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

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Decided on: 19.02.2020

+ **CONT.CAS(C) 7/2018**

RAJNI NAIK

..... Petitioner

Through: Mr.Satymev Sabarn Adv.

versus

MANJIT SINGH G K & ORS

..... Respondents

Through: Ms. Latika Chaudhary, Adv. for
DOE.

Mr. Inderbir Singh Alag, Sr. Adv.
with Mr.Pravir Singh and Ms.
Tejaswini, Advs. for school/society.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

NAJMI WAZIRI, J. (Oral)

1. The learned counsel for the petitioner submits that the monies would be payable to the petitioner, alongwith interest @ 9% per annum thereon. The Department of Education while calculating the amounts payable to the petitioner by the management has not taken into consideration the aforesaid rate of interest.

2. In terms of this Court's judgment dated 06.03.2013 in WP(C) 2132/2001, the monies were paid to the petitioners. The said order reads, *inter alia*, as under:

“.....

6. *In view of the above, the writ petition is allowed and petitioners are directed to be paid their arrears due to them in terms of sixth pay commission report within a period of three months from today. Petitioners will be entitled to interest @ 6% per annum simple during the pendency of this petition and till the arrears are paid within a period of three months from today. If the arrears are not paid within three months thereafter the rate of interest will become 9% per annum simple.*

.....”

3. Mr. Alag, the learned Senior Advocate for the management, submits that the petitioner has admitted that the entire amount has been already received by her. He refers to para 12 of the petition, which reads as under:

“....

12. *That the Contemnors only partially complied with the Order dated 22.05.2015 and paid the arrears pertaining to the pay commission relating to the salary only (Basic + DA + Grade Pay + HRA), but defaulted in the payment of the arrears of the Transport Allowance and Interest due thereon in terms of the Judgment and Order dated 06.03.2013 in W.P. (C) No. 2132/2011.*

.....”

4. The learned counsel for the petitioner submits that interest and transport allowance are still payable. Insofar as this Court's order dated 06.03.2013 had directed the payment of interest, it is the petitioner's right and ought to be paid to her as per the calculation of the Directorate of Education. The monies in terms thereof shall be paid by the management.

5. In the circumstances, the petitioner shall give her own computation, of the amounts due from the management, within two weeks from the date of

receipt of copy of this order only apropos the interest and Transport Allowance as claimed in the aforesaid paragraph.

6. The same shall be considered by the Department of Education, GNCTD within two weeks thereafter. Its computation and decision shall be intimated to the petitioner as well as to the management.

7. Should some monies be payable as per the GNCTD, the management shall pay the said monies within four weeks thereafter.

8. The petition is disposed-off in terms of the above.

NAJMI WAZIRI, J

FEBRUARY 19, 2020

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