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

+ **W.P.(C) 8739/2016 & CM No.35841/2016**

NOOPUR SHARMA & ORS

..... Petitioners

Through: Mr. Rahul Pandey, Advocate.
Dr. R.S. Gupta, husband of Petitioner
No. 6 in person.

Versus

GOVT. OF NCT OF DELHI & ORS

..... Respondents

Through: Mr. Gautam Narayan, ASC.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

% **21.10.2016**

The petitioners were promoted to the post of Assistant Teachers (TGTs) with effect from 01.04.2014. On the same day, they opted for fixation of pay for grant of annual increment with effect from 01.07.2015, under Fundamental Rule 22. As per the said Rule, the said option letters ought to have reached the Department of Education, Government of NCT of Delhi within a month from the date of the promotion. The respondent school is aided by the GNCTD.

Mr. Gautam Narayan, the learned standing counsel for the State submits that the said Rule requires a submission of the option letters within a month of the promotion. It is not in dispute that the said letters of 01.04.2015 were given to the school on the same day itself. However, the School has not forwarded it within the requisite time of one month. Its endorsement on the letters is dated 11.08.2015.

The petitioners would be entitled approximately to enhancement of Rs.400/- per month for about 15 months from 01.04.2015 to 30.06.2016. They have already been granted the enhanced promotional pay with effect from 01.07.2016, as per the Annexure P-2 (which is at page No. 60 of the petition) issued by the GNCTD, it has now fixed their pay at Rs.18060/- instead of Rs.17530/-.

For the aforesaid period from 01.04.2015 to 30.06.2016, the petitioners have suffered non-payment of their salary dues on account of their option letters not having been forwarded by the School to the GNCTD within the requisite time. For the school's default the petitioners/teachers/employees should not made to suffer. Since the anomaly arose at the level of the School, therefore for the said period of 01.04.2015 to 30.06.2016 such salary increments/amounts as may accrue to the petitioners shall be paid by the School within four months. The litigation expenses of Rs.25,000/- shall also be paid to the petitioners within four weeks.

The petition alongwith pending application stand disposed off in the above terms.

NAJMI WAZIRI, J.

OCTOBER 21, 2016

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