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IN THE HIGH COURT OF DELHI AT NEW DELHI***Date of decision: 29.08.2022***

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W.P.(C) 8868/2021

SUNITA WILSON

..... Petitioner

Through: Ms.Tamali Wad, Adv.

versus

ST. PAULS DIOCESAN SCHOOL AND ORS Respondents

Through: Mr.N.K.Kantawala & Mr.Amaya M Nair, Advs. for R1 to 5.

Mr.Santosh Kr. Tripathi, SC, GNCTD with Mr.Arun Panwar, Mr.Siddharth K Dwivedi, Mr.Aditya S. Jadhav, Mr.Pradyumn Rao, Mr.Pradeep, Mr.Sujeet Kumar Mishra & Ms.Sonam Chouhan Advs. for R-6

CORAM:**HON'BLE MS. JUSTICE REKHA PALLI****REKHA PALLI, J (ORAL)**

1. The petitioner, who had superannuated from the services of respondent no.1/school in April 2019, has approached this Court seeking the following reliefs:

- a. *“Call for the service records of the Petitioner.*
- b. *Declare the action of the Respondent no. 1 to 5 to withhold the terminal benefits due to the petitioner towards gratuity and leave encashment as illegal and unsustainable in law.*
- c. *To direct the Respondent no.1 to complete the exercise of pay fixation of the petitioner under the CCS (Revised Pay) Rules, 2016 as per Government orders on 7th CPC and to forthwith make payment to the petitioner of the*



arrears so determined on account of her pay, her retirement gratuity and leave encashment illegally withheld by the Respondent no.1.

- d. On granting prayer (c) above, to direct the Respondent no.1 to pay to the petitioner interest @ 12% p.a. from the date the sums of money became payable to the Petitioner till the actual date of payment.*
- e. Award costs of litigation to the petitioner.”*

2. Learned counsel for the petitioner submits that the petitioner, a TGT (Hindi) in the respondent no.1/school who superannuated from service on 30.04.2019 after rendering blemishless service of 30 years, was compelled to approach this Court as she was neither paid her terminal dues nor paid the arrears of the amount payable to her towards her salary and Dearness Allowance (DA), as per the recommendations of the 7th Central Pay Commission (CPC). She submits that though the respondent nos.1 to 5 have, pursuant to the directions issued by this Court, placed on record computation of what they claim is payable to the petitioner towards her terminal dues, the said amount of Rs.11,54,358/- (Rupees Eleven Lakhs Fifty Four Thousand Three Hundred and Fifty Eight) does not include arrears of the differential salary and DA, which is payable to her.

3. Furthermore, the respondent no.1/school has till date paid only a sum of Rs.5,00,000/- (Rupees Five Lakhs) to the petitioner, rendering itself liable to pay the balance sum of Rs.6,54,358/- (Rupees Six Lakhs Fifty Four Thousand Three Hundred and Fifty Eight) even as per the outstanding amount payable as per it's own computation.

4. Learned counsel for the respondents is not in a position to dispute the aforesaid pleas taken by the learned counsel for the petitioner. He, however,



submits that the due payments could not be made to the petitioner in time on account of the financial difficulties being faced by the respondents due to the Covid-19 pandemic.

5. Having considered the submissions of the learned counsel for the parties, I am of the view that the question as to what is the exact amount payable to the petitioner ought to be determined by the respondent no.6/Directorate of Education (DoE), and in the meanwhile, the respondent no.1/school ought to, as per their own calculations, release the balance outstanding amount in favour of the petitioner.

6. The writ petition is, accordingly, allowed by directing the respondent no.6/DoE to compute the amount payable to the petitioner within a period of six weeks by taking into consideration the stand of the petitioner as also of the respondent nos.1 to 5 after granting them an opportunity of hearing, the date for the hearing will be communicated to both the sides within a period of two weeks from today. Needless to state, in case the parties are aggrieved, it will be open for them to assail the computation as per law. Subject to any challenge to the computation, the amount as calculated by the respondent no.6/DoE will be paid by respondent no.1/school to the petitioner within a period of three months from the date when the computed amount is communicated to the parties. The respondent no.1/school is further directed to pay the balance amount of Rs.6,54,358/- (Rupees Six Lakhs Fifty Four Thousand Three Hundred and Fifty Eight) admittedly due, to the petitioner within a period of three months.

7. Furthermore, taking into account that there was no justification on the part of the respondents to delay the payment of the due amount to the petitioner, who had superannuated way back in April 2019, the respondent



no.1/school ought to, in my considered view, pay interest to the petitioner on the delayed payments made to her. The petitioner, who superannuated after dedicated service of 30 years, was certainly entitled to receive her rightful dues in time so that she could, at this stage of her life, live with dignity without having to look elsewhere for her livelihood.

8. Accordingly, taking into account the undisputed position that the petitioner superannuated in April 2019 but was not released her dues till August 2021 when she was compelled to approach this Court, the respondent no.1/school is directed to pay interest @ 6% per annum on the delayed payments in favour of the petitioner. The said interest will be payable on the all the respective heads of due amounts and will be paid w.e.f. 01.01.2020 till the date of actual payment.

9. The writ petition, along with any pending applications is, accordingly, disposed of.

AUGUST 29, 2022

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(REKHA PALLI)
JUDGE