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

+ W.P.(C) 2926/2016

S. SURJEET SINGH

..... Petitioner

Through: Mr. Ajay Kumar Jha, Advocate with
Mr. Jitendar Kumar Jha, Advocate.

Versus

DELHI SIKH GURUDWARA MANAGEMENT COMMITTEE & ORS

..... Respondents

Through: Mr. Jasmeet Singh, Advocate.

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

% **06.03.2017**

1. There is no dispute that petitioner is entitled to benefit of payment as an employee of the school (represented by respondent no.2) in terms of the 6th Pay Commission Report which became applicable to schools in Delhi by the order of the Director of Education dated 11.2.2009.

2. Counsel for the respondents only argues that petitioner will be entitled to benefits prospectively from the date which is three years prior to filing of this petition on 30.3.2016. Reliance in this regard is placed upon the

judgment delivered by this Court in the case of ***Mrs. R.K. Jodhka & Ors. Vs. Director of Education & Ors.*** in W.P.(C) No.1300/2016 on 8.2.2017.

3. It is an admitted position that petitioner resigned from his services with the respondent no.2/school on 31.10.2014, and therefore, petitioner will be entitled to service benefits prospectively from a period beginning three years prior to filing of the writ petition till the date of resignation of the petitioner on 31.10.2014.

4. In view of the above, this writ petition is allowed and disposed of and respondent no.2 is directed to pay service benefits to the petitioner by application of 6th Pay Commission Report and order of the Director of Education dated 11.2.2009 for the period from 30.3.2013 till 31.10.2014. Respondent no.2 will also be entitled to adjustment of any amounts paid to the petitioner during this period for calculating the net balance which would be due and payable to the petitioner in terms of the present order. Respondent no.2 will ensure that dues of the petitioner are positively cleared within a period of two months from today, failing which petitioner will be entitled to interest @ 12% per annum simple from the date the amounts became due till the date of payment.

5. Writ petition is allowed and disposed of in terms of aforesaid observations.

VALMIKI J. MEHTA, J

MARCH 06, 2017
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