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

+ W.P.(C) 15641/2024

DR ANUJA SONIPetitioner

Through: Mr. Akshit Gadhok, Advocate.

versus

LT GOVERNOR OF DELHI AND ORS.Respondents

Through: Ms. Beenashaw N. Soni and Ms. Ann Joseph, Advocates for R-4.

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

89

+ W.P.(C) 15649/2024

DR SUJATA KHATRIPetitioner

Through: Mr. Akshit Gadhok, Advocate.

versus

LT GOVERNOR OF DELHI AND ORS.Respondents

Through: Ms. Beenashaw N. Soni and Ms. Ann Joseph, Advocates for R-4.

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

90

+ W.P.(C) 15653/2024

MRS SHWETA WADHERAPetitioner

Through: Mr. Akshit Gadhok, Advocate.

versus

LT. GOVERNOR OF DELHIRespondent

Through: Ms. Beenashaw N. Soni and Ms. Ann Joseph, Advocates for R-4.

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



CORAM:
HON'BLE MS. JUSTICE JYOTI SINGH

ORDER
11.11.2024

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CM APPL. 65602/2024 in W.P.(C) 15641/2024
CM APPL. 65614/2024 in W.P.(C) 15649/2024
CM APPL. 65622/2024 in W.P.(C) 15653/2024

1. Allowed, subject to all just exceptions.
2. Applications stand disposed of.

W.P.(C) 15641/2024

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

“i) Allow the present Writ Petition;

ii) Issue a Writ of Mandamus and direct the Respondent No. 1, 2 & 4 to release and pay to the Petitioner the arrears of pay upon fixation of pay vide Office Order dated 17.12.2021 on account of her promotion from the post of Assistant Professor {AGP - Rs 7000 /-} to Assistant Professor {AGP - Rs 8000 /-} then from the post of Assistant Professor {AGP - Rs 8000 /-} to Associate Professor {AGP - Rs 9000 /-}; and

iii) Issue a Writ of Mandamus and direct the Respondent No.1, 2 & 4 to pay 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.”

4. Factual matrix to the extent necessary is that Petitioner was appointed as Lecturer in the Department of Computer Science on probation vide appointment letter dated 28.07.2000 in Deen Dayal Upadhyaya College/Respondent No.4 and her services were confirmed from 22.11.2001. The college is a constituent College of the University of Delhi/Respondent No.3.
5. University Grants Commission (‘UGC’) issued a Merit Promotion Scheme, 1998/Career Advancement Scheme, 2000 (CAS), providing for



various stages of promotion for the post of Lecturer and the same was adopted by the University. UGC altered the designations 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.

6. It is averred that Petitioner became eligible for promotion to the post of Assistant Professor (Academic Level-12) on 08.02.2011 but was granted promotion on 01.02.2021 *albeit* from the date of eligibility. Petitioner was due for promotion from 16.09.2014, yet she was granted further promotion as Associate Professor (Academic Level 13-A) on 13.08.2021 *albeit* from the date of eligibility. By order dated 17.12.2021, 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 on account of arrears of pay revision.

W.P.(C) 15649/2024

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

- i) Allow the present Writ Petition;
- ii) Issue a Writ of Mandamus and direct the Respondent No. 1, 2 & 4 to release and pay to the Petitioner the arrears of pay upon fixation of pay vide Office Order dated 17.12.2021 on account of her promotion from the post of Assistant Professor {AGP - Rs 7000/-} to Assistant Professor {AGP - Rs 8000/-} then from the post of Assistant Professor {AGP - Rs 8000/-} to Associate Professor {AGP - Rs 9000/-}; and
- iii) Issue a Writ of Mandamus and direct the Respondent No. 1, 2 & 4 to pay 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”

8. Factual matrix to the extent necessary is that Petitioner was appointed



as a Lecturer in the Department of Computer Science on probation basis in Respondent No.4/College and her services were confirmed w.e.f. 17.11.1999 i.e., the date of joining, vide confirmation letter dated 11.02.2003. The college is a constituent College of the University of Delhi/ Respondent No.3.

