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

Date of Order: January 04, 2018

+ **W.P.(C) 11887/2015**

KUNAL & ORS Petitioners
Through: Mr.Manoj Kumar Sahu, Advocate

versus

NAVAL PUBLIC SCHOOL & ANR Respondents
Through: Mr.Ambuj Dixit, Advocate and
Ms.Kritika Angirish, Advocate for R-1
with Captain Rakesh Dhall, Executive
Director Mr.Satyakam, Advocate (ASC)
for respondent No.2 and Mr.Ashok
Nayar, LA, DoE, GNCTD

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

CM No.45010/2017

By way of this application, first respondent has provided the break-up of salary of late Jai Raj whose legal heirs are petitioners herein.

The application is allowed and the break-up of the salary of Jai Raj provided in this application is taken on record.

W.P.(C) No.11887/2015

1. By way of this writ petition, petitioner seeks execution of the award of 18th February, 2006 vide which reinstatement of workman-Jai Raj with continuity in service and full back wages was ordered. Respondent-management had filed a writ petition being W.P.(C)

No.12600/2006 which was disposed of vide order of 24th April, 2012 (*Annexure P-3*). The petitioners herein are seeking the compliance of the order of 24th April, 2012 (*Annexure P-3*). While entertaining this writ petition, respondent-school was called upon to give the break-up of amount of ₹7,331/- which has been done by way of CM No.45010/2017. Learned counsel for petitioners submits that petitioners are also entitled to gratuity, leave encashment and provident fund dues, which is disputed by learned counsel for respondent-school.

2. Learned counsel for petitioners submits that in view of Labour Court Award, petitioners are also entitled to bonus. Learned counsel for respondent-school submits that since the workman-Jai Raj had died, therefore, petitioners are not entitled to any bonus as respondent-school is not a profit making entity and all the dues have been paid to the petitioners.

3. Upon hearing, I find that there is some dispute about the dues payable in terms of the Labour Court Award which is not required to be gone into in the exercise of writ jurisdiction under Article 226 of the Constitution of India. Petitioners are relegated to avail of the remedies to available in law to get the Award of 18th February, 2006 executed from the concerned forum.

4. With aforesaid observations, this petition is disposed of.

SUNIL GAUR
(JUDGE)

JANUARY 04, 2018
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