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

+ W.P.(C) 17584/2024

MR ANIL KUMARPetitioner

Through: Mr. Akshit Gadhok, Advocate.

versus

LT GOVERNOR OF DELHI AND ORS.Respondents

Through: Mr. Gaurav Dhingra, Advocate for DoE.

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

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+ W.P.(C) 17616/2024

DR. RAKESH KUMARPetitioner

Through: Mr. Akshit Gadhok, Advocate.

versus

LT GOVERNOR OF DELHI AND ORSRespondents

Through: Mr. Gaurav Dhingra, Advocate for DoE.

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

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

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20.12.2024

CM APPL. 74840/2024 in W.P.(C) 17584/2024

CM APPL. 74914/2024 in W.P.(C) 17616/2024

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



W.P.(C) 17584/2024 and W.P.(C) 17616/2024

3. These writ petitions have been preferred by the Petitioners seeking arrears of pay revision on account of promotions which have not been released till date.

4. In W.P.(C) 17584/2024, Petitioner was appointed as Lecturer in Computer Science in Deen Dayal Upadhyaya College (hereinafter referred to as the 'College')/Respondent No. 4 vide appointment letter dated 23.04.2009. Petitioner became eligible for promotion from Assistant Professor (AGP Rs.6000/-) to the post of Assistant Professor (AGP Rs.7000/-) on 30.11.2011 and for further promotion from Assistant Professor (AGP Rs.7000/-) to the post of Assistant Professor (AGP Rs.8000/-) on 30.11.2016 as also from Assistant Professor (AGP Rs.8000/-) to the post of Associate Professor (AGP Rs.9000/-) on 05.06.2021. However, Petitioner was granted promotions belatedly on 01.02.2021 as Assistant Professor in AGP Rs.7000/- and as Assistant Professor in AGP Rs.8000/- on 13.08.2021 as also Associate Professor (AGP Rs.9000/-) on 13.08.2021. By order dated 31.01.2022, the 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.

5. In W.P.(C) 17616/2024, Petitioner was appointed as Lecturer in Business Studies in Deen Dayal Upadhyaya College (hereinafter referred to as the 'College')/Respondent No. 4 vide appointment letter dated 27.04.2009. Petitioner became eligible for promotion from Assistant Professor (AGP Rs.6000/-) to the post of Assistant Professor (AGP Rs.7000/-) on 30.04.2013 and for further promotion from Assistant



Professor (AGP Rs.7000/-) to the post of Assistant Professor (AGP Rs.8000/-) on 30.04.2018 as also from Assistant Professor (AGP Rs.8000/-) to the post of Associate Professor (AGP Rs.9000/-) on 30.04.2021. However, Petitioner was granted promotions belatedly on 25.01.2022 as Assistant Professor in AGP Rs.7000/- and as Assistant Professor in AGP Rs.8000/- on 13.02.2023 as also Associate Professor (AGP Rs.9000/-) on 13.02.2023. By orders dated 25.01.2022 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 the Petitioners submits that Petitioners have been prejudiced on two counts. Firstly, they were granted their 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 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, ***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 Petitioners 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 Petitioners are having to struggle to receive the arrears of pay, which they are legitimately entitled to. There is merit in the stand of the Petitioners that they are entitled to the arrears of pay revision legitimately due to them on account of promotions and Respondents cannot deny the legitimate dues on the plea of budgetary allocations. Having received promotions on paper, Petitioners have been deprived of the fruits of their 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 Petitioners 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 Petitioners of their hard-earned arrears cannot be countenanced either in law or in equity.

11. 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 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 petitions are disposed of in the aforesaid terms.

JYOTI SINGH, J

DECEMBER 20, 2024/shivam