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

+ **CONT.CAS(C) 994/2016**

SAYED MOHD ARIF

..... Petitioner

Through: Mr. Amit Chadha, Mr. Atin Chadha
and Mr. Diksha Arora, Advs.

versus

MOHD RIZWAN & ORS

..... Respondents

Through: Mr. M.S. Khan, Adv. for R1.
Mr. Anuj Aggarwal, ASC with
Ms. Deboshree Mukherjee and
Mr. Kanishk Rana, Advs. for R3 with
Mr. Pradeep Kaushik, L.A. Zone-27
and Mr. Raj Kumar, DEO, Zone-27.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

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19.02.2018

CM. No. 33869/2017 (for exemption)

Exemption allowed subject to all just exceptions.

Application stands disposed of.

CM No. 33868/2017 (for revival of petition)

This is an application filed by the petitioner seeking revival of the writ petition. The contempt petition was disposed of on July 24, 2017.

It is the submission of Mr. Amit Chadha, Adv. for the petitioner that in view of order dated October 6, 2015 in W.P.(C) 5308/2015, petitioner is entitled to back wages from February 13, 2014 till May 14, 2015. This Court is of the view, what has been granted by this Court on October 6, 2015 was wages and allowances for the post of Head Master from the date of the

order of Tribunal dated May 15, 2015 till the petitioner is suspended. There is no dispute that the petitioner was suspended on December 01, 2015. It is also not disputed and conceded by Mr. Chadha that petitioner has since been paid wages for the period May 15, 2015 till November 30, 2015. If that be so, there is no violation of order dated October 6, 2015.

Mr. Aggarwal appearing for respondent No.1 submits that in terms of Para 27 of the order dated May 15, 2015 of the Delhi School Tribunal, petitioner did make representations to the authorities for grant of back wages for the period February 13, 2014 till May 14, 2015. The same has been rejected vide order dated July 14, 2016. It is accepted by Mr. Chadha that the petitioner being under the impression that the issue of backwages for the period February 13, 2014 till May 14, 2015 shall be adjudicated in this contempt petition, he did not file a substantive petition challenging the order dated July 14, 2016. He is now, on instructions states, petitioner shall challenge the order dated July 14, 2016 by way of a separate writ petition.

In view of above, granting liberty to the petitioner to challenge the order dated July 14, 2016, the application for revival of Contempt Petition is dismissed.

V. KAMESWAR RAO, J

FEBRUARY 19, 2018/jg