



\$~39

*

IN THE HIGH COURT OF DELHI AT NEW DELHI

%

Date of Decision: 24.02.2022

+

LPA 139/2022

DEEPIKA ANAND

.....Appellant

Through Mr Avneesh Garg, Adv.

versus

DIRECTORATE OF EDUCATION, DELHI & ORS.....Respondents

Through Mr Naushad Ahmed Khan, Adv. for
R-1.Mr Romy Chacko, Adv. for
R-2/School.**CORAM:****HON'BLE MR JUSTICE RAJIV SHAKDHER****HON'BLE MR JUSTICE TALWANT SINGH**

[Physical Court Hearing/Hybrid Hearing (as per request)]

RAJIV SHAKDHER, J. (Oral):**CM Nos.9892-93/2022**

1. Allowed, subject to just exceptions.

LPA 139/2022 & CM No.9891/2022*[Application filed on behalf of the appellant seeking interim relief]*

2. This appeal is directed against the order dated 17.02.2022 passed by the learned single judge in W.P.(C.) 2843/2022.

3. MrAvneesh Garg, who appears on behalf of the appellant, says that the fact that the learned single judge did not pass any interim directions in the interlocutory application i.e., CM No. 8195/2022, has led the appellant to approach this court.

LPA 139/2022

1/3



3.1 It is Mr Garg's contention that disciplinary inquiry proceedings are continuing and the continuation of the same works to the appellant's prejudice.

4. Mr Romy Chacko, who appears on behalf of respondent no.2/Mount Carmel School, says that the appellant has abandoned her duties. It is Mr Chacko's contention that the appellant has remained absent from duty since 06.02.2017, up until today.

4.1. It is however, not disputed by Mr Chacko that the appellant was placed under suspension with effect from 16.12.2021.

4.2. It is also Mr Chacko's contention that the main defence of the appellant is that she was entitled to maternity leave and child-care leave. Mr Chacko says, assuming without admitting, even if the entire maternity leave and child-care leave are accorded to the appellant, the appellant should have joined the duty after 30.11.2020.

4.3 Mr Chacko says that since the appellant did not join duty, a charge memo was issued to her on 16.12.2021.

5. According to us, these are aspects which the learned single judge is examining in the writ petition. As a matter of fact, interlocutory application i.e., CM No.8195/2022 in which the impugned order has been passed is still alive.

6. Given this position, both Mr Garg and Mr Chacko agree that the appeal can be disposed of with a direction that any action that the disciplinary authority takes *qua* the appellant will be subject to the final outcome in the writ petition.



- 6.1 It is ordered accordingly.
7. The appeal is disposed of in the aforesaid terms.
8. Consequently, the pending applications shall stand closed.

RAJIV SHAKDHER, J

TALWANT SINGH, J

FEBRUARY 24, 2022/pmc

[Click here to check corrigendum, if any](#)

LPA 139/2022

3/3

