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

Date of Decision: 24.06.2024

+ LPA 503/2024 & CM APPLs. 35480/2024, 35481/2024, 35482/2024
& 35483/2024

THE MANAGER HARYANA SHAKTI SENIOR SECONDARY
SCHOOL Appellant

Through: Mr. Sanjay Rathi with Ms. Jaanvi
Rathi and Mr. Deepak, Advocates.

versus

VIRENDRA SINGH & ORS. Respondents

Through: Mr. Satyendra Mishra, Advocate for
respondent no. 1.

CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA
HON'BLE MR. JUSTICE DHARMESH SHARMA

MINI PUSHKARNA, J (ORAL)

CM APPLs. 35482/2024 & 35483/2024 (for exemption)

1. Exemptions allowed, subject to just exceptions.
2. Applications are disposed of.

LPA 503/2024 & CM APPLs. 35480/2024 & 35481/2024

3. The present appeal has been filed challenging the judgment dated 02nd May, 2024 passed by the learned Single Judge in *W.P. (C) No. 7570/2020*.
4. By way of the impugned judgment, the learned Single Judge has held that the respondent no. 1 herein is entitled for salary and other pay and allowances, w.e.f from 01st April, 2017 to 30th June, 2018.



5. By way of the present appeal, the appellant has raised the issue that the appellant herein is enjoined upon only to pay its 5% share, as an aided school to the respondent no. 1, and as per the Delhi School Education Act and Rules, 1973, 95% of the balance amount, is to be paid by the respondent nos. 2 to 4 herein.

6. This Court notes that a dispute is pending between the appellant and respondent nos. 2 to 4 with respect to the release of grant-in-aid, which has not been released by respondent nos. 2 to 4 to the appellant herein. For this purpose, the appellant has filed a writ petition, being W.P. (C) No. 2901/2022, which is pending before the learned Single Judge.

7. This Court notes that the learned Single Judge vide the impugned judgment, has already protected the interests of the appellant herein, wherein, it has categorically been directed that the amount to be released by the appellant herein, shall be subject to the outcome of the writ filed by the appellant, being W.P. (C) No. 2901/2022.

8. The relevant portions of the impugned judgment dated 02nd May, 2024, passed by the learned Single Judge, read as under:-

“xxx xxx xxx

12. **It appears that respondent no. 1 has already filed a Writ Petition bearing WP(C) No. 2901/2022 challenging the non release of grant-in-aid for the said period and the same is pending adjudication before this Court. The same shall be decided as and when the said writ petition is taken up for disposal.**

13. *For the present, the respondent no. 1 is directed to release pay, emoluments and all allowances for which the petitioner is found to be entitled, for the period with effect from 01.04.2017 through till 30.06.2018 with interest @ 6% per annum. The said exercise be carried out within a period of eight weeks from today.*

14. **The release of arrears of salary as directed above, shall, obviously be subject to the outcome of W.P.(C) 2901/2022 only with**



respect to the contribution alone. That will not have any effect on the entitlement of the petitioner as decided above.

xxx xxx xxx”

(Emphasis Supplied)

9. Perusal of the aforesaid order categorically shows that the learned Single Judge has taken cognizance of the fact that the substantive petition of the appellant herein, with respect to non-release of grant-in-aid by respondent nos. 2 to 4, is already pending before the said Court. Rather, the learned Single Judge has categorically held that the release of arrears of salary, to respondent no. 1 herein, shall be subject to the outcome of the said writ petition, i.e., *W.P. (C) No. 2901/2022*, with respect to the contribution to be made by respondent nos. 2 to 4.

10. At this stage, learned counsel appearing for the appellant submits that the period for release of amounts to respondent no. 1 is expiring on 27th June, 2024. He, thus, submits that further extension of four weeks may be granted to the appellant in this regard.

11. Considering the submissions made before this Court, it is directed that the appellant herein shall comply with the judgment dated 02nd May, 2024 passed by the learned Single Judge. However, the period for payment of amounts, in terms of the judgment dated 02nd May, 2024 passed by the learned Single Judge, is hereby extended for four weeks, in order for the appellant to make arrangements for payment of the same.

12. It is directed that the release of the payments by the appellant to the respondent no. 1, shall be subject to the outcome of *W.P. (C) No. 2901/2022*, to the extent of contribution to be made by respondent nos. 2 to 4.

13. The appellant is granted liberty to move an application for early hearing of its pending writ petition, *W.P. (C) No. 2901/2022*, before the



learned Single Judge, which shall be considered by the learned Single Judge, as per its own merits.

14. Needless to say, in case the appellant herein succeeds in *W.P. (C) No. 2901/2022*, the amounts paid by the appellant to respondent no. 1, shall be released by respondent nos. 2 to 4 to the extent of their contribution, to the appellant, forthwith.

15. However, it is made clear that pendency of *W.P. (C) No. 2901/2022*, shall not be a ground for the appellant to not release the arrears of the respondent no. 1, and/or not complying with the directions given in the judgment dated 02nd May, 2024 passed by the learned Single Judge.

16. With the aforesaid directions, the present appeal is disposed of, along with pending applications.

**MINI PUSHKARNA
(VACATION JUDGE)**

**DHARMESH SHARMA
(VACATION JUDGE)**

JUNE 24, 2024

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