

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

Date of Order: May 15, 2018

+ **WP (C) 5188/2018 & CM APPL. No. 20137/2018**

NARESH CHANDPetitioner

Through: Mr. Suman Thakur and Mr.
Pradeep Kumar, Advocates

versus

GOVT. OF NCT OF DELHI & ORS. ...Respondents

Through: Ms. Rashmi Chopra, Advocate

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

1. Petitioner was Physical Education teacher with the respondent-School and under the Voluntary Retirement Scheme, he was to retire on 15th November, 2016. It is the case of petitioner that he continued to serve as Physical Education teacher with the respondent-School till 28th December, 2016 and therefore, he is entitled to salary of 43 days.

2. Learned counsel for petitioner submits that despite Representations, the salary for the aforesaid period was not granted to petitioner and this led to serving of Legal Notice (Annexure P-4) on respondent-*Directorate of Education* in September, 2017.

3. It is also submitted that petitioner had made a Representation to the National Commission for Scheduled Castes and in the said proceedings, respondent-*Directorate of Education* had assured that the salary for the

period of 43 days would be soon paid to petitioner and this finds mention in the proceedings of 9th January, 2018 (Annexure P-6) of the National Commission for Scheduled Castes.

4. Learned counsel for petitioner submits that there is no response by Respondent-*Directorate of Education* to petitioner's legal notice (Annexure P-4).

5. In the facts and circumstances of this case, it is deemed appropriate to dispose of this petition and application with direction to respondent-*Directorate of Education* to treat the Legal Notice (Annexure P-4) as a Representation and to abide by the undertaking given before the National Commission for Scheduled Castes as contained in Annexure P-6 and if it is not so done within a period of eight weeks, then a speaking response to petitioner's Legal Notice/Representation (Annexure P-4) be given to petitioner within twelve weeks, so that petitioner may avail of the remedy as available in law, if need be.

6. With the aforesaid directions, this petition and the application are accordingly disposed of.

Copy of this order be given *dasti* to learned counsel for the parties.

(SUNIL GAUR)
JUDGE

MAY 15, 2018

p