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

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Date of Decision: 24.11.2020

+ W.P.(C) 13862/2019

GURMEET SINGH

..... Petitioner

Through: Mr. Rajat Aneja & Ms. Chandrika
Gupta, Advocates

versus

GURU NANAK INSTITUTE OF MANAGEMENT & ANR

..... Respondents

Through: Ms. Tejaswini, Advocate

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

JYOTI SINGH, J. (ORAL)

Hearing has been conducted through Video Conferencing.

W.P.(C) 13862/2019 & CM APPL. 55644/2019

1. Present petition has been filed by the Petitioner seeking the following reliefs:

“It is, therefore, most respectfully prayed that this Hon’ble Court may be pleased to issue a Writ in the nature of MANDAMUS and/ or any other appropriate Writ/ Order/ Direction of like nature thereby directing the Respondent Nos. 1 and 2 to release the salary of the Petitioner, due from January, 2016 to May, 2018 as per appropriate Pay scales in terms of the VIIth Pay Commission recommendations illegally withheld by the Respondent No. 1; and to further direct the Respondents to release all the statutory dues, such as Gratuity as well as Earned Leaves etc. payable for the period April, 2003 to May, 2018 alongwith interest and all consequential

benefits thereon, in the light of the aforesaid facts and circumstances narrated hereinabove.”

2. Learned counsel for the Petitioner, on instructions, states that the Petitioner is giving up his claims in the writ petition except to the extent of the statutory dues. Mr. Rajat Aneja learned counsel for the Petitioner has drawn the attention of the Court to page 33, which is a document authored by the Respondent No.1/Guru Nanak Institute of Management, dated 21.12.2018, which reflects the Statutory dues outstanding towards the Petitioner, amounting to Rs. 3,75,720/-. Office Note dated 21.12.2018 is as under:

“OFFICE NOTE

This is to bring to your kind notice that the following employees has resigned from the Institute. We have been receiving continuous requests from the below mentioned employees regarding the release of their respective dues. Their details are as follow:

- | | |
|------------------------------------|----------------------------------|
| <i>1. Mr. Darshan Singh</i> | <i>Total dues Rs. 5,27,260/-</i> |
| <i>2. Mr. Gurmeet Singh</i> | <i>Total dues Rs. 3,75,720/-</i> |
| | <i>G Total Rs. 9,02,980/-</i> |

At present our institute is not having funds to pay this amount, so we request you to release their outstanding amount from DSGMC account.

We shall be obliged for the same.

Sd/-

Dr. Maninder Kaur
Officiating Director”

3. From the Note dated 21.12.2018, it is clear that the Respondent No.1 has admitted that an amount of Rs. 3,75,720/- is due towards the Petitioner. This Court finds no reason/justification to deprive the Petitioner of the said amount, in view of the admission of Respondent No.1 that the said sum is

payable. It is not the case of the Respondent No.1 that the document is false or fabricated by the Petitioner.

4. Since the Petitioner has given up the other reliefs sought in the writ petition, present writ petition is allowed to a limited extent, directing Respondent No.1 to release a sum of Rs. 3,75,720/- in favour of the Petitioner, within a period of six weeks from today along with interest at the rate of 8% per annum from 01.05.2018, the date from which the amount is due to the Petitioner. The interest will be calculated upto the date of actual payment to the Petitioner.

5. Petition along with the accompanying application is disposed of in the aforesaid terms.

CM APPL. 28135/2020 (Urgent hearing of petition through VC)

6. In view of the order passed above, no further orders are required to be passed in the present application and the same is accordingly disposed of.

JYOTI SINGH, J.

NOVEMBER 24, 2020
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