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

+ **CONT.CAS(C) 1101/2022**

SULOCHANA SHARMA

..... Petitioner

Through: Mr. Shubham Bahl, Adv. & Mr. Anuj Aggarwal, Adv. (Through VC).

versus

MR. VINEET AGGARWAL & ANR.

..... Respondents

Through: Mr. Sujeet Kumar Mishra, Mr. Pankaj Balwan & Mr. Utkarsh, Advs. for R-2.

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Mr. Hanu Bhaskar, Adv. with Mr. Ravikant, Adv.

M: 9810174047

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

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12.02.2024

1. The present petition has been filed alleging willful disobedience of the order dated 21st March, 2022 passed in *W.P.(C) No. 2586/2021* and *W.P.(C) No. 3117/2021*.

2. By way of the aforesaid order dated 21st March, 2022, the respondent no.2, i.e., the Director of Education had been directed to consider the representation of the petitioner with regard to their claim for benefits of 7th Pay Commission, along with interest @ 9% per annum.



3. A compliance affidavit has been filed on behalf of respondent no.1, wherein it is stated that the benefits of the 7th Pay Commission have already been released to the petitioner.

4. Relevant paragraphs of the compliance affidavit filed on behalf of respondent no.1 reads as under:

“xxx xxx xxx

4. That the school vide Letter dated 16.06.2022, replied to the representation as filed by the petitioner and also gave its calculation as per 7th CPC and along with the same also tendered the cheque for Rs.4,22,682/- vide cheque No.000315 dated 15.06.22 drawn upon HDFC Bank. The Letter along with the photocopy of the draft / cheque is annexed herewith as ANN-R1/B (Colly).

5. That the Directorate vide Letter dated 18.06.2022 returned the said cheque with the communication that the amount as due to the petitioner be calculated and verified by the DOE and only thereafter, the cheque be prepared. The Letter is annexed herewith as ANN-R1/C.

6. That thereafter the school again gave a Letter dated 23.06.2022 and again submitted the calculation sheet with the enclosures therein. The Letter along with the calculation sheet duly vetted by the Directorate is annexed herewith as ANN-R1/D.

7. That as per the same, there was a difference of an amount of Rs. 10,370/- as calculated by the Directorate and the said amount was also paid to the petitioner on 31.08.2022 by way of NEFT. The copy of the statement summary is annexed herewith as ANN-R1/E.

8. That the DE issued an Order dated 12.07.2023 wherein it was further directed that the amount due to the petitioner stands paid along with the balance amount, but the interest which was not calculated earlier by the DE, amounting to Rs. 17,883/- has to be paid to the petitioner by the school and thereafter on 25.07.23 the said amount was also tendered to the petitioner. The copy of the said letter along with statement summary is annexed herewith as ANN-R1/F (Colly).

xxx xxx xxx”

5. Mr. Anuj Aggarwal, learned counsel appearing for the petitioner



confirms the fact that amounts in terms of the compliance affidavit have been released to the petitioner. However, he disputes the calculations made on behalf of the respondent.

6. Perusal of the aforesaid compliance affidavit categorically shows that substantive compliance of the order dated 21st March, 2022 has been made by the respondent no.2-Directorate of Education.

7. Accordingly, no further orders are required to be passed in the present contempt petition. The present contempt petition is, accordingly, disposed of.

8. However, liberty is granted to the petitioner to challenge the calculation of the arrears of 7th Pay Commission in case they are aggrieved by the same.

MINI PUSHKARNA, J

FEBRUARY 12, 2024/kr