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

+ **W.P.(C) 10693/2016, CM No. 5029/2017**

LEELA

..... Petitioner

Through: Mr. Sunil Kumar and Mr. Manmohan,
Advts.

versus

EAST DELHI MUNICIPAL CORPORATION

& ORS

..... Respondents

Through: Mr. Amrit Pal Singh, Standing
Counsel for EDMC.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

% **02.05.2019**

This petition has been filed by the petitioner with the following
prayers:

*“In the light of above noted facts and grounds it is most
humbly prayed that this Hon’ble Court may be pleased to: -*

*a. Issue a writ of writs in the nature of mandamus
directing the respondents to immediately release the
amount of arrear of rupees 10,2,448/- pending since
01/04/2004 and*

*b. Issue a writ or writs in the nature of writ of
mandamus directing the respondents to release the 25%
arrear forthwith and*

*c. Issue a writ or writs in the nature of action against
the erring officials of respondent no. 1 who delayed the
payment of the petitioner.*

*d. Any other relief (s), which this Hon’ble Court may
deem fit and proper as the facts and circumstances, may
kindly be passed in favour of the petitioners, in the
interest of justice.*

Respondents in their status report have stated as under:

“2. That the present writ petition has been filed by the petitioner and sought relief that to release the amount of arrear of Rs.10,02,448/- and also prayer to release the 25% arrear forthwith.

3. That the respondents / EDMC has already passed the bill of the petitioner as arrear of Rs.12,04,174/- in the month of Jan, 2017. However, the said arrear bill of the petitioner has not been released due to scarcity of funds. It is further submitted that even necessary and unavoidable payment of the respondent employees such as medicines, essential hospital items, pension, medical reimbursement, salary etc. are also pending.

4. That as per the order of the competent authority the 25% arrear of the petitioner has already been released by the respondent EDMC.

8. That the remaining 75% of the petitioner will be release once the financial position of the EDMC improved.”

From the above, it is noted that it is a conceded case of the respondents that 75% of the arrears have to be released to the petitioner. The affidavit only says that 75% of the arrears shall be released when the financial position of the corporation gets improved. This is uncalled for. I also note that 25% of the arrears of salary were released in the month of January, 2017. That apart I note that Division Bench in a batch of writ petitions including a Contempt Petition on February 5, 2019 has directed

that GNCTD shall release amounts to the East Delhi Municipal Corporation and the North Delhi Municipal Corporation to make payments to their employees. It was further directed that East Delhi Municipal Corporation shall make payment of unpaid salary / pension to its employees within a week from that day, if required, by utilizing the funds of other heads.

From the above, it is clear that in terms of the order of the Division Bench unpaid salary was to be paid to the employees within a week from that day and the 75% of the arrears which the petitioner is seeking are the unpaid salary payable to the petitioner.

If that be so, a direction is issued to the respondents to release the balance 75% of the arrears to the petitioner within a period of within six weeks from today.

The petition stands disposed of.

Dasti.

CM No. 5029/2017

Dismissed as infructuous.

V. KAMESWAR RAO, J

MAY 02, 2019/jg