

**Civil Writ Petition No. 15339 of 2013(O&M)**  
**Date of Decision : 25.09.2019**

**versus**

## ... Respondents

\*\*\*

*“After hearing counsel for the parties, the restricted prayer of the petitioners for counting of their previous service with the College under the same Management towards grant of increments admissible in the pay scale to the post held by them*

*in the School run by the Management for teaching the 10 to 10+2 classes after their relocation from the College to the School, appears to be just and fair, requiring reconsideration. Learned counsel for contesting respondent Nos. 4 to 6 prays for time to have a re-look in the light of the restricted prayer.”*

3. Pursuant to the above, learned Senior counsel representing respondents No.4 to 6 in the course of hearing dated 20.11.2018 made an offer under instructions of his clients that if the petitioners are willing to restrict their claim for the future salary then, respondents No.4 to 6 are willing to grant admissible increments in the pay scale of the School Cadre on their relocation from the college to the school. The said offer was made with a caveat that the petitioners, in that case, shall not seek arrears qua the increments by way of giving an undertaking in this respect.

4. Today, when the matter was taken up for hearing, learned counsel for the petitioners submits that while petitioner No.2 has since resigned from job in the year 2016 and as far as petitioner No.1 is concerned, she is personally present in Court and under her instructions, learned counsel submits that, if petitioner No.1 is paid arrears for the past three years immediately preceding the date of today's order, then she is willing to accept the offer made by learned Senior counsel representing respondents No.4 to 6.

5. Learned Senior counsel submits that he been has instructed by his clients and they are willing to pay the arrears for the past three years, as aforesaid.

6. In view of the joint consent of petitioner No.1 and respondents No.4 to 6, this writ petition is disposed of with a direction to respondents that they shall grant the pay scale admissible in the school on the post held

by petitioner No.1 as in the year 2004 and also grant her the admissible increments with effect from 2004 and after making the necessary calculations thereof, pay her the arrears for the past three year immediately before passing of the instant order. Petitioner No.1 shall remain bound by the undertaking that she shall not seek arrears prior to three years with effect from today's order and at the same time, respondents shall also be bound by their offer that they will grant the admissible increments along with consequent future benefits arising out of revising of pay scale.

7. As regards petitioner No.2, she is at liberty to file appropriate application in case any cause of action survives after submission of her resignation.

8. Let needful be done qua petitioner No.1 within three months from today.

9. Disposed of in above terms.

10. No order as to costs.

**(ARUN MONGA)**  
**JUDGE**

**25.09.2019**  
Jiten

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|----|-----------------------------|---------|
| 1. | Whether speaking/ reasoned: | Yes/ No |
| 2. | Whether reportable:         | Yes/ No |