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

+ LPA 46/2024 & CM APPL. 2220/2024 CM APPL. 2221/2024
CM APPL. 2222/2024

S REGUNATHAN CHAIRMAN & ORS. Appellants

Through: Ms. Meenakshi Kalra, Advocate

versus

VIJENDER KUMAR (DEAD) THROUGH LEGAL
REPRESENTATIVES & ORS. Respondents

Through: Ms. Karishma Maria, Advocate for R-
1

Mr. Nirvikar Verma, Advocate for R-
2

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% **12.01.2024**

CM APPL. 2221-23/2024(exemption)

Allowed, subject to all just exceptions.

Accordingly, the present application stands disposed of.

LPA 46/2024

1. The present appeal is filed under clause 10 of the Letters Patent Act, 1865 impugning the judgment dated 01.08.2023 passed by a learned Single Judge of this Court in CONT. CAS (C) 923/2019, titled as ***Vijender Kumar (Dead) Thr. LRs. v. S. Regunathan.***



1.1. The said contempt petition was filed by the Respondent No. 1 seeking initiation of contempt proceedings for violation of the order dated 22.09.2016 passed in RSA No. 173/2016.

1.2. The learned Single Judge vide the impugned order directed the Appellants to pay the amounts as per the calculations provided by the Directorate of Education ('DoE') in Court. The learned Single Judge further directed the Appellants herein to pay salary to the private Respondent as per the recommendations of the 7th CPC. It was clarified that the Appellant shall be entitled to adjust payments already made to the Respondents.

2. The learned counsel for the Appellants states that orders similar to the impugned order dated 01.08.2023 were also passed in CONT.CAS(C) 920/2019 and CONT. CAS (C) 918/2019. She states that those orders were impugned in LPA No. 693/2023 and LPA No. 694/2023 respectively. She states that the said LPAs had been disposed of by a coordinate Bench of this Court vide order dated 10.10.2023.

2.1 She states that the present appeal can also be disposed of in terms thereof with appropriate modifications. She states that the coordinate Bench has referred the Appellants objections to the DoE calculations to the Executing Court for determination.

3. In reply, learned counsel for Respondent No. 1 states that she has no objection to the said submission of the Appellants. She states however, the Appellants should be directed to deposit the disputed amount with the Executing Court and the admitted amount should be released to the Respondent No. 1 forthwith.

4. This Court has heard the learned counsel for the parties and perused the record.



5. The impugned order reveals that the arrears payable by the Appellants to the Respondent No. 1, as determined by the DoE amounts to INR 22,66,895/-. The contempt petition has been disposed of with a direction to the Appellants to clear the arrears as determined by the DoE in 10 Equal Monthly Installments from 01.09.2023. Furthermore, in pursuance to an admission by the Appellants to the effect that the 7th CPC is not being implemented vis-a-vis the Respondents, the learned Single Judge directed the Appellants to pay salaries to the Respondents as per the recommendations of the 7th CPC including arrears in that regard.

6. The learned counsel for the Appellants vehemently disputes the amount determined by the DoE and submits that according to the calculation of the Appellants, the arrears payable to the Respondents amounts to INR 20,30,921/-.

7. Upon hearing the parties, it becomes evident that the limited dispute remaining in the present matter is regarding quantification of the amount of arrears payable to the Respondent No. 1 by the Appellants. In this regard, as the execution proceedings are already ongoing, the Appellants are directed to deposit the disputed amount of INR 2,35,914/- i.e., the difference between the arrears determined by the DoE and arrears determined by the Appellants with the Executing Court within a period of six (6) weeks from today. The Executing Court shall hear both the parties on the amount of the arrears payable albeit only in respect of the disputed amount of INR 2,35,914/- and shall accordingly pass appropriate orders keeping in view the decree, the impugned order and the present order passed by this Court.



8. As for the arrears admitted by the Appellants i.e., INR 20,30,921/-, this amount shall be released forthwith in favor of the private Respondents within a week from today.
9. At this stage, learned Counsel for the Appellants contends that the Appellants have already paid an amount of INR 20,30,921/- to the private Respondents. The Respondent No. 1 specifically disputes the said contention. The veracity of this claim of the Appellants has not been examined by this Court. The Appellants are directed to file an affidavit before the Executing Court within a week disclosing the precise details of the said amount stated to have been paid to the private Respondents, with the date of each payment along with proof of payment. This aspect of payment shall also be verified and examined by the Executing Court. It is needless to clarify that the Executing Court will pass appropriate directions after verification.
10. Accordingly, with the consent of the parties, the present appeal along with applications is disposed of.

ACTING CHIEF JUSTICE

MANMEET PRITAM SINGH ARORA, J

JANUARY 12, 2024/hp/sk

[Click here to check corrigendum, if any](#)