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

+ LPA 361/2018

PRAKASH DAGAR

..... Appellant

Through Mr. Khagesh B. Jha, Ms. Shikha Sharma
Bagga, Advocates

versus

RING MIDWAY SENIOR SECONDARY SCHOOL & ORS

..... Respondents

Through Mr. Rajesh Kumar, Advocate for
respondent no.1.
Mr. Santosh Kumar Tripathi, ASC(Civil),
GNCTD for respondent no.2/DOE.
Mr. Arjun Arora, Advocate for Mr.
Sandeep Solanki.

+ LPA 324/2018

ANJU VERMA

..... Appellant

Through Mr. Khagesh B. Jha, Ms. Shikha Sharma
Bagga, Advocates

versus

RING MIDWAY SENIOR SECONDARY SCHOOL & ORS

..... Respondents

Through Mr. Rajesh Kumar, Advocate for
respondent no.1.
Mr. Santosh Kumar Tripathi, ASC(Civil),
GNCTD for respondent no.2/DOE.
Mr. Arjun Arora, Advocate for Mr.
Sandeep Solanki.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

% **16.10.2018**

CM.APPL 26703/2018(delay) in LPA 361/2018

This is an application filed by the applicant/appellant seeking condonation of 12 days delay in filing the appeal.

For the reasons stated in the application, the application is allowed. Delay of 12 days in filing the present appeal is condoned.

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By:AMULYA

The application stands disposed of.

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CM.APPL 24543/2018(delay) in LPA 324/2018

This is an application filed by the applicant/appellant seeking condonation of 06 days delay in filing the appeal.

For the reasons stated in the application, the application is allowed. Delay of 06 days in filing the present appeal is condoned.

The application stands disposed of.

LPA 361/2018

LPA 324/2018

The appellants claim to be working with the respondents since the year 2008 and 2002 respectively. The grievance of the appellants is that they have not been paid their salary since September, 2017 onwards, which had led to the filing of writ petitions which were disposed of by a learned Single Judge of this Court by the orders dated 18.04.2018 and 23.04.2018 with a direction to the respondent School to consider the case of the appellants and other similarly situated persons seeking release of their salary and thereafter in case the petitioners are dissatisfied, to seek such remedy as available in accordance with law.

Notice in these appeals was issued. Counsel for respondent no.1 submitted that the finances of the School are being controlled by the Manager. We had requested the Manager to remain present in Court. Mr. Sandeep Solanki is present in Court and also represented through a counsel. He submits that he is no longer the Manager of the School and the control of the School is with the Chairman. We are also informed that all the payments to the teachers are being made in cash after the School Fee is also received in cash.

We find that there is a dispute between the members of the family, who are running the School, more particularly, between Mr. Sandeep Solanki, who is ex-Manager and Mr. Ramesh Solanki, his uncle who is the Chairman of the School.

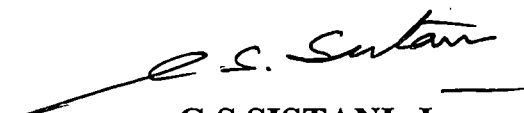
Counsel appearing on behalf of the appellants submits that the bank account is in the control of Shri Sandeep Solanki. *Prima facie*, it appears that on account of *interse* disputes between the members of the Managing Committee, the appellants herein are not being paid their salary.

We are informed by Mr. Tripathi, learned counsel for the Department of Education that an inspection under Section 24 of the Delhi School Education Act and Rules, 1973 has already been conducted and the Directorate of Education is considering the steps to be taken post the inspection.

Keeping in view the *interse* disputes between the management of the School, we agree with the submissions made by the counsel for the appellants that no purpose would be achieved in approaching the School again as per orders dated 18.04.2018 and 23.04.2018 passed by the learned Single Judge of this Court since it is not in dispute before us that the appellants are Teachers engaged with the School. We direct the School to make payment to the appellants in terms of their last drawn salary. The payment would be made within four weeks.

The appeals stand disposed of in above terms.

CMs.APPL 26701/2018 and 24541/2018 also stand disposed of.


G.S.SISTANI, J


SANGITA DHINGRA SEHGAL, J