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

+ **W.P.(C) 17533/2024**

DR. SUNIL KUMAR

.....Petitioner

Through: **Mr. Akshit Gadhok, Advocate.**

versus

LT GOVERNOR OF DELHI AND ORS

.....Respondents

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

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

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

% **19.12.2024**

CM APPL. 74669/2024

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

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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 the Petitioner the arrears of pay upon fixation of his pay vide office order dated 20.01.2022 & 13.02.2023 on account of promotion from the post of Assistant Professor {AGP - Rs 6000 /-} Stage - I to Assistant Professor {AGP - Rs 7000/-} Stage -II and then from Assistant Professor {AGP - Rs 7000/- Stage - II to Assistant Professor {AGP - Rs 8000/-} Stage - III and then from Assistant Professor Stage -III to Associate Professor Stage-IV; 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”

4. Factual matrix to the extent necessary is that Petitioner was appointed as Lecturer in Commerce in Deen Dayal Upadhyaya College (hereinafter referred to as the ‘College’)/Respondent No. 1 vide appointment letter dated 16.07.2005. College is a constituent College of the University of Delhi/Respondent No. 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.

5. It is averred that Petitioner became eligible for promotion from Assistant Professor (AGP Rs.6000/-) to the post of Assistant Professor (AGP Rs.7000/-) on 26.07.2010 and for further promotion from Assistant Professor (AGP Rs.7000/-) to the post of Assistant Professor (AGP Rs.8000/-) on 26.07.2015 as also from Assistant Professor (AGP Rs.8000/-) to the post of Associate Professor (AGP Rs.9000/-) on 26.07.2018. However, Petitioner was granted promotions belatedly on 01.02.2021 as Assistant Professor upto AGP Rs.8000/- and as Associate Professor (AGP Rs.9000/-) on 13.08.2021. By orders dated 20.01.2022 and 13.02.2023, College fixed the pay of the Petitioner on the revised scales on account of the promotions but till date arrears of revised pay have not been released to the Petitioner compelling him to knock the door of this Court.

6. Issue notice.

7. Counsels, as above, accept notice on behalf of the respective



Respondents.

8. Learned counsel for Petitioner submits that Petitioner has been prejudiced on two counts. Firstly, he was granted his 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 his 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 his 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, ***Dr. Poonam Mothsra v. Lt. Governor of Delhi & Ors., W.P. (C) No. 15868/2024***, decided on 14.11.2024, ***Dr. Pushpa Yadav v. Lt. Governor of Delhi & Ors., W.P.(C) No. 16687/2024*** decided on 03.12.2024 and ***Dr. Swati Yadav v. Lt. Governor of Delhi & Ors., W.P. (C) 16693/2024*** decided on 03.12.2024 where this Court has painfully noted the delay in releasing arrears of salaries and passed appropriate directions for release of



the payments.

9. Mr. Gaurav 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 he is legitimately entitled to. There is merit in the stand of the Petitioner that he is entitled to the arrears of pay revision legitimately due to him on account of promotions to the post of Assistant Professor 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 his 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 his 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 his promotions are released to him as expeditiously as possible and not later than a period of six 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 19, 2024/shivam