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

Date of Order: May 03, 2018

+ **CONT.CAS(C) 1106/2016**

SHAHIDA PERWIN ZAMAN Petitioner

Through: Ms. Indrani Ghosh, Advocate

versus

NAHEED RUBAB USMANI & ANR Respondents

Through: Mr. Saket Sikri with Mr. Ajay Pal
Singh, Advocates

+ **CONT.CAS(C) 1107/2016**

VIJAY LAKSHMI SINHA Petitioner

Through: Ms. Indrani Ghosh, Advocate

versus

NAHEED RUBAB USMANI & ANR Respondents

Through: Mr. Saket Sikri with Mr. Ajay Pal
Singh, Advocates

+ **CONT.CAS(C) 1108/2016**

SHAHIDA JAVED Petitioner

Through: Ms. Indrani Ghosh, Advocate

versus

NAHEED RUBAB USMANI & ANR Respondents

Through: Mr. Saket Sikri with Mr. Ajay Pal
Singh, Advocates

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

% (ORAL)

1. With the consent of learned counsel for the parties, the above

captioned petitions have been heard together and are being disposed of by this common order.

2. In the above captioned three petitions, non-compliance of order dated 23rd May, 2016 is alleged. The aforesaid order was a consent order. The operative portion of order of 23rd May, 2016 reads as under :-

“Without making any observations with regard to the entitlement of the petitioners to the benefits claimed on the basis of the letter dated 29.05.1991 addressed by the respondent No. 1/DOE to the respondent No.2/School, with the consent of the parties, the present petitions are disposed of with directions issued to the respondent No.2/School to release all the benefits to which each of the petitioners would be entitled as per the Recommendations made by the Sixth Central Pay Commission, within three months from today. If it is the respondent No. 2’s stand that the petitioners are not entitled to any of the benefits referred to in the letter dated 29.05.1991 addressed by the respondent No.1/DOE to the School, then reasons therefore shall be furnished by the respondent No.2/School to the petitioners underwritten intimation to them, within eight weeks from today.”

3. The grievance of petitioner is that compliance of aforesaid order of 23rd May, 2016 has not been made. Whereas learned counsel for the respondent-School has placed on record compliance affidavit of 24th January, 2018 wherein it is asserted that the aforesaid order has been complied with. Alongwith this compliance affidavit, copy of order sent by respondent-School to petitioner- Shahida Perwin Zaman on 15th December, 2017 is annexed as Annexure R-2 and in this Communication, it is clearly

stated that the benefit under the VIth Central Pay Commission has been already released to petitioner except the bonus.

4. Learned counsel for petitioners has drawn the attention of this Court to this Court's order of 11th January, 2018 appended to the rejoinder filed, whereby respondent-School has been directed to comply with the directions issued by Directorate of Education regarding payment of bonus.

5. Learned counsel for the petitioner submits that till date, the aforesaid compliance has not been made.

6. It is pointed out by petitioner's counsel that the compliance of this Court order of 19th September, 2017 has not been made and the reasons for compliance of order of 23rd May, 2016 was not communicated to petitioner within two weeks.

7. Upon hearing and on perusal of order of 23rd May, 2016, compliance affidavit and order of 19th September, 2017, I find that no intentional disobedience to the orders passed by this Court can be attributed to respondents. Reasons for non-grant of bonus have been spelt in Annexure R-2. Whether the reasons of non-grant of bonus is justified in light of order dated 11th January, 2018 relied upon by petitioners or not, is a matter which cannot be gone into in the contempt proceedings.

8. Since order of 23rd May, 2016 has been now complied with, as respondent-School has issued letters in December, 2017 to petitioners, whereby they have been intimated that benefit under the VIth Central Pay Commission has been released to them except bonus, therefore, no case for holding the respondent-School guilty of contempt is made out.

9. In light of the aforesaid, these contempt petitions are disposed of, with liberty to petitioners to seek their remedy against the Communication of 15th

December, 2017 (Annexure R-2) appended with compliance report.

10. These contempt petitions are accordingly disposed of.

(SUNIL GAUR)
JUDGE

MAY 03, 2018

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