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

+ LPA 283/2024 & CM APPL. 20871-73/2024

RAMA KRISHNA PUBLIC SCHOOL

..... Appellant

Through: Mr. Pramod Gupta, Ms. Adyanshi
Kashyap, Ms. Nicole Gomez and Mr.
Harsh, Advocates.

versus

DIRECTOR OF EDUCATION & ANR.

..... Respondents

Through: Mr. Yeeshu Jain, ASC with Ms. Jyoti
Tyagi, Ms. Manisha and Mr.
Hitanshu, Advocates.
Mr. Khagesh B. Jha, Advocate for R-
2 (through VC)

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MR. JUSTICE MANOJ JAIN

ORDER

08.04.2024

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1. The present appeal under Clause X of the Letters Patent seeks to assail the order dated 14.02.2024 passed by the learned Single Judge in W.P.(C) 8231/2011. Vide the impugned order, the learned Single Judge has allowed the writ petition filed by the respondent (petitioner in the writ petition) by directing the appellant to release the arrears of difference in the salary of the respondent as per the pay-scale mentioned in the service book for the period between July 2007 to July 2010 along with consequential benefits. The learned Single Judge has further directed that if the arrears are not paid within six weeks, the same would be payable with interest at the rate of 8% per annum.



2. After arguing the matter at length, learned counsel for the appellant does not press the appeal. He, however, prays that this Court may clarify that the order passed by the learned Single Judge will not be treated as a precedent. He, however, submits that on the one hand, the learned Single Judge has directed that arrears would be payable for a period of 3 years prior to the date of filing of the writ petition, but has on the other hand directed that arrears be paid for the period between July 2007 to July 2010 by overlooking the fact that since the writ petition was filed in November 2011, the period of 3 years had to be reckoned w.e.f. November 2008.

3. Learned counsel for the responded no. 2, who appears on advance notice, however, contends that for any clarification regarding the period for which payment is required to be made, the appellant should approach the learned Single Judge.

4. In the light of the aforesaid, we dismiss the appeal as not pressed by clarifying that the directions issued under the impugned order having been issued in the peculiar facts and circumstances will not be treated as a precedent. However, in view of the stand taken by the respondent no. 2, we do not deem it appropriate to get into the issue as to whether the 3 years' period for which the amount is payable to the respondent as per the impugned order should commence from or July 2007 or November 2008 as is sought to be contended by the learned counsel for the appellant. In case, the appellant requires any clarification in this regard, we grant him liberty to approach the learned Single Judge on this limited ground.



5. The appeal, along with all accompanying applications, is disposed in the aforesaid terms.

REKHA PALLI, J

MANOJ JAIN, J

APRIL 8, 2024/ib