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

% ***Date of Order : April 04, 2018***

+ **W.P.(C) 3231/2018**

AMAR JYOTI BRAHAMCHARI Petitioner

Through: Mr.R.K.Saini and Mr.Avadh Kaushik,
Advocates

versus

CONVENT OF JESUS & MARY SCHOOL
& ANR

..... Respondents

Through: Mr.Gaurav Dhingra, Advocate for R-2

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

1. Petitioner claims to have retired as Primary School Teacher on 31st August, 2015. Learned counsel for petitioner submits that petitioner was a party in W.P.(C) No.1055/2013 titled '*Deepa Joshi & Ors. Vs. Convent of Jesus & Mary through its principal & Ors.*' in which direction was issued by this Court on 19th September, 2014 to the respondent-Directorate of Education to calculate the amounts payable to petitioner and similarly placed persons after implementation of 5th and 6th Pay Commission and upon granting benefit of ACP and MACP Schemes.

2. Vide order of 28th August, 2015, respondent-*Directorate of Education* has made the calculations in the case of petitioner and other similarly placed persons and thereafter the difference recoverable in case of petitioner has

been quantified at ₹5,33,760/-. As per Communication (*Annexure P-5*), the Directorate's order of 28th August, 2015 was conveyed to petitioner on 28th September, 2015. Learned counsel for petitioner maintains that the Communication of 28th September, 2015 (*Annexure P-5*) was handed over to him along with Directorate's order of 28th August, 2015 when he had visited the respondent-school in September, 2017. It is the case of petitioner that vide application of 13th September, 2017 (*Annexure P-8*) to the respondent-school, petitioner had demanded the retiral dues. Learned counsel for petitioner further submits that there is no response to petitioner's Representation (*Annexure P-8*) which was made way back on 13th September, 2017.

3. Upon hearing and on perusal of the material on record, I find that petitioner was required to represent against Directorate's order of 28th August, 2015 to the Director of Education, New Delhi which has not been done by petitioner. Before approaching this Court, petitioner ought to have done so.

4. In view of the aforesaid, this petition is disposed of with permission to petitioner to make a concise representation against Directorate's order of 28th August, 2015 to Director of Education, New Delhi within a period of two weeks. If such a representation is received by respondent-Director of Education, then it be effectively dealt with, within a period of six weeks by passing a speaking order thereon and its fate be conveyed to petitioner within two weeks thereafter, so that petitioner may avail of the remedy as available in law, if need be. Till it is so done, the recovery in pursuance to Directorate's order of 28th August, 2015 be not effected.

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

(SUNIL GAUR)
JUDGE

APRIL 04, 2018
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