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

+ LPA 273/2017

SURENDER KUMAR Appellant

Through: Mr Sudhir Naagar, Adv

versus

THE MANAGEMENT MANN PUBLIC SCHOOL & ANR.

..... Respondents

Through: Mr Saurabh Chadda and Mr Rohit

Bhagat, Advs for R-1

Mr Anuj Aggarwal, ASC with Ms Sakshi

Kalia, Adv for R-2

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

% **06.09.2018**

The present appeal is directed against the order dated 08.02.2017 passed by the learned Single Judge whereby the relief for payment of an amount of Rs. 63,645/- towards arrears of salary as per the 6th Pay Commission has been declined. The appellant was appointed as a Post Graduate Teacher (Mathematics) with respondent No. 1-School on probation. The services commenced w.e.f 16.07.2003. After the period of probation his employment was confirmed on 08.07.2004. The appellant resigned on 29.08.2006 and was relieved w.e.f 24.11.2006. The appellant claimed that the 6th Pay Commission report became applicable to the school in terms of the circular of the Director of Education dated 15.10.2008. The prayer of the appellant herein was rejected by the learned Single Judge.

Learned counsel for the respondent has also contested the appeal.

He relies upon an order of the Director of Education dated 11.02.2009 to show that the School was well within its right to increase the fees to implement the recommendations of the 6th Pay Commission w.e.f the academic session 2008-09 to meet the financial requirement. Learned counsel submits that the parents did not pay the arrears, thus it would be very difficult for the School to bear this amount especially after the appellant has resigned.

After some hearing in the matter, it is agreed that the respondent would pay a sum of Rs. 40,000/- to the appellant in full and final settlement of all claims/ subject matter of the writ petition.

With these directions, the appeal is disposed of. The amount shall be paid within two weeks from today positively. It is made clear that this arrangement arrived at would not be treated as a precedent and would not amount to the respondent giving up its legal pleas in the writ petition and the appeal.

With the above agreed terms, the appeal is disposed of. No cost.

G.S.SISTANI, J

SANGITA DHINGRA SEHGAL, J

SEPTEMBER 06, 2018
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