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

+ **CONT.CAS(C) 557/2023**

SULEKHA SHARMA

..... Petitioner

Through: Mr. J.S. Bedi with Mr. Ankur Garg
with Mr. Amandeep Singh Bhalla,
Advocates.

versus

JAGJIT SINGH & ORS.

..... Respondents

Through: Mr. Surinder Singh with Mr. Rishabh
Chawla, Advocates for respondent no.
1 to 3.
(M): 9212226354
Email: advsurindersingh@gmail.com
Mr. Naushad Ahmed Khan with
Mr. Akshit Tyagi, Advocates for
respondent/DOE.
(M): 9868111799
Email: infonaushad@gmail.com

+ **CONT.CAS(C) 558/2023**

SANGEETA DAS

..... Petitioner

Through: Mr. J.S. Bedi with Mr. Ankur Garg
with Mr. Amandeep Singh Bhalla,
Advocates.

versus

JAGJIT SINGH & ORS.

..... Respondents

Through: Mr. Surinder Singh with Mr. Rishabh
Chawla, Advocates for respondent no.
1 to 3.



(M): 9212226354
Email: advsurindersingh@gmail.com
Mr. Naushad Ahmed Khan with
Mr. Akshit Tyagi, Advocates for
respondent/DOE.
(M): 9868111799
Email: infonaushad@gmail.com

CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER
21.05.2024

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1. The present petitions have been filed alleging willful disobedience of the orders dated 04th August, 2022 passed in W.P. (C) No. 11279/2022, and W.P. (C) No. 11358/2022, wherein, the following directions had been passed:-

“xxx xxx xxx

7. The respondent no.1 will, however, be entitled to receive subsistence allowance in accordance with the applicable Rules from the date of her reinstatement and suspension till the conclusion of the disciplinary proceedings whereafter the period will be governed by the outcome of the proceedings. Subject to the both the respondents cooperating, the appellant will endeavour to conclude the disciplinary proceedings within a period of six months from today.

xxx xxx xxx”

2. The present petitions have been filed on the premise that despite the aforesaid order, Subsistence Allowance has not been paid to the petitioners till date.

3. Per contra, learned counsel appearing for the respondents has drawn the attention of this Court to the letter dated 15th February, 2023, issued by



the School to the petitioners, which reads as under:-

“GURU NANAK PUBLIC SCHOOL.

(Sikh Minority Unaided School)

GNPS/2023/457

15 Feb, 2023

*Mrs. Sangeeta Das
2265/3, (3rd Floor)
Shadipur
New Delhi-110008*

Subject: Regarding non-payment of subsistence allowance

Madam,

You have not submitted a certificate to the effect that you are not engaged in any other employment, business, profession or vocation as required under Sub Rule (1C) of 116 of Delhi School Edu Rule of 1973 to release subsistence allowance. The same has not been done till date.

The subsistence allowance may not be released until unless you comply with the provision of sub rule mentioned above.

*(Promila Anand)
H.O.S.*

*Copy to:
PA to Director of Education
Dte of Education
Old Secretariat
New Delhi – 54*

*DDE (District West A),
DDE (Zone 15)”*

4. Learned counsel appearing for the respondent-School submits that since the certificate as required by the School, was not submitted by the petitioners, the Subsistence Allowance has not been released.

5. Responding to the aforesaid, learned counsel appearing for the petitioner has shown handwritten letter sent by Speed Post dated 06th April, 2023 sent by the petitioner in *CONT.CAS(C) 557/2023* and by Email dated



17th February, 2023 by the petitioner in *CONT.CAS(C) 558/2023*. Thus, it is submitted that the petitioners have already sent letters with respect to their not working anywhere else.

6. However, learned counsel appearing for the respondents has denied the receipt of the aforesaid letters.

7. Be that as it may, it is directed that the petitioners shall submit their original signed certificate to the respondent-school through E-mail, Speed Post, as well as in person, as regards their not being engaged anywhere else.

8. Upon submission of the said certificate by the petitioners as regards them not being engaged in any other employment, business, profession or vocation, the respondent-School shall release the Subsistence Allowance to the petitioners, in terms of the directions issued vide order dated 04th August, 2022.

9. This Court also notes the submissions made by learned counsel appearing for the respondent-School that the disciplinary proceedings are still pending, as the petitioners are not cooperating in conduct of the disciplinary proceedings, on account of which they have not being concluded, as yet.

10. It is to be noted that vide order dated 04th August, 2022, the Coordinate Bench of this Court had directed the respondent-School to complete the disciplinary proceedings within a period of six months from passing of the said order. However, despite lapse of a long time, the disciplinary proceedings are still stated to be pending. This is totally unacceptable.

11. At this stage, learned counsel appearing for the petitioners submits that the petitioners are ready to cooperate with the respondent-School in



completion of the disciplinary proceedings.

12. Accordingly, with the consent of the parties, it is directed that the petitioners shall appear before the Enquiry Officer in the respondent-Guru Nanak Public School, on 27th May, 2024 at 11:00 AM.

13. It is further directed that the petitioners shall complete the cross-examination of the witnesses at the earliest.

14. Considering the submissions made before this Court, it is directed that the respondent-School shall complete the disciplinary proceedings expeditiously, preferably, within a period of four months from today.

15. It is further directed that as and when any date is fixed by the Enquiry Officer, the petitioners shall join the proceedings, and expeditiously complete their cross-examination of the witnesses.

16. With the aforesaid directions, the present petitions are disposed of.

MINI PUSHKARNA, J

MAY 21, 2024

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