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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 107/2020 & C.M. No. 327/2020

SMT. JITENDER KAUR BHATIA

..... Petitioner

Through: Mr. Nikhilesh Kumar and
Mr. Pradeep Dudy, Advocates.

versus

DIRECTORATE OF EDUCATION AND ORS. Respondents

Through: Mr. V. Balaji, Advocate Panel
Counsel, GNCTD and Ms. Neha
Singh, Advocate for R-1.
Mr. Jasmeet Singh and
Ms. Tejaswini, Advocates for
respondent nos.2 & 3/School
Management.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

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08.01.2020

C.M. No. 326/2020

Allowed, subject to all just exceptions.

W.P.(C) 107/2020 & C.M. No. 327/2020

1. By the present writ petition, the petitioner/superannuated employee of respondent no.3/school has sought the following prayers:

“a) Issue a writ of mandamus, order or direction, directing the Respondent No. 2 & 3 to release the terminal benefits to the Petitioner which includes gratuity as per 7th Pay Commission recommendation, leave encashment, TA/DA arrears, arrears towards 6th Pay Commission, arrears towards 3rd MACP from July 2015 to May 2017 along with interest;

b) Issue a writ of mandamus, order or direction, directing the Respondent No. 2 and 3 to implement the 7th Pay Commission

as directed by the Respondent No.1 vide order dated 17.10.2017 w.e.f. 1.1.2016 and consequently direct the said Respondents to pay salary and other arrears as per 7th Pay Commission along with interest;

c) Issue a writ of mandamus, order or direction, directing the Respondent No.1 to take over the management of the Respondent No. 3 school established and run by Respondent No.2 society.

d) pass such other order or orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case.

2. At the outset, learned counsel for the petitioner, fairly concedes that in so far as respondent no.1 is concerned, it has issued repeated circulars directing the respondent nos.2 & 3 to pay salary and terminal benefits to all its employees in accordance with the recommendation of the 6th CPC and 7th CPC. He however submits that despite the aforesaid directions of the respondent no1, the respondent nos.2 & 3 have not released terminal benefits and arrears of the petitioner's salary in accordance with the recommendation of the 6th and 7th CPC and that too notwithstanding repeated representations to them by the petitioner.

3. After some arguments, learned counsel for the petitioner submits that as the petitioner has not approached the respondent no.1 with the grievance that the respondent nos.2 & 3 have failed to comply with its directions as also the fact that respondent no.2 & 3 are in breach of the provisions of Section 10 of Delhi School Education Act, 1973, the petitioner would be satisfied if the respondent no.1 is directed to treat the present writ petition as a representation and thereafter take appropriate action against the

respondent nos. 2 & 3 in accordance with powers vested with respondent no.1 under Section 20 of the Delhi School Education Act, 1973.

4. Issue notice. Mr. V. Balaji, Advocate accepts notice for respondent no.1 and Ms. Tejaswini, Advocate accepts notice for respondent nos. 2 & 3.

5. Learned counsel for the respondent no.1 as also learned counsel for respondent nos. 2 & 3 have no objection to the limited prayer made by the petitioner. Accordingly, with the consent of the parties, the present writ petition is disposed of by directing the respondent no.1 to treat the present writ petition as a representation by the petitioner and pass a reasoned and speaking order thereon within 8 weeks from today.

9. It will be open for the respondent no.1 to call for any comments/clarification, if required from the respondent nos. 2 & 3 as also from the petitioner, before passing the speaking order.

10. Needless to say, in case the petitioner is aggrieved by the order passed by respondent no.1, it will be open for the petitioner to take legal recourse as permissible under law.

REKHA PALLI, J

JANUARY 08, 2020

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