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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ LPA 158/2017, C.M. APPL.9027/2017
SHAHEED UDHAM SINGH SMARAK CO EDUCATION SEC
SCHOOL THR ITS CHAIRMAN Appellant
Through : Ms. Padma Priya, Advocate.

versus

DIRECTORATE OF EDUCATION & ORS Respondents
Through : Sh. Anuj Aggarwal, ASC with Ms.
Deboshree Mukherjee, Advocate, for Respondent
No.1.
Sh. Tenzing Thinlay Lepcha, Advocate, for
Respondent Nos. 2 and 3.
Ms. Pushpinder Kaur Chaddha, DEO.

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT
HON'BLE MR. JUSTICE SUNIL GAUR

% **ORDER**
13.10.2017

The appeal is directed against an order of the learned Single Judge who had confirmed the decision of the Directorate of Education (DoE) dated 08.07.2016 [hereafter referred to as “the 2016 order”], holding that the respondent teachers were entitled to basic salary and other allowances under Section 10 of the *Delhi School Education Act, 1973*.

Learned counsel for the appellant states that the teachers who had approached the Court were appointed on part-time honorary basis. The facts of the case are that the respondent teachers approached the Court. They had relied upon appointment letters

issued by the management some time in 2012 indicating that the teachers were appointed as TGT to discharge the responsibilities in respect of TGT (Sanskrit).

The teachers' grievance in the writ proceedings was that they were not paid salaries. This led to a consent order dated 04.03.2015 [hereafter referred to as "the consent order"]. The teachers complain of non-compliance with the consent order and initiated contempt proceedings. In the contempt proceedings, the school's position was that the teachers had, in the interregnum period approached it to work on honorary part-time basis and were agreeable to accept ₹5000/- per month with effect from 01.02.2013.

The Court disposed off the contempt petition on 28.08.2015, noticing that there was some dispute and referred it for decision/determination by the Director of Education [hereafter referred to as "the Director"] or any other officer appointed by the Director. By the 2016 order, the Deputy Director concluded that the respondent teachers were entitled to a basic salary of ₹17140/- plus allowances as applicable from time to time per month for the period they actually discharged the duties of TGT. Concededly, the teachers worked for the period 16.01.2012 to 11.11.2014 (Ms. Vinita Gaur) and with effect from 17.01.2012 to 01.11.2014 (Sh. Raj Kumar). This 2016 order was upheld by the learned Single Judge.

The appellant school reiterates its contentions that the teachers were not working on full-time basis but rather had accepted part-time employment on an honorary basis. It is also stated that admittedly the teachers were paid salaries and these circumstances were not

considered by the learned Single Judge. The 2016 order records chronologically all the circumstances which led to the decision by the Directorate of Education. It recounts the consent order recorded in the writ proceedings as also it extracts the contempt order and thereafter took note of the Director's order.

This Court has also seen the record. Besides the assertion that the teachers were engaged on honorary part-time basis, there is no material supportive of that contention, which appears to have been made once contempt proceedings were initiated, purely as a defence.

Having regard to these facts, there is no merit in the appeal and the conclusions and directions of the learned Single Judge cannot be interfered with.

The appeal is accordingly dismissed along with the pending application.

S. RAVINDRA BHAT, J

SUNIL GAUR, J

OCTOBER 13, 2017/ajk