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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 3616/2017, CM No. 15865/2017**
LAKHVINDER KAUR

..... Petitioner

Through: Mr. Abhimanyu Sharma with Mr.
Atul Kumar, Advs.

versus

DIRECTOR OF EDUCATION & ORS

..... Respondent

Through: Mr. Amit Singh, Adv. for R-1
Mr. Jasmeet Singh & Ms. Gayatri
Aryan, Advs. for R-2 & 3

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

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28.04.2017

CM No. 15865/2017

Exemption allowed subject to all just exceptions.

Application stands disposed of.

W.P.(C) 3616/2017

1. This petition has been filed by the petitioner with the following prayers:-

“It is therefore respectfully prayed that this Hon’ble Court may graciously be pleased to:-

a) Direct the Respondents to refix the salary of the Petitioner and pay the arrears of pay after giving benefit of VIth pay Commission

alongwith interest in the interest of justice;

b) May pass such further order/directions as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case."

2. Mr. Jasmeet Singh, Advocate who appears for respondents 2 and 3 states that in view of the judgment of this Court in W.P.(C) No. 2845/2016 dated February 20, 2017, the benefits as prayed for shall be released to the petitioner in terms of the said judgment. Suffice to state, the Co-Ordinate Bench of this Court in the said judgment, has in paras 2 and 3 stated as under:-

"2. In view of the judgment of the Supreme Court in the case of State of Orissa and Another Vs. Mamta Mohanty (2011) 3 SCC 436 principles of Limitation Act, 1963 apply even to the writ petitions, and therefore, the petitioners will be entitled to service benefits from the period being the date of three years prior to filing of the writ petition and prospectively thereafter. The writ petition was filed on 3.3.2016 and therefore petitioners will get service benefits from 3.3.2016 prospectively.

3. Accordingly, this writ petition is allowed and respondent no. 2 will pay the service benefits to the petitioners as per the pay scales and monetary emoluments payable to employees of the school in Delhi by applying the order of the Director of Education dated 11.2.2009. In case, petitioners are paid the service benefits within one and a half month from today then petitioners will not be entitled to any interest, however, if there is any delay beyond the period of one and a half

month from today, the petitioners will be entitled to interest at the rate of 6% per annum from the date when the amount became due to the petitioners till the date of actual payment.”

3. Noting the statement made and for parity of reasons, the present writ petition is allowed. No costs.

V. KAMESWAR RAO, J

APRIL 28, 2017/ak