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

8.

\+ CONT.CAS(C) 46/2016 & CM APPL. 27315/2016

JASWANT KAUR ..... Petitioner
Through Mr. Chetan Anand with Mr. Akash Shrivastava and Ms. Surbhi Vyas, Advocates

versus

RAVINDER SINGH LOVELY & ORS ..... Respondents
Through Mr. Jasmeet Singh with Ms. Gayatri, Aryan, Advocates for GHPS/DSGMC.

WITH

15.

\+ CONT.CAS(C) 898/2016

SUKHDEEP SINGH & ORS ..... Petitioners
Through Mr. Chetan Anand with Mr. Akash Shrivastava and Ms. Surbhi Vyas, Advocates

versus

RAVINDER SINGH LOVELY & ORS ..... Respondents
Through Mr. Jasmeet Singh with Ms. Gayatri, Aryan, Advocates for GHPS/DSGMC.
Mr. Rajiv Mehra, Sr. Standing Counsel for Dept. of Education,
Mr. Sumeeta Bahl, DDE, Zone-20.

AND

16.

\+ CONT.CAS(C) 900/2016

GURDEEP KAUR & ORS ..... Petitioners
Through Mr. Chetan Anand with Mr. Akash Shrivastava and Ms. Surbhi Vyas, Advocates

versus

RAVINDER SINGH LOVELY & ORS ..... Respondents
Through Mr. Jasmeet Singh with Ms. Gayatri, Aryan, Advocates for GHPS/DSGMC.

WITH

17.

\+ CONT.CAS(C) 683/2013 & CM APPL. 17830/2016

G S VIRK ..... Petitioner
Through None

versus

RAVINDER SINGH LOVELY AND ORS ..... Respondents
Through Mr. Jasmeet Singh with Ms. Gayatri, Aryan, Advocates for GHPS/DSGMC.

AND

18.

\+ CM APPLs. 12444/2016, 17414/2016 in CONT.CAS(C) 670/2015

DALJIT KAUR ..... Petitioner
Through None

versus

MANJIT SINGH & ANR ..... Respondents
Through Mr. Jasmeet Singh with Ms. Gayatri, Aryan, Advocates for GHPS/DSGMC.

AND

19.
\+ CM APPL. 14273/2016 & 14275/2016 in CONT.CAS(C) 838/2015

SANDHYA GILL ..... Petitioner
Through Mr. Paramjeet Singh, Advocate

versus

K S BATH & ORS ..... Respondents
Through Mr. Jasmeet Singh with Ms. Gayatri, Aryan, Advocates for GHPS/DSGMC.

WITH

20.
\+ CONT.CAS(C) 541/2016 & CM APPL. 28620/2016

SHAMBHU NATH DAS ..... Petitioner
Through Mr. Rajiv Tyagi, Advocate

versus

HARINDER PAL SINGH VIRK & ORS ..... Respondents
Through Mr. Jasmeet Singh with Ms. Gayatri, Aryan, Advocates for GHPS/DSGMC.

% Date of Decision: 09th January, 2017

CORAM:
HON'BLE MR. JUSTICE MANMOHAN

J U D G M E N T

MANMOHAN, J: (Oral)

1. Mr. Jasmeet Singh, learned counsel for GHPS/DSGMC states that five instalments have been paid in accordance with the Division Bench order dated 22nd May, 2013 passed in EFA (OS) 7/2014.

2. The only outstanding issue is whether Transport Allowance as well as interest has to be paid while calculating the Sixth Pay Commission arrears.

3. Mr. Jasmeet Singh, learned counsel for respondents states that while interest is payable, the Transport Allowance in not payable.

4. Mr. Rajiv Tyagi, learned counsel for one of the petitioners states that Dearness Allowance on Transport Allowance is also payable in accordance with the Sixth Pay Commission.

5. However, in the opinion of this Court, Mr. Tyagi's claim would be payable only if the Transport Allowance is payable in the first instance.

6. Since there was a dispute whether the Transport Allowance is payable as a part of the Sixth Pay Commission, this Court had asked Directorate of Education to file an affidavit.

7. Today, Mr. Rahul Mehra, learned senior standing counsel for Govt. of NCT of Delhi has handed over a photocopy of the affidavit dated 6th January, 2017 filed in Cont. Cas.(C) 898/2016, which is taken on record. In the said affidavit, it has been stated as under:-

> *"6. Further, as per the queries mentioned in para 3 referred above by this Hon'ble Court, may like to request this Hon'ble Court that the answer to the above said queries may please be read in consonance of the above said Circular dated 27.10.1999, OM dated 29-08-2008 and read with order dated 11-02-2009 and answer to the above said queries may be as under:*

(i) Transport Allowance shall not be admissible to the employees of Unaided Private Recognized Schools who have been provided free transport facility by the school.

(ii) As regard to the query, it is most respectfully submitted that the employees who have not been provided the transport facility by the school are entitled for the Transport Allowance.

(iii) As regard to this query, it is humbly submitted that the employees who are paying for commuting to their place of duty to the school for using its transport facility may be allowed the payment of Transport Allowance."

8. Though both the petitioners and respondent-School are aggrieved by the decision of the Directorate of Education, yet this Court disposes of the present contempt petitions by directing the respondents, other than the Directorate of Education, to make payments of the transport allowance as well as interest in accordance with learned Single Judge's order dated 6th March, 2013 as well as in accordance with the aforesaid affidavit of Directorate of Education within a period of twelve weeks.

9. It is clarified that if either of the parties wishes to challenge the decision of Directorate of Education with regard to transport allowance, it shall be at liberty to do so. The rights and contentions of all parties are left open on that score.

10. With the aforesaid directions, present contempt petition stands disposed of.

MANMOHAN, J

JANUARY 09, 2017
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