

\$~58

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

%

Decided on: 19.02.2020

+

CONT.CAS(C) 350/2017

MADHU KALRA

..... Petitioner

Through: Ms. Summet Kaur, Adv.

versus

MANJIT SINGH GK & ORS

..... Respondents

Through: Mr. Inderbir Singh Alag, Sr. Adv.
with Mr. Pravir Singh and Ms.
Tejaswini, Advs. for school/society.
Ms. Latika Chaudhary, Adv. for
DOE.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

NAJMI WAZIRI, J. (Oral)

1. As per the computation of the Directorate of Education, there is a balance amount of roughly Rs. 2,99,136/- payable towards 'Transport Allowance'. However, Mr. Inderbir Singh Alag, the learned Senior Advocate for the management/school states that the said allowance would not be payable in the present case, because the school itself provides due transport facilities to the employees of the school. The respondent in its reply has stated as under:-

"That the position of the Directorate of Education regarding the applicability of Transport Allowance as clarified in an earlier petition bearing CCP (C) No. 46/2016 titled Jaswant Kaur v. Ravinder Singh &ors. Is "Transport Allowance

shall not be admissible to the employees of Unaided Private Recognised Schools who have been provided free transport facility by the school".

In this regard it is most respectfully submitted that the Respondent Schools have provided for transport facility to all its employees till May 2017 and for that reason alone, the Petitioners herein shall not be entitled to Transport Allowance component as claimed to be a part of the arrears of salary as sought by the Petitioners. It is apposite to mention herein that this Hon'ble Court in the abovementioned petition being CCP (C) No. 46/2016 left the rights and contentions of all the parties open regarding the decision of the Directorate of Education in relation to the entitlement of Transport Allowance. However, no challenge to the said directions/clarifications has been made till date."

2. Admittedly, this is the first time that the issue of Transport Allowance has been faced in the peculiar facts and circumstances of the case by the Directorate of Education, therefore, the management has a right to seek redressal apropos it, in accordance with law.
3. Be that as it may, in the present case, the employee is a resident of Faridabad and was working in Delhi, therefore, the Transport Allowance would be payable to her because there is no such facility of transportation provided to her by the management. This case would have to be treated as an exception and the monies towards Transport Allowance would be payable to her.
4. Pending final computation, let requisite amounts payable towards 'Transport Allowance' be paid to the petitioner within a period of eight

weeks from today, subject to the petitioner not finding any arithmetical error in the computation.

5. Since the issue of “Travel Allowance” apropos other employees is yet to be determined, the Contempt Petition is disposed-off with liberty granted to the parties to pursue their claims as may be, should the challenge to the aforesaid computation be declined.

NAJMI WAZIRI, J

FEBRUARY 19, 2020/RW



न्यायमेव जयते