9. It is averred that Petitioner became eligible for promotion to the post of Assistant Professor (Academic Level-12) on 19.08.2010 but was granted promotion on 01.02.2021 *albeit* from the date of eligibility. Petitioner was granted further promotion as Associate Professor (Academic Level 13-A) on 13.08.2021 although from 19.08.2013, i.e, the date of eligibility. By order dated 17.12.2021, 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 on account of arrears of pay revision.

W.P.(C) 15653/2024

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

- i) Allow the present Writ Petition;*
- ii) Issue a Writ of Mandamus and direct the Respondent No. 1, 2 & 4 to release and pay to the Petitioner the arrears of pay upon fixation of pay vide Office Order dated 01.02.2021 & 13.02.2023 on account of her promotion from the post of Assistant Professor {AGP - Rs 7000/-} to Assistant Professor {AGP - Rs 8000/-} then from the post of Assistant Professor {AGP - Rs 8000 / -} to Associate Professor {AGP - Rs 9000 /-}; and*
- iii) Issue a Writ of Mandamus and direct the Respondent No.1, 2 & 4 to pay the Petitioner upto date interest @ 18°/o per annum w.e.f. the date of accrual till the date of payment of the aforesaid arrears of pay; and”*



11. Factual matrix to the extent necessary is that Petitioner was appointed as a Lecturer in the Department of Computer Science on probation basis in Respondent No.4/College and her services were confirmed w.e.f. 17.11.1999 i.e., the date of joining vide confirmation letter dated 11.02.2003. The college is a constituent College of the University of Delhi/Respondent No.3.

12. It is averred in the petition that Petitioner became eligible for promotion to the post of Assistant Professor (Academic Level-12) on 21.07.2010 but was granted promotion on 01.02.2021 *albeit* from the date of eligibility. Petitioner was granted further promotion as Associate Professor (Academic Level 13-A) on 13.02.2023 *albeit* from 05.06.2021, i.e., the date of eligibility. By order dated 09/13.02.2023, College fixed her pay on promotion to the higher posts of Assistant and Associate Professor 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 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 the 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 the difference in the pay by virtue of their 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 of the payments.

16. Insofar as the College is concerned, the stand as always is that, it is willing to disburse the arrears but is unable to do so in the absence of budget and allocation of funds from the concerned Authorities. The other Respondents plead lack of budgetary allocations, a routine argument in every similar matter.

17. Having heard learned counsels for the parties, I am constrained to note the sorry state of affairs where Petitioners are having to struggle to receive the arrears of pay, which they are legitimately entitled to. Despite the Petitioners being eligible for promotions to different posts, there was total inaction on the part of the University/Colleges in taking steps towards



promotions for a long time. Finally, the said Respondents woke up from their deep slumber and carried out the promotion exercise and the Petitioners were promoted from the due dates of their eligibility. Having received promotions on paper, Petitioners have been deprived of the fruits of their promotions, which admittedly came belatedly. Pay fixations qua promoted posts have been carried out by the College and approvals have been received, still arrears have not been released to the Petitioners and going by the common stand the hindrance is 'budgetary allocations'.

18. Learned counsel for the Petitioners is right in his contention, which he painfully articulates, that despite earlier orders of this Court granting opportunity to the Directorate of Higher Education, Colleges and the University to hold high level meetings to work out the modalities for releasing arrears of pay to the Petitioners therein, no action has been taken and it appears that the Respondents have scant regard for the orders of this Court. There can be no trace of doubt that an employee on promotion cannot be deprived of the benefit of the higher pay scale. Every employee works hard and dedicatedly and aspires for promotion and the action of the Respondents in depriving the Petitioners of their hard-earned arrears cannot be countenanced either in law or in equity.

19. 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.

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

JYOTI SINGH, J

NOVEMBER 11, 2024/shivam