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* IN THE HIGH COURT OF DELHI AT NEW DELHI
+ W.P.(C) 8574/2024
SH. NAGENDRA Petitioner
Through: Mr Sanjay Saraswat and Mr. Ashok
Kumar, Advocates
versus
LT. GOVERNOR OF DELHI & ORS Respondent
Through: Mr. Gaurav Dhingra and Mr.
Shashank, Advocate for R-1 and 2.
Mr. Mohinder J. S. Rupal, Advocate
for DU
Mr. Anurag Dayal Mathur, Advocate
for R-4

CORAM:

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

31.05.2024

(The proceeding has been conducted through Hybrid Mode)

1. This is a writ petition under Article 226 of the Constitution of India, 1950, seeking *inter alia* the following reliefs:-

“[a] Issue a writ of mandamus and direct the Respondent No. 1, 2 and 4 to release and pay to the Petitioner the arrears of pay upon fixation of his pay vide Office Order dated 23.05.2022 by the Respondent No. 4 on account of promotion of the Petitioner from the post of Assistant Professor in Senior Scale to Assistant Professor in Selection Grade and promotion from the post of Assistant Professor in Selection Grade to Associate Professor;

And

[b] Issue a writ of mandamus and direct the Respondent No. 1, 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; and”

2. At the outset, Mr. Dhingra, learned counsel appearing for the



respondent no.2/Directorate of Higher Education submits that though the petitioner has claimed to have submitted the representations to the respondent nos. 3 and 4, however, no representation has ever been tendered to the Directorate of Higher Education/ respondent no.2. He submits that in case the petitioner submits any such representation, the same shall be disposed of as per alw.

3. In view of the aforesaid submission, instead of directing the petitioner now to give fresh representation, let the present writ petition along with all its documents be treated as representation by the Directorate of Higher Education/respondent no.2.

4. The Competent Authority of respondent no.2 is directed to consider the present writ petition as a representation and shall dispose of the same in accordance with law. The petitioner shall be given an opportunity of hearing apart from the fact that he shall also be entitled to file any such additional document in support of the present issue before the Competent Authority. The date, time and venue of such consideration shall be communicated to the petitioner well in advance.

5. The representation be disposed of within a period of eight weeks. It goes without saying that the order shall be reasoned and speaking one. The copy of the same shall be furnished to the petitioner within one week from passing of the such order.

6. Needless to observe that the petitioner would be at liberty to challenge the same, should the need arise.

7. The petition is disposed of with no order as to costs.

TUSHAR RAO GEDELA, J

MAY 31, 2024/ms