

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

Date of Order: April 19, 2018

+ W.P.(C) 10257/2015 & C.M. 25502/2015

KAUSHALYA SAINIPetitioner

Through: Mr. Abhay N. Das, Advocate

Versus

MANAGEMENT OF DR BHIM RAO AMBEDKAR ADARSH
VIDYALAYA AND ORS.Respondents

Through: Ms. Shilpa Chohan, Advocate for
respondents No. 1 to 3

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

1. The first round of litigation ended with the setting aside of order of 4th October, 2007 vide which petitioner's service as Assistant Teacher was terminated. After the Delhi School Tribunal's order of 13th March 2012 (*Annexure P-5*) directing reinstatement of petitioner, respondent-School had issued a Show Cause Notice of 30th October, 2013 (*Annexure P-11*) and it is the case of petitioner that it was replied to. Petitioner had demanded payment of salary and other dues.

2. Petitioner claims to have made Representations on 10th February, 2014 and 1st April, 2014 (*Annexure P-14 colly*) to claim arrears of salary and other dues. According to petitioner's counsel, respondent-School had paid salary on 17th April, 2014 upto December, 2013 only.

Thereafter, petitioner claims to have made Representations on 15th May, 2014 and 28th July, 2014 (*Annexure P-14 colly*) seeking payment of salary and other dues from January, 2014.

3. In the counter affidavit filed by the respondent-School, it has been disclosed that the Show Cause Notice issued to petitioner was taken to its logical end and the petitioner had not participated in the inquiry but since it was intimated by the concerned *University* that petitioner's degree is fake, therefore, service of petitioner was terminated vide order of 4th August, 2015 (*Annexure A/12*). Petitioner's counsel pleads ignorance about the Termination Order of 4th August, 2015 (*Annexure A/12*) but maintains that the response to Paragraph No. 20 of the writ petition regarding the arrears of pay and other dues, is utterly vague.

4. Upon hearing and perusal of the material on record, I find that not only the prayer clause in the writ petition but even the averments made in the writ petition, are quite vague regarding the period from which petitioner's salary was purportedly due. Even the counter affidavit filed is equally vague. There is no proper response to petitioner's assertion about the various Representations made to claim the arrears of salary and other dues.

5. It is brought to the notice of this Court that the respondent-School has been derecognised on 15th July, 2015. It is evident from the certificate of recognition of respondent-School of 4th August, 1993 (*Annexure P-2*) that respondent-School was functioning under the *Gandhi Harijan Sewak, Samaj (Regd.)*. As per complaint of 4th September 2013 (*Annexure A/1* with the counter affidavit filed by respondent-School), the

said *Gandhi Harijan Sewak, Samaj (Regd.)*, which was running the school in question, is also engaged in other social and cultural activities.

6. Since petitioner's claim for salary and other dues is in a way charge on the assets of the respondent-School, therefore, *Gandhi Harijan Sewak, Samaj(Regd.)* is called upon to consider petitioner's claim for the arrears of salary etc.. If a Representation from petitioner is received by *Gandhi Harijan Sewak, Samaj (Regd.)* within two weeks, then it be considered and a speaking order be passed thereon by a competent person of *Gandhi Harijan Sewak, Samaj(Regd.)* within six weeks and its fate be made known to petitioner within two weeks thereafter, so that petitioner may avail of the remedies as available in law, if need be.

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

Dasti.

**(SUNIL GAUR)
JUDGE**

APRIL 19, 2018

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