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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 16687/2024
DR. PUSHPA YADAVPetitioner

Through: Ms. Saahila Lamba, Advocate.
versus

LT. GOVERNOR OF DELHI & ORS.Respondents

Through: Mr. Gaurav Dhingra and
Mr. Shashank Singh, Advocates for Respondents
No.1 and 2.

CORAM:
HON'BLE MS. JUSTICE JYOTI SINGH

ORDER
03.12.2024

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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 relief:

“(i) Issue a writ of mandamus directing the respondents to release to the petitioner arrears of pay accruing to her upon her promotion to the posts of Assistant Professor in the Pay Scale of Academic Level-12 with effect from 22.11.2010 vide order dated 21.10.2021 and Associate Professor in the Pay Scale of Academic Level – 13A with effect from 01.09.2018 vide order dated 21.10.2021 with interest @ 18% per annum with effect from the date of accrual of arrears till date of payment of arrear”

2. Shorn of unnecessary details, facts to the extent relevant are that Petitioner was appointed as Lecturer in Commerce on probation in Bhagini Nivedita College (hereinafter referred to as ‘the College’) vide offer of appointment dated 22.11.1999 in the pay scale of Rs.8000-13500 and her services were confirmed vide memorandum dated 14.02.2001.

3. The College is a constituent College of the University of Delhi. 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.

4. By virtue of the promotion scheme, Petitioner became eligible for promotion from Assistant Professor (Academic Level-11) to the post of Assistant Professor (Academic Level-12) on 22.11.2010 but was granted promotion on 21.10.2021 *albeit* from the date of eligibility. Petitioner was granted further promotion as Associate Professor (Academic Level 13-A) on 21.10.2021 although from 01.09.2018, i.e, the date of eligibility. By order dated 26.05.2022, College fixed the pay of the Petitioner on the revised scales on account of promotions after the University accorded approval vide letter dated 16.04.2022, however, despite this arrears of revised pay and allowances were not disbursed to the Petitioner.

5. The grievance of the Petitioner is that notwithstanding the grant of two promotions and fixation of pay in the promoted posts, arrears of salary and emoluments have not been released despite representation made on 09.07.2024.

6. Issue notice.

7. Mr. Gaurav Dhingra, learned counsel accepts notice on behalf of Respondents No. 1 and 2.

8. Learned counsel for Petitioner submits that Petitioner has been prejudiced on two counts. Firstly, she was granted her due promotions belatedly and secondly, while promotions have been 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 made available to the Petitioner 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 Petitioner gets her legitimate dues on time particularly when the promotions were granted after inordinate and unexplained delay. It is vehemently submitted that Petitioner has earned the difference in the pay by virtue of her 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, ***Dr. Manisha v. Lt. Governor of Delhi & Ors., W.P. (C) No. 14334/2024***, decided on 22.10.2024, ***Dr. Anuja Soni v. Lt. Governor of Delhi & Ors., W.P. (C) No. 15641/2024***, decided on 11.11.2024 and ***Dr. Poonam Mothsra v. Lt. Governor of Delhi & Ors., W.P. (C) No. 15868/2024***, decided on 14.11.2024 where this Court has painfully noted the delay in releasing arrears of salaries and passed appropriate directions for release of the payments.

9. Mr. Dhingra, learned counsel submits that all efforts are being made at the highest level to ensure that budgetary allocations are made on time so that legitimate dues of the Petitioner and other employees in general are paid smoothly.

10. Having heard learned counsels for the parties, I am constrained to note the sorry state of affairs where Petitioner is having to struggle to receive the arrears of pay, which she is legitimately entitled to. There is merit in the stand of the Petitioner that she is entitled to the arrears of pay revision legitimately due to her on account of promotions to the post of



Assistant and Associate Professor and Respondents cannot deny the legitimate dues on the plea of budgetary allocations. Having received promotions on paper, Petitioner has been deprived of the fruits of her promotions, which admittedly came belatedly. Pay fixations qua the promoted posts have been carried out and approvals have been received, still arrears have not been released to the Petitioner and going by the common stand the hindrance is 'budgetary allocations'. Every employee works hard and dedicatedly and aspires for promotion and action of the Respondents in depriving the Petitioner of her hard earned arrears cannot be countenanced either in law or in equity.

11. Accordingly, this writ petition is allowed directing the Respondents to ensure that arrears of pay due to the Petitioner on account of her promotions are released to her 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.

12. Writ petition is disposed of in the aforesaid terms.

JYOTI SINGH, J

DECEMBER 03, 2024/BSR/shivam