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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) No. 8290/2009

6th February, 2017

RAM SINGH

..... Petitioner

Through: None.

versus

DIRECTORATE OF EDUCATION & ORS.

..... Respondents

Through: Mr. Varun Nishal, Adv. for R-1
Mr. Ankit Parashar, Adv. for R-2 and
3.

CORAM:

HON'BLE MR. JUSTICE VALMIKI J.MEHTA

To be referred to the Reporter or not?

VALMIKI J. MEHTA, J (ORAL)

1. By this writ petition under Article 226 of the Constitution of India, petitioner seeks orders for directing the respondent nos. 2 and 3/Modern School to pay the petitioner scale of Rs.1400-2000/- in terms of the order dated 24.5.1996 issued by the then Principal Sh. S.P. Bakshi.

2. Respondent nos. 2 and 3/school have filed a counter-affidavit stating that the alleged order relied upon by the petitioner was issued by the Principal just six days prior to his retirement, and in fact no such order is found on the records of the school. It is said that petitioner therefore cannot get benefit of an imaginary order passed.

3. In law, any decision of the school has to be in terms of the decision of the Managing Committee. A Principal of a school is not a Managing Committee and only which Managing Committee is entitled to authorize payment of a particular pay-scale to any employee. This decision of grant of a pay-scale thus vests accordingly only with the Management i.e Managing Committee. Petitioner has not filed any decision of the Managing Committee that the Managing Committee has given to the petitioner the pay-scale of Rs. 1400-2000/- as is mentioned in the alleged order dated 24.5.1996. Also, it may be noted that the school vehemently denies that any such order dated 24.5.1996 is on its record.

4. I may also note that if petitioner really was granted the pay-scale of Rs. 1400-2000/- w.e.f 1.5.1996 in terms of the order of the Principal dated 24.5.1996, and the petitioner was not paid this scale for around 13 years till the writ petition was filed, and if the order dated 24.5.1996 was valid, then petitioner would have approached the Court much earlier and not after a delay of 13 years, and which delay also shows that petitioner was not granted the pay-scale of Rs. 1400-2000/- allegedly in terms of the order dated 24.5.1996 of the then principal Sh. S.P.Bakshi.

5. In view of the above, there is no merit in the petition and the same is therefore dismissed.

FEBRUARY 06,2017 / ib

VALMIKI J. MEHTA, J