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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CONT.CAS(C) 765/2016

DHANWANT Kaur Butalia & ANR

..... Petitioners

Through: Mr. M.S. Butalia, Advocate.

versus

S GURVINDERPAL SINGH KOCHAR & ORS Respondents

Through: Mr. T.K. Tiwari, Advocate for R-1 & 5.

Mr. Gautam Narayan, Advocate with
Ms. Shruthi Parasa, Advocate for DOE,
GNCTD.

Mr. Rishi Kumar, Advocate for
Ms. Neha Rastogi, Advocate for
respondent No.6.

Ms. Balesh Kumari, DEO/Z-15 and
Mr. S.P. Singh, LA, Z-15, DOE.

AND

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CONT.CAS(C) 850/2016

HARSHARAN Kaur BAJAJ

..... Petitioner

Through: Mr. M.S. Butalia, Advocate.

versus

GURVINDERPAL SINGH KOCHAR & ORS Respondents

Through: Mr. T.K. Tiwari, Advocate for R-1 & 2.

Mr. Gautam Narayan, Advocate with
Ms. Shruthi Parasa, Advocate for DOE,
GNCTD.

Ms. Balesh Kumari, DEO/Z-15 and
Mr. S.P. Singh, LA, Z-15, DOE.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

15.02.2017

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In pursuance to the last order, Mr. Gautam Narayan, learned Additional Standing counsel for Government of NCT of Delhi has handed over a calculation sheet which indicates the amount due and payable to the petitioners in accordance with the Sixth Pay Commission. The chart handed over by Mr. Gautam Narayan is reproduced hereinbelow:-

Name & Period	Pay Arrears			Gratuity			Leave Encashment		
	Date	Paid	Balance	Due	Paid	Balance	Due	Paid	Balance
Mrs. Dhanwant Kaur Bhutalia Retired Vice-Principal 01.01.06 To 31.03.08	964537	693710	270827	605167	350000	255167	137952	96000	419
Mrs. N.K. Bindra Retired Principal 01.01.06 to 31.03.09	1453724	1067603	386122	683018	350000	333018	169720	137805	319
Mrs. Harshararan Kaur Bajaj Retired PGT 01.01.06 To 30.11.08	927357	646749	280608	321937	258923	63014	0	0	0

Learned counsel for petitioners states that the formula adopted by Directorate of Education for calculating the amount of Gratuity is not correct. He states that the Directorate of Education has adopted the formula that is applicable to Government Teachers who are governed by the CCS Rules. He further states that petitioners are entitled to a rate of interest higher than 6% per annum.

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Learned counsel for respondent-School states that the school is willing to pay the amount determined by the Directorate of Education within a period of three weeks along with the interest @ 6% per annum w.e.f. 01st September, 2008.

As the Division Bench in its judgment and order dated 14th January, 2016 has not stipulated the formula for calculation of Gratuity, this Court is of the view that it should at this moment direct the respondent-school to abide by the calculation made by the Directorate of Education. It is pertinent to mention that the Division Bench in its judgment and order dated 14th September, 2016 and order dated 03rd May, 2016 has not stipulated the rate of interest.

Consequently, present contempt petitions are disposed of with a direction to the respondent-school to make the payment of amounts determined by the Directorate of Education within three weeks along with interest @ 6% per annum commencing 01st September, 2008.

However, the petitioners are given liberty to challenge the calculation of the Gratuity amount that has been determined by the Directorate of Education and to seek a higher rate of interest in accordance with law.


MANMOHAN, J

FEBRUARY 15, 2017

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