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

+ **W.P.(C) 12252/2024**

**VINEETA JAIMINI, THROUGH
HER ATTORNEY**

.....Petitioner

Through: Ms. Apurva Tyagi, Ms. Radhika
Bansal and Mr. Divyanshu Rathi, Advocates.

versus

**THE DIRECTOR, DIRECTORATE OF EDUCATION
& ANR.**

.....Respondents

Through: Ms. Sonu Kumari, Mr. Hitanshu
Mishra, Mr. Akshun Thakur, Advocates for Mr.
Yeeshu Jain, Additional Standing Counsel for
R1/DoE.

**CORAM:
HON'BLE MS. JUSTICE JYOTI SINGH**

**ORDER
03.09.2024**

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CM APPL. 50932/2024

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

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3. This writ petition has been preferred on behalf of the Petitioner under Article 226 of the Constitution of India, seeking the following reliefs:

"I. Mandamus directing the Respondent No.1 to take action against the Respondent No.2 school for not releasing the retirement dues of the Petitioner.

II. Mandamus directing the Respondent No. 2 school to release the amount of MACP Scheme for which the Petitioner is entitled amounting to Rs.4,73,647/- along with interest @ 12% p.a. (compounding) from 2018 till date amounting to Rs.2,98,397/- (Rupees Two Lac Ninety Eight Thousand Three Hundred And Ninety Seven);



III. Mandamus directing the Respondent No. 2 School to release the interest accrued on the arrears of 71 h Central Pay Commission from 01.01.2016 till date calculated @ 12% per annum (Compounding) amounting to Rs.1,60,508/- (Rupees One Lac Sixty Thousand Five Hundred Eight) and also to pay Employees Provident Fund amounting to Rs.30,535/- (Rupees Thirty Thousand Five Hundred And Thirty Five) to the petitioner along with interest amount to Rs.3.660/- (Rupees Three Thousand Six Hundred Sixty) to the Petitioner;

IV. Mandamus directing the Respondent No.2 School to release the amount towards Leave Encashment amounting to Rs.3,002/- (Rupees Three Thousand Two);

V. Mandamus directing the Respondent No. 2 School to refund the tuition fee of son of the Petitioner which was wrongly deducted by the Respondent No.2 School from the retirement benefits of the Petitioner.

VI. Mandamus directing the Respondent No.2 School to pay interest accrued on belated payment of part of retirement dues from July, 2023 till date amounting to Rs.56,821/- (Rupees Fifty Six Thousand Eight Hundred Twenty One)

VII. Mandamus directing the Respondents to pay the costs of this Petition to the Petitioner along with pendente lite and future interest till the final realization of the amounts due calculated@ 12% per annum.”

4. As averred in the petition, Petitioner was appointed as Post Graduate Teacher (Commerce) in Respondent No. 2/School on 12.03.2008 and she joined w.e.f. 01.04.2008. Service of the Petitioner was confirmed on 27.03.2009 and from the said date, Petitioner rendered dedicated and unblemished service till she resigned on 20.03.2023.

5. It is further averred that on 06.10.2023, Respondent No.2 informed the Petitioner that a sum of Rs.8,27,559/- was calculated towards her retirement dues and called upon her to furnish an undertaking that this was the final amount towards all her claims. Petitioner, however, did not furnish the undertaking as according to her, the outstanding dues were far in excess of this amount and requested several times that her outstanding dues be released. The School, however, without the consent of the Petitioner credited a sum of Rs.7,57,615/- directly in her Bank account against which the



Petitioner protested and also wrote to the Directorate of Education on 30.11.2023 to direct the School to release her retiral dues. In the present petition, Petitioner claims that she is entitled to Rs.4,73,647/- along with interest on account of financial upgradation under the MACP Scheme as well as the interest on arrears of pay revision under 7th CPC from 01.01.2016 as also dues towards Provident Fund and Leave Encashment.

6. Learned counsel for the Petitioner submits that neither of the two Respondents have responded to the several representations made by the Petitioner seeking her legitimate dues as brought forth in the writ petition and therefore, the reason for depriving her of these benefits is also not known.

7. Issue notice.

8. Ms. Sonu Kumari, learned counsel appearing on behalf of Mr. Yeeshu Jain, learned Additional Standing Counsel for Respondent No.1/DoE accepts notice.

9. In view of the fact that Petitioner has been making representations to the Respondents for releasing the outstanding dues to her under various heads such as MACP Scheme, leave encashment, etc. but there has been no response and therefore, it is not known on what ground the School has denied her these dues, it would be appropriate at this stage to direct the Respondents to treat this petition as a representation of the Petitioner and decide the same within six weeks from today indicating the reasons for withholding the benefits allegedly due to the Petitioner. Needless to state that while deciding the representation, whatever amounts are payable shall be released forthwith. For the amounts which according to the School are not payable, a reasoned and speaking order will be passed, indicating the



reasons for denying the said benefits. Copy of the decision shall be communicated to the Petitioner within one week of the decision and it will be open to the Petitioner to take recourse to legal remedies in case of any surviving grievance.

10. Writ petition is disposed of with the aforesaid directions with no expression on merits of the case.

11. Copy of this order will be communicated by the Petitioner to Respondent No.2 forthwith.

JYOTI SINGH, J

SEPTEMBER 3, 2024/DU/kks