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

+ **W.P.(C) 4431/2017 & CM APPL. 53309/2019**

NEETU KUMAR

.....Petitioner

Through: Mr. K.S. Kashyap, Mr. Thomas
Oommen and Mr M.P.S. Kashyap, Advocates.

versus

STATE OF NCT OF DELHI AND ORS

.....Respondents

Through: Ms. Astha Gupta, Advocate for R-1.
Mr. Mohak Bhadana, Advocate for R-4 and 5.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

08.10.2024

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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 a direction to Respondents No.1 to 3 to enforce Delhi School Education Act, 1973 and pay her salary as Trained Graduate Teacher ('TGT') Grade w.e.f. 19.09.2006, when she cleared her Bachelor of Education ('B.Ed.') examination by Indira Gandhi National Open University ('IGNOU'), amongst other reliefs.
2. At the outset, it may be noted that when this writ petition was listed before the Court, learned counsel for the Petitioner had submitted that she will only press the relief with respect to grant of Financial Upgradations under Modified Assured Career Progression Scheme ('MACP') with consequential reliefs prayed in clauses (iv) and (v) of the prayer clause in the writ petition.
3. In this backdrop, Court had directed the Respondents to grant Second Financial Upgradation under the MACP Scheme to the Petitioner from July,



2017 within four weeks with a further direction to release the arrears within four weeks thereafter, however, the question of payment of interest was kept open. On 20.11.2019, Court recorded the statement of counsel for the Respondent School that an affidavit shall be filed within two weeks bringing on record the amounts paid towards the MACP benefits and thereafter the matter was adjourned from time to time.

4. Indisputably, this order was never challenged by the School/ Respondent No.5 and has attained finality. Despite an assurance given to the Court to file an affidavit indicating the amounts paid to the Petitioner towards grant of MACP benefits, complete benefits have not been released to the Petitioner. Petitioner claims that she has been working with the School continuously since 16.07.1997 without any break and was drawing a pay scale of Rs.4500-7000 under the 5th CPC and is entitled to two Financial Upgradations till 2017, when she completed 20 years of regular service, whereas Respondent School has granted First MACP benefit in 2017 and the Second MACP from 2019 pursuant to the direction of this Court, leading to a financial loss to the Petitioner. Petitioner has placed on record a rejoinder affidavit dated 19.12.2023, wherein she has detailed the MACP benefits due to her along with charts indicating her salary and emoluments. This affidavit and the documents annexed thereto are uncontroverted. In view of the direction of the Court given way back on 29.08.2019 to pay the MACP benefits to the Petitioner, which is unassailed, there is no doubt that the Respondent School cannot today take a stand that Petitioner is not entitled to the Second Financial Upgradation under the MACP Scheme.

5. Accordingly, this writ petition is disposed of directing the Respondent School to work out the balance amounts payable to the Petitioner on account



of the two Financial Upgradations under the MACP Scheme after examining the details given by the Petitioner in the rejoinder affidavit dated 19.12.2023. The entire exercise shall be completed by the School within 8 weeks from the date of receipt of this order and needless to state that the payments shall be released with interest @ 6% per annum from the date they became due till the date of actual payment.

6. Pending application also stands disposed of.

JYOTI SINGH, J

OCTOBER 8, 2024

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