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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CONT.CAS(C) 1046/2016 & C.M.No.33975/2016

JEEWA NAND

..... Petitioner

Through Mr.D.S.Mishra, Advocate.

versus

SAUMYA GAUPTA & ANR

..... Respondents

Through Mr.Siddhartha Shankar Ray, Advocate
for R-1.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

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19.09.2016

Present contempt petition has been filed alleging wilful disobedience of the order dated 7th May, 2012 passed in W.P.(C) No.449/2010 whereby the respondents were directed to appoint the petitioner for the post of Waterman w.e.f. 20th August, 2005 with notional seniority and issue an appointment letter within a period of two weeks.

Learned counsel for the petitioner states that though the petitioner has been appointed on 22nd May, 2012, yet his salary was fixed as a fresh appointee as on 22nd May, 2012 and denied the seven years annual increments.

However, a perusal of the paper book reveals that on 30th January, 2016, the petitioner has been issued a letter by respondent no.2. The relevant portion of the said letter reads as under:-

“With reference to your letter dated 13-07-2015 on the subject cited above, this is to inform you that your case was forwarded to the Deptt. of Education on 31.-8-2015 vide this office let no. M/2015/603. After the careful and necessary perusal by the

department of education, the observation of the department of education is reproduced as under:-

As per Order dated 07/5/2012 of Justice Suresh Kait, J of High Court of Delhi at New Delhi,

Mr.Jeewanand is required to be appointed as waterman by the School Management with effect from 20/8/2005 on notional basis. Accordingly, Mr. Jeewanand should also be assigned the seniority in his cadre with effect from the same date with reference to his position in the merit list drawn by the Selection Committee at the time of his selection as waterman.

However, Mr.Jeewanand will not be entitled for any financial benefit between the period from 20/08/2005 to 22/05/2012 as his physical assumption of charge/duty as waterman is 22/05/2012.

School Management/Manager of the school may accordingly be asked to draw the seniority list of waterman/all Class-IV (Group 'D') staff of the entire school and the same may be circulated amongst the Group 'D' staff (now MTS) for their information under intimation to this District."

In the opinion of this Court, the aforesaid letter is in consonance with the order dated 7th May, 2012 passed in W.P.(C) No.449/2010. Learned counsel for respondent no.1 who appears on advance notice states that even the Director of Education has recommended the petitioner's case for notional seniority.

Consequently, the present contempt petition and the application stand disposed of with a direction to respondent no.2 to give effect to the communication dated 30th January, 2016 and the aforesaid statement of counsel for Director of Education within a period of eight weeks.

MANMOHAN, J

SEPTEMBER 19, 2016/KA