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

+ **W.P.(C) 5974/2019 & CM APPLs. 10439/2020, 10452/2020**

SH. DHARNI KANT JOSHI & ORS Petitioners

Through: Mr. Nikhilesh Kumar, Advocate (M-9891655677)

versus

GURU HARKRISHAN PUBLIC SCHOOL & ORS Respondents

Through: Mrs. Avnish Ahlawat, Standing Counsel, GNCTD with Mr. Nitesh Kumar Singh. (M: 9810134741)
Mr. Jasmeet Singh, Advocate for the school. (M: 9871050905)

+ **W.P.(C) 3048/2020**

REENA JAIN & ORS Petitioners

Through: Mr. Nikhilesh Kumar, Advocate (M-9891655677)

versus

DIRECTORATE OF EDUCATION & ORS Respondents

Through: Mrs. Avnish Ahlawat, Standing Counsel, GNCTD with Mr. Nitesh Kumar Singh. (M: 9810134741)
Mr. Jasmeet Singh, Advocate for the school. (M: 9871050905)

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

% **21.05.2020**

1. This hearing has been held by video conferencing.

2. The grievance of the Petitioners in the present petitions is that the dues of the Petitioners, who are working in Guru Harkrishan Public Schools all over Delhi or are superannuating from the schools, are not being released despite specific orders of this Court. The previous orders dated 29th April 2020 and 5th May 2020, in both these petitions directed that the dues ought to be cleared within two weeks.

3. Mr. Jasmeet Singh, Id. counsel appearing for the schools, submits that the previous orders were based on a Division Bench order dated 24th April 2020, however, subsequently, the Id. Division Bench has extended the time to clear the dues. He has taken the Court through the Division Bench order dated 11th May, 2020.

4. Mr. Nitesh Kumar Singh, Proxy Counsel for Ms. Avnish Ahlawat, Standing Counsel, GNCTD, submits that the Education Department is issuing show cause notices, however, since the Id. Division Bench has already given the schools time to clear the dues, he has no objection if the same deadlines are followed.

5. The Id. Division Bench order dated 11th May, 2020 in LPA 2/2020 *Simranjeet Kaur and Ors. v. Directorate of Education and Ors.* (and connected matters) reads as under:

“.....

6. *Considering that the appeals themselves are not maintainable, we are not able to accept the aforesaid contention of the counsel for the appellants/petitioners. The Senior Counsel for the respondent schools has, notwithstanding the said objection, made the offer aforesaid and which in view of the prevalent Covid-19 circumstances is found to be reasonable.*

7. *We however inquired from the counsel for respondent schools whether the respondent schools, notwithstanding the*

aforesaid objection as to the maintainability of the appeals, are also willing to furnish an undertaking to the Court in terms of the aforesaid statement.

8. The counsel for the respondent schools under instructions has agreed.

9. We therefore accept the undertaking of the respondent schools through counsel to clear all dues of the appellants/petitioners till February 2020 by 31st May, 2020 and all dues of the appellants/petitioners till 31st March, 2020 by 15th June, 2020. It is made clear that for violation if any of the undertaking, the Chairperson of the respondent schools shall be liable to be acted against.

In accordance with the above order, it is directed that the dues of all the Petitioners till February, 2020 shall be cleared by 31st May, 2020 and all the dues till 31st March, 2020 shall be cleared by 15th June, 2020. The Petitioners, however, ought not to be forced to approach the Court for their monthly salaries time and again. Accordingly, the schools are directed to ensure continuous payment of their monthly salaries after 15th June, 2020.

6. In W.P.(C) 5974/2019, on the last date, vide order dated 29th April, 2020, it was directed that at least 25% of the amount due and payable be paid to the Petitioners who are superannuating. Accordingly, the said 25% dues to those persons who are superannuating shall be paid on or before 31st May, 2020. The writ petitions are disposed of in the above terms. All pending applications are also disposed of.

7. List for reporting compliance on 15th July, 2020 along with CONT.CAS(C) 253/2020.

PRATHIBA M. SINGH, J.

MAY 21, 2020

Rahul/Rg