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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CONT.CAS(C) 1511/2024**

VIJAY KUMAR MEHTAPetitioner
Through: **Mr. Dishant Sharma and Mr. Saurabh Aggarwal, Advs.**
versus

DHARMENDER & ORS.Respondents
Through: **Mrs. Avnish Ahlawat, Standing Counsel for GNCTD/Service with Mr. Nitesh Kumar Singh, Ms. Laavanya Kaushik, Ms. Aliza Alam and Mr. Mohnish Sehrawat, Advs.**

CORAM:
HON'BLE MR. JUSTICE DHARMESH SHARMA

% **ORDER**
30.09.2024

CM APPL. 57460/2024 (For restoration)

1. The petitioner is seeking restoration of the aforesaid CONT CAS(C) 1511/2024, which was dismissed for his non-appearance on 23.09.2024.
2. Learned counsel for the respondents is present.
3. For the reasons stated in the application and in the interest of justice, the application is allowed and the CONT CAS(C) 1511/2024 is restored to its original number and stage.
4. The application stands disposed of accordingly.

CONT.CAS(C) 1511/2024

5. The petitioner is seeking initiation of contempt proceedings against the respondents for the wilful disobedience of the directions of this Court, as contained in the order dated 27.07.2023, passed in W.P. (C) 9845/2023. Learned counsel for the respondents is present and submits that the impugned directions of this Court have since been



complied with.

6. However, the grievance of the petitioner is that his salary has not been computed correctly, and resultantly there is a shortfall in the arrears that have been paid and he also laments that he has also not been paid interest for the delayed payment.

7. This Court in the aforesaid writ petition *vide* paragraph (4) allowed the prayer No.2, which goes as under:

“(iii) Direct the respondents to pay arrears with interest for delayed payment of my salary for the period of Sept .2016 to 25.03.2017 which were disbursed on 23.03.2018 i.e. period of 17 months.”

8. Accordingly, this Court directed as under:

“Insofar as prayer (iii) is concerned, we deem it appropriate to direct the respondents to consider this prayer made by the petitioner and reply to him in that regard within a period of eight weeks from today”

9. Evidently, the order dated 14.11.2023 passed by the Deputy Director of Education, District East, shows that the arrears of the salary due to the petitioner have been computed and ordered to be released to him *albeit* without interest for the delayed period.

10. This Court, while sitting in the writ jurisdiction, cannot go into the disputed question of calculation of salary and its arrear. Insofar as the payment of interest for delayed payment is concerned, that is certainly not made out either.

11. The present petition is dismissed with liberty to the petitioner to approach the Civil Court, if so desired, and seek appropriate remedy.

DHARMESH SHARMA, J.

SEPTEMBER 30, 2024/sm