

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

Date of Order: December 19, 2017

+ W.P.(C) 11376/2017

NEELIMA KAPOOR Petitioner

Through: Ms. Monica Kapoor, Advocate

Versus

THE GOVT. OF NCT OF DELHI AND ORS. Respondents

Through: Mr. Ankur Chhibber, Ms. Shruti
Munjal & Ms. Bhavna Gupta, Advocates for
respondent No.2

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
ORAL

1. Petitioner is a retired Post Graduate Teacher, who claims payment of gratuity after calculating her entire service period.
2. Despite service of advance notice, none has appeared on behalf of respondents No.2 & 3.
3. Learned counsel for petitioner submits that gratuity has been paid to petitioner by respondent-School while treating the service period to be twenty seven years and six months whereas, petitioner has rendered service of twenty nine years, two months and twenty eight days and so, the gratuity needs to be recalculated. It is submitted by petitioner's counsel that first respondent vide its Communication of 16th August, 2017 (*Annexure P-22*) has directed respondent-School to implement provisions of Section 10 (1) *Delhi School Education Act and Rules, 1973* in respect of petitioner within a week. It is further submitted by petitioner's counsel

that several Representations were made to respondent-School prior to recommendation of 16th August, 2017 (*Annexure P-22*) by first respondent and petitioner had also represented to Lieutenant Governor of Delhi, but to no avail.

4. In the facts and circumstances of this case, this petition is disposed of with direction to petitioner to make a concise Representation to respondent-School on the strength of recommendations of 28th March, 2017 (*Annexure P-17*) and 16th August, 2017 (*Annexure P-22*) within two weeks. If any such representation is received by respondent-School, then the respondent-School shall pass necessary orders thereon within a period of eight weeks. The fate of petitioner's Representation be made known to him within a week thereafter, so that petitioner may avail of the remedies, as available in law, if need be.

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

6. A copy of this order be given *dasti* to petitioner's counsel.

(SUNIL GAUR)
JUDGE

DECEMBER 19, 2017

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