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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 17614/2024**

DR ABHIJEET SINHA

.....Petitioner

Through: Mr. Ashok Kumar and Mr. Ayush
Anand, Advocates

versus

LT. GOVERNOR OF DELHI & ORS.

.....Respondents

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

Ms. Beenashaw Soni and Ms. Mansi Sain,
Advocates for DDU College.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

20.12.2024

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1. This writ petition has been preferred on behalf of the Petitioner seeking the following reliefs:

“[a] Issue a writ of mandamus and direct the Respondent No.2 and 4 to release and pay to the Petitioner a sum of Rs.36,68,125/- being the arrears of pay upon fixation of his pay vide Office Orders dated 13.12.2021 and 31.01.2022 issued by the Respondent No.4 on account of his promotion from the post of Librarian Stage-II to Librarian Stage-III and then from the post of Librarian Academic Pay Level-12 [earlier Stage-III] to Librarian Academic Pay Level-13A; 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”

2. Factual matrix to the extent necessary is that Petitioner was appointed as Librarian in Deen Dayal Upadhyaya College (hereinafter referred to as the ‘College’)/Respondent No. 4 vide appointment letter dated 20.10.2001 and was confirmed on 11.02.2003. 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 promotions and the same was adopted by the University.

3. Under CAS, Petitioner was promoted to the post of Librarian in Senior Scale vide office order dated 22.12.2008 w.e.f. 12.11.2007. Consequent upon implementation of 6th and 7th CPCs recommendations, nomenclature of various promotional posts of Librarians was altered. Post of Librarian in Senior Scale was changed to 'Librarian Stage-II' and further promotion was to the post of 'Librarian Stage-III'. In 2016, nomenclature of Librarian Stage-II was altered to Librarian Academic Pay Level-12 and further promotion was to the post of Librarian Academic Pay Level-13A.

4. Petitioner avers that under CAS-2018, Petitioner was promoted to the Post of Librarian Stage-III vide office order dated 01.02.2021 w.e.f. 12.11.2012 and was further promoted to Librarian Academic Pay Level-13A vide office order dated 13.08.2021 w.e.f. 12.11.2015. College carried out pay-fixation vide office orders dated 13.12.2021 and 31.01.2022 respectively, however, arrears of revised pay were not released to the Petitioner, making the promotions meaningless.

5. Issue notice.

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

7. 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, wherein this Court has painfully noted the delay in releasing arrears of salaries and passed appropriate directions for release of the payments.

8. Ms. Latika Choudhary, 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 expeditiously.

9. 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 posts of Librarian Stage-III and Librarian Academic Pay Level-13A, respectively 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.

10. 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. In case the payment is not made within the timeframe granted by this Court, Directorate of Higher Education/Respondent No.2 will be liable to pay interest @6% per annum from the date the amounts became due till actual payment.

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

JYOTI SINGH, J

DECEMBER 20, 2024/j/jg