Through: Mr. Gaurav Dhingra, Advocate for R-1 and R-2.

Mr. Mohinder JS Rupal and Mr. Hardik Rupal,



Advocates for University of Delhi.
Mr. Anurag Mathur, Advocate for the College.

CORAM:
HON'BLE MS. JUSTICE JYOTI SINGH

ORDER
08.11.2024

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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 Nos.2 and 4 to pay to the Petitioner a sum of Rs.23,41,000/- [Rupees twenty three lakhs forty-one thousand only] being the arrears of pay upon fixation of her pay vide Office Order dated 23.05.2022 issued by the Respondent No.4 on account of her promotion from the post of Assistant Professor [Academic Pay Level-11] to Assistant Professor [Academic Pay Level-12] and promotion from the post of Assistant Professor [Academic Pay Level-12] to Associate Professor; and

[b] Issue a writ of mandamus and direct the Respondent No.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

2. Facts to the extent relevant are that Petitioner was appointed as Lecturer (English) in Bhagini Nivedita College (hereinafter referred to as the 'College') on 07.12.1999 in the pay scale of Rs.8000-13500. The College is a constituent College of the University of Delhi.

3. University Grants Commission ('UGC') issued a Merit Promotion Scheme, 1998/Career Advancement Scheme, 2000 (CAS), providing for various stages of promotion and the same was adopted by the University. UGC altered the designation of Teachers appointed in Colleges and Universities w.e.f. 01.01.2006 from Lecturer, Reader and Professor to Assistant Professor, Associate Professor and Professor. By virtue of the promotion scheme, Petitioner became eligible for promotion to the post of



Lecturer in Senior Scale/Assistant Professor (Academic Level-11) and promotion was granted on 14.03.2008 w.e.f. 08.12.2005 and arrears of pay fixation were paid in time.

4. It is averred that Petitioner became eligible for promotion to the post of Assistant Professor (Academic Level-12) on 08.12.2010 but was granted promotion on 21.10.2021 *albeit* from the date of eligibility. Petitioner was granted further promotion as Associate Professor on 21.10.2021 although she was eligible on 01.01.2019. By order dated 23.05.2022, College fixed her pay on promotion and upon fixation, Petitioner became entitled to receive the arrears on account of revision of pay due to promotions in the higher posts of Assistant Professor and Associate Professor. Several representations made by the Petitioner yielded no results, compelling the Petitioner to approach this Court to release a sum of Rs.23,41,000/- on account of arrears of pay revision.

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5. 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 Nos.2 and 4 to pay to the Petitioner a sum of Rs.40,64,000/- [Rupees forty lakhs sixty four thousand only] being the arrears of pay upon fixation of her pay vide Office Order dated 11.07.2022 issued by the Respondent No.4 on account of her promotion from the post of Assistant Professor [Academic Pay Level-11] to Assistant Professor [Academic Pay Level-12] and promotion from the post of Assistant Professor [Academic Pay Level-12] to Associate Professor; and

[b] Issue a writ of mandamus and direct the Respondent No.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

6. Facts to the extent relevant are that Petitioner was appointed as Lecturer (Physics) in Bhagini Nivedita College (hereinafter referred to as the



‘College’) vide appointment letter dated 14.09.2009 in the pay scale of Rs.8000-13500. The College is a constituent College of the University of Delhi.

7. University Grants Commission (‘UGC’) issued a Merit Promotion Scheme, 1998/Career Advancement Scheme, 2000 (CAS), providing for various stages of promotion and the same was adopted by the University. UGC altered the designation of Teachers appointed in Colleges and Universities w.e.f. 01.01.2006 from Lecturer, Reader and Professor to Assistant Professor, Associate Professor and Professor. By virtue of the promotion scheme, Petitioner became eligible for promotion to the post of Lecturer in Senior Scale/Assistant Professor (Academic Level-11) on 17.09.2009 and promotion was granted on 21.03.2014 w.e.f. 17.09.2009 and arrears of pay fixation were paid in time.

