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

+ **W.P.(C) 4435/2021**

SHRI RAM DEV SHUKLA & ORS.Petitioners

Through: Mr. Amit Sharma, Advocate.

versus

THE COMMISSIONER, MCD & ORS.Respondents

Through: Mr. Akhil Mittal, Standing Counsel
with Ms. Navita Gupta, Advocate for
RespondentNo.1/MCD.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

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09.12.2024

1. This writ petition has been preferred on behalf of the Petitioners laying a challenge to order dated 16.09.2019 passed by Respondent No. 1 and seeking a direction to release the arrears of 5% of the salaries from their respective dates of joining till realisation along with interest @ 12 percent interest per annum in a time bound manner. At the outset, learned counsel for the Petitioners, on instructions, states that Petitioners do not press the relief of interest.

2. Learned counsel for the Petitioners states that the only limited grievance in this writ petition is for payment of 5% of the share of the salary payable by the School, since 95% has been admittedly released by Respondent No. 1. He further submits that, Petitioners herein had earlier filed a writ petition along with other Petitioners in W.P.(C) 1825/2012 which was allowed on 20.03.2014 and Court had directed that since 5% share of the salaries had not been paid by the School, Respondent No. 1 shall make the payments and thereafter recover the monies from the School



Management and the same relief be granted to the Petitioners herein. It is clarified that a confusion had arisen in the earlier round of litigation wherein in the first instance it was recorded by the Court that Ms. Dhannu Dabi was the only Petitioner who was pursuing the case and all other 06 Petitioners had withdrawn, however, this confusion was set right subsequently by order dated 27.10.2017 in Review Petition No. 513/2015 whereby Petitioners were granted liberty to make a representation, which they did.

3. Learned counsel appearing on behalf of Respondent No. 1 submits that Petitioners are not similarly placed as the earlier order was passed in peculiar circumstances because the School was not coming forth to contribute 5% share of the salaries/allowances payable to the employees.

4. Having heard learned counsels for the parties, this Court finds merit in the submission of the learned counsel for the Petitioners that once these Petitioners were parties to the earlier writ petition W.P. (C) 1825/2012 and did not get the relief in the final order on account of a confusion that they had withdrawn from the writ, which was subsequently clarified and they were granted liberty to make a representation, they cannot be treated differently, especially when their claim for payment of salaries is not disputed on merit. The school has chosen to keep away from the present proceedings. Following the order passed by this Court in W.P. (C) 1825/2012 on 20.03.2014, this writ petition is allowed directing Respondent No. 1 to release 5% of the share of the school towards the salaries payable to them and recover the same from the school management, as per law.

5. Writ petition is allowed and disposed of in the aforesaid terms.

JYOTI SINGH, J

DECEMBER 09, 2024/shivam