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

+ **CONT.CAS(C) 312/2013, CM Nos. 12301-12302/2018**

RAJESH KUMAR

..... Petitioner

Through: Mr. V.K. Dogra, Adv.

versus

DEEWAN CHAND & ORS.

..... Respondents

Through: Ms. Vibha Mahajan Seth and Ms.
Niharika Beri, Adv.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

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02.04.2018

CM No. 12302/2018 (for exemption)

Exemption allowed, subject to all just exceptions.

Application stands disposed of.

CM No. 12301/2018 in CONT.CAS(C) 312/2013

The present application has been filed by the petitioner for revival of the contempt petition. The contempt petition was disposed of on May 27, 2015 with the following order:

“1. Pursuant to order dated 06.05.2015, Mr. M.I. Khan, Deputy Education Officer appeared in person and submits that back wages for the period from 01.10.2010 to 20.02.2012 to be paid to the petitioner is under active consideration and the order thereto will be filed shortly.

2. In view of the statement made by the aforesaid officer, I direct respondent no. 1 / Directorate of Education, Govt. of

NCT of Delhi to pass an order to this effect within four weeks. Failing which, the aforesaid respondent shall be liable to pay cost of Rs.25,000/- in favour of the petitioner.

3. In view of the above terms, the petition is disposed of.

4. I hereby make it clear that if the aforesaid respondent fails to pass order within the prescribed time, the petitioner will be at liberty to approach this Court.”

Learned counsel for the petitioner concedes that the back wages as directed vide order dated May 27, 2015 for the period October 01, 2010 to February 20, 2012 have been paid. His submission is that the back wages as paid did not include the transport allowance. Suffice to state, the transport allowance cannot not be a subject matter of contempt petition. The petitioner if so advised, can seek such remedy as available to him in accordance with law for such a claim. Application stands dismissed.

V. KAMESWAR RAO, J

APRIL 02, 2018/aky