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

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Date of Decision: 30th May, 2023

+ W.P.(C) 17032/2022 & CM APPL. 54018/2022

MANDEEP SINGH BINDRA AND ORS Petitioners
Through: Mr. Nikhilesh Kumar,
Advocate.

versus

DIRECTORATE OF EDUCATION AND ORS Respondents
Through: Mr. Naushad Ahmed Khan,
Advocate for R-1.
Mr. Abinash K. Mishra, Advocate for R-2
to 4.

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+ W.P.(C) 541/2023

MANDEEP SINGH BINDRA AND ORS Petitioners
Through: Mr. Nikhilesh Kumar,
Advocate.

versus

DIRECTORATE OF EDUCATION AND ORS Respondents
Through: Ms. Latika Choudhry, Advocate
for DoE.
Mr. Abinash K. Mishra, Advocate for R-2 to
4.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

JUDGEMENT

JYOTI SINGH, J. (ORAL)

W.P.(C) 541/2023

1. Present writ petition has been filed by the Petitioners seeking directions to Respondents No. 2 to 4/Guru Harkrishan Public School to pay the balance 40% salaries of the Petitioners for the period April, 2020 to February, 2021 along with interest as also to pay the Dearness Allowance ('DA') alongwith the prevailing rates which is 189%.

2. Issue notice.

W.P.(C) 17032/2022 & connected matter

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3. Counsels, as above, accept notice on behalf of the Respondents.
4. Learned counsel for the Petitioners submits that the reliefs sought in the present writ petition are covered by several judgments of this Court including the judgment in *Shikha Sharma v. Guru Harkrishan Public School & Ors, 2021 SCC OnLine Del 5011*. Learned counsel for Respondents No. 2 to 4, on the other hand, submits that the balance salaries, if any, shall be released at the earliest as the School is making every effort to clear the arrears alongwith the applicable DA.
5. I have heard the learned counsels for the parties. This Court sees no plausible reason which permits the School to withhold the salaries of the Petitioners. It has been held in several judgments by this Court that financial crunch cannot be a ground to withhold the salaries of the employees of the School. [Ref. *Shikha Sharma (supra)* and *Kuttamparampath Sudha Nair v. Managing Committee Sri Sathya Sai Vidya Vihar and Another, 2021 SCC OnLine Del 2511*].
6. It is accordingly directed that the outstanding salaries and other emoluments due and payable to the Petitioners, if any, shall be released by the School without any delay alongwith applicable DA. The School shall make every endeavour to ensure that salaries and emoluments are released to the Petitioners on time without undue delay.
7. Writ petition stands disposed of in the aforesaid terms.

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8. Present writ petition has been filed by the Petitioners seeking the following reliefs:-

“a) Issue a writ of mandamus, order or direction, directing the Respondent No. 2 to 4 to forthwith implement the speaking order dated 11.1.2022 passed by the Respondent No.1 (Annexure-P/8) and pay the arrears along with interest @ 18%;

b) Issue a writ of mandamus, order or direction, directing the Respondent No.1 to implement the order dated 4.5.2018 (Annexure-

P/1) passed by it on Guru Harkrishan Public School, India Gate (Respondent No.3) whereby the Respondent No.1 directed GHPS, Punjabi Bagh to pay the salary of teachers on 7th of every month without default;

c) Issue a writ of mandamus, order or direction, directing the Respondent No.1 to monitor and ensure that the proposed payments/arrears under relief (a) & (b), has been adhered to and complied by Respondent No. 2 to 4 in all manner;”

9. Petitioners are employees of Guru Harkrishan Public School (hereinafter referred to as the ‘School’), working for the last several years. Broadly understood, the grievance of the Petitioners is that the School has not cleared the arrears of the salaries and emoluments under the 6th and 7th CPC and even where the emoluments are being released either they are in instalments or there is delay in payment every month. Respondent No. 1/Directorate of Education (‘DoE’) has vide order dated 04.05.2018 directed GHPS, Punjabi Bagh to release the salaries of the Teachers on 7th of each month but the order is not being implemented in letter and spirit. The payment of DA is also not in accordance with laid down norms and Petitioners are suffering despite repeated orders by Respondent No. 1 to release the arrears of salaries and pay the emoluments on time each month.

10. Mr. Mishra, learned counsel for the School submits that there was some delay in release of the emoluments during the Pandemic COVID-19 period and this Court in several decisions had permitted the School to pay salaries to its Teachers in instalments. He further submits that every effort is being made to ensure that the Petitioners and other Teachers/employees are paid on time but it would take some time for things to stabilize.

11. Having heard the counsels for the parties, the writ petition is disposed of with a direction to the School to make every endeavour to implement the orders dated 11.01.2022 and 04.05.2018 passed by the DoE and clear the outstanding arrears of salaries of the Petitioners

under 6th and 7th CPC, if any. Efforts will also be made to streamline the payment of salaries so that there is no undue delay in releasing the salaries and emoluments each month. It is open to the Petitioners to make a representation with the School furnishing the calculations, if there are any outstanding amounts and upon the representation being made the School shall examine the calculations and if any amounts are due and payable the same shall be paid without any delay.

12. Pending application also stands disposed of.

JYOTI SINGH, J

MAY 30, 2023/shivam