8. It is averred that Petitioner became eligible for promotion to the post of Assistant Professor (Academic Level-12) on 17.09.2014 but was granted promotion on 21.10.2021 *albeit* from the date of eligibility. Petitioner was granted further promotion as Associate Professor on 21.10.2021 although she was eligible on 17.09.2017. By order dated 11.07.2022, College fixed her pay on promotion and upon fixation, Petitioner became entitled to receive the arrears on account of revision of pay due to promotions in the higher posts of Assistant Professor and Associate Professor. Several representations made by the Petitioner yielded no results, compelling the Petitioner to approach this Court to release a sum of Rs.40,64,000/- on account of arrears of pay revision.

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9. 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 Nos.2 and 4 to pay to the Petitioner a sum of Rs.90,74,000/- [Rupees ninety lakhs seventy-four thousand only] being the of pay upon fixation of her pay vide Office Orders dated 21.07.2022 and 05.09.2023 issued by the Respondent No.4 on account of her promotion from the post of Lecturer in Senior Scale to Lecturer in Selection Grade/Assistant Professor [Stage- III] and then promotion from the post of Lecturer in Selection Grade/Assistant Professor [Stage-III] to Associate Professor; and
[b] Issue a writ of mandamus and direct the Respondent No.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”

10. Facts to the extent relevant are that Petitioner was appointed as Lecturer (Political Science) in Bhagini Nivedita College (hereinafter referred to as the ‘College’) on 14.02.2000 in the pay scale of Rs.8000-13500. The College is a constituent College of the University of Delhi.

11. University Grants Commission (‘UGC’) issued a Merit Promotion Scheme, 1998/Career Advancement Scheme, 2000 (CAS), providing for various stages of promotion and the same was adopted by the University. UGC altered the designation of Teachers appointed in Colleges and Universities w.e.f. 01.01.2006 from Lecturer, Reader and Professor to Assistant Professor, Associate Professor and Professor. By virtue of the promotion scheme, Petitioner became eligible for promotion to the post of Lecturer in Senior Scale/Assistant Professor (Academic Level-11) on 19.10.2001 and promotion was granted on 10.12.2003 w.e.f. 19.10.2001 and arrears of pay fixation were paid in time.

12. It is averred that Petitioner became eligible for promotion to the post of Assistant Professor (Academic Level-12) on 19.10.2006 but was granted promotion on 21.10.2021 *albeit* from the date of eligibility. Petitioner was granted further promotion as Associate Professor on 21.10.2021 w.e.f.



19.10.2009, the date of eligibility. By order dated 21.07.2022, College fixed her pay on promotion and upon fixation, Petitioner became entitled to receive the arrears on account of revision of pay due to promotions in the higher posts of Assistant Professor and Associate Professor. Several representations made by the Petitioner yielded no results, compelling the Petitioner to approach this Court to release a sum of Rs.90,74,000/- on account of arrears of pay revision.

13. Issue notice.

14. Learned counsels, as above, accept notice on behalf of the respective Respondents.

15. Learned counsel for the Petitioners submits that Petitioners have been prejudiced on two counts. Firstly, they were granted their due promotions belatedly and secondly, while promotions were made effective from the due dates of eligibility, the fruits of the promotions have not been made available inasmuch as the difference in pay and allowances payable in the promoted posts have not been given to the Petitioners 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 Petitioners get their legitimate dues on time particularly when the promotions were granted after inordinate and unexplained delay. It is vehemently submitted that Petitioners have earned their promotions by dint of hard work and are legitimately entitled to the arrears arising out of pay fixation and it is not open to the Respondents to disburse the arrears at their whims and fancies as this money is not their bounty.

16. Insofar as the College is concerned, learned counsel expresses helplessness to release the arrears due to lack of funds and remaining



Respondents raise the usual plea of budgetary allocations and planned estimates.

17. Having heard learned counsels for the parties, I am of the view that Petitioners are entitled to release of their arrears of which they have been illegally deprived. Petitioners are right in their grievance that to begin with their promotions were delayed for many years despite being eligible with no justification and even after granting promotions and orders of pay fixation being passed and payments being approved, they have yet to receive the fruits of their promotions earned through hard work over the years. The aspiration for promotion has only remained a paper in the absence of monetary benefits flowing from pay fixation in the higher posts.

18. Accordingly, these writ petitions are allowed directing the Respondents to ensure that arrears of pay due to the Petitioners on account of their promotions are released to them 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.

19. Writ petitions are disposed of in the aforesaid terms.

JYOTI SINGH, J

NOVEMBER 08, 2024/shivam