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

+ W.P.(C) 17699/2024

RENU GUPTA

.....Petitioner

Through: Mr. Yogesh Kumar, Advocate with
Petitioner in person.

versus

DIRECTORATE OF EDUCATION GNCT OF DELHI THROUGH
DIRECTOR OF EDUCATION & ORS.Respondents

Through: Ms. Latika Choudhury, Advocate for
DoE.

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+ W.P.(C) 17700/2024

GEETANJALI PATHAK

.....Petitioner

Through: Mr. Yogesh Kumar, Advocate with
Petitioner in person.

versus

DIRECTORATE OF EDUCATION GNCT OF DELHI THROUGH
DIRECTOR OF EDUCATION & ORS.Respondents

Through: Ms. Latika Choudhury, Advocate for
DoE.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

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23.12.2024

CM APPL. 75334/2024 in W.P.(C) 17699/2024

CM APPL. 75336/2024 in W.P.(C) 17700/2024

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



W.P.(C) 17699/2024 & CM APPL. 75335/2024

W.P.(C) 17700/2024 & CM APPL. 75337/2024

3. W.P.(C) 17699/2024 has been preferred on behalf of the Petitioner under Articles 226 and 227 of the Constitution of India seeking a direction to the Respondents to grant third financial upgradation under Modified Assured Career Progression Scheme (MACP Scheme) to the Petitioner w.e.f. 28.02.2020 in pay matrix Level 12 under the 7th CPC and accordingly re-fix the pay and release the arrears.

4. Factual matrix to the extent necessary is that Petitioner was appointed as PGT (Commerce) as direct recruit candidate in Respondent No. 3/School w.e.f. 28.02.1990. Petitioner completed 30 years of regular and continuous service on 27.02.2020. Respondent No. 3 is a Government aided school and admittedly the MACP Scheme is applicable, as per which three financial upgradations are granted on completion of 10, 20 and 30 years of regular service with 10 years service in the same Grade Pay.

5. Petitioner avers that she was granted two financial upgradations, the second one being from 28.02.2010 in Grade Pay of 6600/- in PB-3. However, the third financial upgradation was not granted despite the Petitioner being eligible from 28.02.2020. APARs of the Petitioner for the reckonable period i.e. 2014-15 to 2018-19 have gradings of 'Very Good' and there is nothing adverse against her in the entire span of over 30 years' service. In a nutshell, case of the Petitioner is that on completion of 30 years of service w.e.f. 28.02.2020, Petitioner became eligible for third financial upgradation under MACP Scheme in Grade Pay of Rs.7600/- in PB-3 (pre-revised) i.e. pay matrix Level 12 under 7th CPC and taking into consideration her regular and continuous service which is unblemished and



the five APARs which are 'Very Good', there is no justifiable reason for the inaction of the School in not considering her case.

6. It is submitted by learned counsel for the Petitioner that several times the School has sent the case of the Petitioner for consideration for third financial upgradation also certifying that her service record qualifies for grant of the upgradation but there is total inaction on part of the DoE and Petitioner is due to retire in September, 2025.

7. W.P.(C) 17700/2024 has been preferred on behalf of the Petitioner under Articles 226 and 227 of the Constitution of India seeking a direction to the Respondents to grant third financial upgradation under MACP Scheme to the Petitioner w.e.f. 16.07.2020 in pay matrix Level 12 under the 7th CPC and accordingly re-fix the pay and release arrears.

8. Factual matrix to the extent necessary is that Petitioner was appointed as PGT (Biology) as direct recruit candidate with Respondent No. 3/School w.e.f. 16.07.1990 and Petitioner completed 30 years of regular and continuous service with the School on 15.07.2020. There is no dispute that the MACP Scheme is applicable and Petitioner was granted the second financial upgradation w.e.f. 16.07.2010 under the MACP Scheme.

9. Case of the Petitioner is that as per the MACP Scheme she was entitled to third financial upgradation on completion of 30 years' regular and continuous service on 16.07.2020 but no action has been taken by DoE despite her being eligible and her APARs for the relevant period 2015-16 to 2019-20 being 'Very Good'. It is urged that the School has sent the case of the Petitioner to the DoE for necessary consideration but to no avail and as a result for the last four years, Petitioner has been deprived of revision in her pay in pre-revised Grade Pay of Rs.7600/- in PB-3 which has caused



monetary loss to the Petitioner.

10. Issue notice.

11. Ms. Latika Chaudhury, learned counsel accepts notice on behalf of Respondents No. 1 and 2.

12. There is merit in the submission of the counsel for the Petitioners that on completion of 30 years of regular and uninterrupted service, Petitioners were entitled for consideration for third financial upgradation under the MACP Scheme. Cases of the Petitioners have been referred to DoE by the School, as per the averments in the writ petitions but there is inaction by DoE despite passage of over four years from the time when the Petitioners became eligible for consideration. Petitioners have also averred that their cases are squarely covered by several judgments of this Court and illustratively rely on the order of the Co-ordinate Bench of this Court in ***Vineeta Gupta v. The Management AFSSS through the Manager AFSSS and Ors., W.P. (C) No. 13351/2021***, decided on 22.08.2022. Once there is no dispute that the MACP Scheme is applicable, there can be no justification in denying the Petitioners even a consideration, which is their vested right.

13. Accordingly, without entering into the merits of the case, writ petitions are disposed of directing the Respondents to ensure that the Petitioners are considered for grant of third financial upgradation, in accordance with law, within a period of six weeks from the date of receipt of this order. Needless to state the consideration will be as per the MACP Scheme and in case Petitioners are found suitable for grant of the third financial upgradation, their pay shall be re-fixed by granting the benefit of pay matrix Level 12 under 7th CPC and arrears will be released within four weeks from the date of decision. In case, the Petitioners are not found



suitable, reasoned and speaking orders shall be passed indicating the reasons for non-grant of third financial upgradation. The orders shall be communicated to the Petitioners who will be at liberty to take recourse to legal remedies, if so advised.

14. Pending applications also stand disposed of.

JYOTI SINGH, J

DECEMBER 23, 2024/shivam