

(2023) 03 DEL CK 0082

In the Delhi High Court

Case No : Civil Writ Petition No. 2834 Of 2023, Civil Miscellaneous Application
No. 10927 Of 2023

Dr. Ritu Chowdhary

APPELLANT

Vs

University Of Delhi & Ors.

RESPONDENT

Date of Decision : 06-03-2023

Acts Referred:

Citation : (2023) 03 DEL CK 0082

Hon'ble Judges : Jyoti Singh, J

Bench : Single Bench

Advocate : Kumar Utkarsh, Mohinder J.S. Rupal, Hardik Rupal, Apoorv Kurup,
Nidhi Mittal, Kirti Dadheech

Final Decision : Disposed Of

Judgement

Jyoti Singh, J

1. Present writ petition is directed against the impugned inaction on part of Respondent No. 2/Aditi Mahavidyalaya in calculating and disbursing the pay, allowances and other service benefits of the Petitioner, payable to her in terms of Office Order dated 19.07.2021 as well as for payment of arrears of salary for the period 09.01.2010 to 30.05.2022, save and except, for the Deputation period from 15.10.2014 to 17.08.2017 allegedly due on account of promotions.

2. It is the case of the Petitioner that she was appointed with the Respondent No. 2/Aditi Mahavidyalaya on 17.07.2004 initially as Lecturer in Education – B. El. Ed. (Psychology) and was subsequently designated as Associate Professor w.e.f. 09.01.2013. Between 15.10.2014 to 17.08.2017, Petitioner was on Deputation as a Deputy Proctor to the Respondent No. 1/University of Delhi. Vide Office Order dated 19.07.2021, Petitioner was promoted as Assistant Professor Stage-III/Reader (Academic Level 12) w.e.f. 09.01.2010 and further designated as Associate Professor w.e.f. 09.01.2013 in the Academic Level 13A. All these promotions are stated to have been given from retrospective dates.

3. The grievance of the Petitioner articulated by counsel for the Petitioner is that till date the outstanding dues towards pay, allowances etc. have not been disbursed to the Petitioner despite Respondent No. 2 having an unutilized fund of approximately Rs.3 crores and knowing that it shall lapse on 31.03.2023. The right of the Petitioner to receive the salary and allowances flows out of the Office Order dated 19.07.2021 and there is no plausible or justifiable reason with Respondent No. 2 to withhold the legitimate dues of the Petitioner. Since Respondent No. 2 was not paying any heed to several requests of the Petitioner, she had no option but to approach this Court.

4. Issue notice.

5. Mr. Mohinder J.S. Rupal, learned counsel accepts notice on behalf of Respondent No.1 and Mr. Apoorv Kurup, learned Central Government Standing Counsel accepts notice on behalf of Respondent No.4, respectively.

6. Since the petition has been filed by the Petitioner assailing the inaction of Respondent No. 2, there is no document on record from which the reason for not releasing the alleged outstanding dues of the Petitioner, can be discerned. Several representations have been filed by the Petitioner but there has been no response. In these circumstances, this Court deems it appropriate, at this stage, to dispose of the present writ petition with a direction to Respondents No.2 and 3 to dispose of representations dated 15.11.2022, 24.11.2022 and 12.12.2022. Insofar as Respondent No.3/Government of NCT of Delhi is concerned, no separate representation has been made to the said Respondent and therefore, it is directed that the writ petition will be treated as a representation. Copy of this order shall be communicated to Respondents No. 2 and 3 by Respondent No. 1 as well as the Petitioner within two weeks from today. Decision shall be taken by the Respondents on the grievances ventilated by the Petitioner, within a period of six weeks from today.

7. A reasoned and speaking order shall be passed by the Respondents and the same shall be communicated to the Petitioner, who shall be at liberty to resort to appropriate remedies available in law, in case of any surviving grievance.

8. Writ petition along with pending application is disposed of, with the aforesaid directions.