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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CONT.CAS(C) 423/2016, CM No. 45185/2017**
HARBHAJAN KAUR

..... Petitioner

Through: Mr. Rajeev Awasthi, Adv.

versus

SAUMYA GUPTA & ANR

..... Respondent

Through: Mrs. Avnish Ahlawat, SC for
GNCTD with Mr. Nilesh Singh, Adv.

CORAM:
HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

% **02.02.2018**

CM No. 45185/2017 (for delay)

This is an application filed by the respondents seeking condonation of one day delay in filing the compliance affidavit. For the reasons stated in the application, the delay of one day is condoned and the compliance affidavit is taken on record. Application stands disposed of.

CONT.CAS(C) 423/2016

1. The present petition has been filed by the petitioner alleging non compliance of order dated April 05, 2010 in W.P.(C) No. 1053/2001 and order dated February 02, 2016 in LPA No. 356/2010. Suffice to state, in para 19, a Coordinate Bench of this Court in its order dated April 05, 2010

has directed as under:-

“A writ is therefore issued to the respondents to regularize the appointment of the petitioner as PET in Central Academy Senior Secondary School, Sector 13, R.K. Puram, New Delhi w.e.f 15th July, 2001 and to pay to her within six weeks hereof the arrears of wages/emoluments to which she would be so entitled as a PET and to, for all other aspects/benefits, also treat her as in the regular employment of the school w.e.f 15th July, 2001. Considering the fact that the Supreme Court has in the past also deprecated the practice of such ad-hoc appointment of teachers and notwithstanding the same the respondents continued to indulge in the same practice and also contested the present petition, the respondents are also burdened with costs of Rs.10,000/- of this petition, payable to the petitioner. The petition is disposed of.”

2. The said directions have been upheld by the Division Bench in an Intra-Court appeal and also by the Supreme Court. There is no dispute that the respondents have passed an order dated May 27, 2016 whereby the respondents have regularized the services of the petitioner as PET with certain conditions and had also granted the arrears of wages/emoluments. The grievance of the petitioner, as urged by Mr. Awasthi is with regard to six conditions at pages 64 and 65, which are part of the order dated May 27, 2016. Mrs. Ahlawat states, the said conditions are similar to the one granted to the similarly placed employees.

3. At this stage, Mr. Awasthi has pointed out that even the complete arrears of wages / emoluments have not been paid, inasmuch as the

respondents have only paid an amount of `29,14,498/-. On this, Mrs. Ahlawat has drawn my attention to page 25 of the compliance affidavit (running page 69) wherein according to her (on instructions), an amount of `8,32,571/- i.e the emoluments as drawn by the petitioner earlier have been adjusted. She also states, further the amounts of ` 12,65,340/- and ` 37,960/- have been deducted to arrive at a figure of ` 29,14,498/-.

4. In any case, the grievance of the petitioner with regard to terms and conditions is a fresh cause of action. Liberty is there with the petitioner to challenge the same in a fresh proceedings and the same cannot be a subject matter of contempt petition. In view of the above, I am satisfied that the directions in para 19 of the order dated April 05, 2010 have been complied with. The contempt petition is closed. The notices are discharged.

V. KAMESWAR RAO, J

FEBRUARY 02, 2018/ak