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

+ **W.P.(C) 4943/2014**

**THE MANAGING COMMITTEE THROUGH ITS PRINCIPAL OF
VIVEKANAND SCHOOL** Petitioner

Through: Mr. Pramod Gupta, Advocate with
Ms. Kashvi Dutta, Advocate.

versus

SUNITA NAIR AND ORS Respondents

Through: Ms. Indrani Ghosh, Advocate for
respondent No.1.
Ms. Isha Khanna, Advocate for
respondent Nos.2 to 4.

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

% **22.02.2017**

1. This writ petition is disposed of with the consent order that all the monetary emoluments payable to the respondent no.1, as per the 6th Pay Commission Report being applicable to school in Delhi, by the petitioner except the gratuity will be paid by the petitioner to the respondent no.1 within two weeks from today subject to adjustment of amounts which have already been paid by the petitioner to the respondent no.1. In case, the amounts due to the respondent no.1 from the petitioner are not paid within

two weeks from today alongwith calculations of the amounts payable, then after two weeks the respondent no.1 will be entitled to interest on the amounts due at 12% per annum simple from the date from which the amounts became due and payable till the date of actual payment.

2. So far as the issue of gratuity is concerned, this Court would have no jurisdiction in view of provisions of Section 7 of Payment of Gratuity Act, 1972 with its sub-sections and so held in the judgment in the case of *Ms. Neeru Abrol Vs. Chairman and Managing Director National Fertilizers Limited & Anr.* in W.P.(C) No.4510/2016 decided on 16.12.2016. Therefore, so far as gratuity is concerned, respondent no.1 in accordance with law will approach the competent authority under the Payment of Gratuity Act, 1972 for claiming of the gratuity dues of the respondent no.1.

3. Writ petition is disposed of with the aforesaid consent order.

VALMIKI J. MEHTA, J

FEBRUARY 22, 2017

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