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

+ W.P.(C) 11244/2017

ANITA GABA

..... Petitioner

Through: Mr. Gaura Kakar & Mr. Vikhyat
Oberoi, Advocates

Versus

GNCTD AND ORS.

..... Respondents

Through: Ms. Anuj Aggarwal, ASC,
GNCTD & Ms. Deboshree Mukherjee,
Advocate for respondents No. 1 & 2

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

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20.12.2017

1. Vide impugned order of 1st December, 2017, (Annexure P-10) petitioner has been transferred by respondent-School, which is an unaided school, to its Branch at Dwarka, where petitioner had to join on 4th December, 2017. Without complying with that order, petitioner has approached this Court to submit that her transfer is *mala fide* and is vitiated, and that respondent-School is harassing her, as she had agitated her claim for proper salary.

2. Upon hearing and on perusal of Communication of 16th October, 2017 (*Annexure P-5*) addressed by petitioner to respondent- *Directorate of Education*, I find that petitioner had made grievance about non-payment of her salary for last three months and the said grievance of

petitioner stood redressed, as respondent- *Directorate of Education* had informed petitioner vide Communication of 6th November, 2017 (*Annexure P-9*) that respondent-School has informed that amount of ₹33,372/- has been transmitted to petitioner's account on 27th October, 2017. Thereafter, petitioner has not made any grievance to respondent- *Directorate of Education* that the salary being paid to her is not in terms of Section 10 of *Delhi School Education Act & Rules, 1973*.

3. It is a matter of record that respondent-School had issued a Show Cause Notice (*Annexure P-6*) to petitioner on 30th October, 2017, which was responded to by petitioner vide reply of 1st November, 2017 (*Annexure P-7*). According to petitioner's counsel, nothing has been heard from respondent-School thereafter.

4. In the facts and circumstances of this case, I am not inclined to interfere with the impugned Transfer Order of 1st December, 2017 (*Annexure P-10*) in view of respondent-School's Show Cause Notice (*Annexure P-6*). So far as petitioner's claim of not being paid proper salary is concerned, petitioner is at liberty to agitate her claim before respondent -*Directorate of Education* by filing a fresh Representation.

5. Petitioner's Counsel submits that a Representation would be made to respondent- *Directorate of Education* within three weeks from today to seek proper salary.

6. If it is so done, then respondent- *Directorate of Education* shall look into the matter and decide petitioner's Representation within a period of six weeks by passing a speaking order and its fate be communicated to petitioner within two weeks thereafter, so that petitioner may avail of the remedies, as available in law, if need be.

7. With aforesaid directions, this petition is disposed of.

8. *Dasti.*

(SUNIL GAUR)
JUDGE

DECEMBER 20, 2017

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