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

+ **W.P.(C) 4105/2024**

KAVITA DEVI

.....Petitioner

versus

DELHI SANSKRIT ACADEMY & ORS.

.....Respondents

+ **W.P.(C) 4241/2024**

SAROJ SAXENA

.....Petitioner

versus

DELHI SANSKRIT ACADEMY & ORS.

.....Respondents

+ **W.P.(C) 4616/2024**

VIJAY GOEL

.....Petitioner

versus

DELHI SANSKRIT ACADEMY & ORS.

.....Respondents

+ **W.P.(C) 4617/2024**

KANIKA ARORA

.....Petitioner

versus

DELHI SANSKRIT ACADEMY & ORS.

.....Respondents

+ **W.P.(C) 4618/2024**

SHASHI BALA

.....Petitioner

versus

DELHI SANSKRIT ACADEMY & ORS.

.....Respondents



+ **W.P.(C) 4620/2024**
MAMTA SHARMA

.....Petitioner

versus

DELHI SANSKRIT ACADEMY & ORS.

.....Respondents

Appearance:-

Mr. Varun Mudgil, Mr. Rakesh Kumar, Mr. Mohit Mudgal, Ms. Eti Kushwaha & Mr. Abhinav Chandan, Advocates for Petitioners in Item Nos. 4 to 9

Mr. Abhay Dixit, Ms. Risha Dixit & Mr. Harish Plaha, Advocates for Delhi Sanskrit Academy in Item Nos. 4 to 9.

Mrs. Avnish Ahlawat, Standing Counsel for GNCTD with Mr. Nitesh Kumar Singh, Ms. Laavanya Kaushik, Ms. Aliza Alam & Mr. Mohnish Sehrawat, Advocates for R-2, 3 & 4 in Item Nos. 4 to 9.

Mr. Gaurav Dhingra & Mr. Shashank Singh, Advocates for DoE in Item Nos. 4 & 8.

Ms. Latika Choudhury, Advocate for Respondent in Item No. 9.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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04.08.2025

1. The petitioners were employed as Trained Graduate Teacher (Sanskrit) with Delhi Sanskrit Academy allegedly on a contractual basis. They seek directions for payment of gratuity in terms of the judgment of this Court dated 22.05.2023 in W.P.(C) 6403/2023 and connected matters [*Irfan Ali & Ors. v. Urdu Academy & Ors. and connected matters*] [hereinafter, "*Irfan Ali*"], and assail an order dated 08.12.2023 by which this relief has been denied to them.

2. I have heard learned counsel for the parties.

3. By an order dated 23.01.2025, it was directed as follows:-



“5. The Sanskrit Academy, Urdu Academy and Punjabi Academy are all autonomous bodies under the aegis of the Government of National Capital Territory of Delhi [“GNCTD”]. To ascertain the correctness of the petitioners’ statement, learned counsel for GNCTD is requested to take instructions as to whether the petitioners’ position is similar to the petitioners in *Irfan Ali* (supra) and connected cases.

6. Submissions be filed by the parties directly addressing this aspect, within one week. The submissions may cover the petitioners in all these cases and may be filed in W.P.(C) 4105/2024.

7. List these petitions in the category of “for admission” matters on 13.02.2025.”

4. No submissions have been filed pursuant to the said order.

5. The judgment of this Court in *Irfan Ali* dealt with claims of gratuity on behalf of Trained Graduate Teachers and Post Graduate Teachers in the Punjabi Academy and the Urdu Academy, which are admittedly similar in all respects to the Delhi Sanskrit Academy. The Court considered the question as to whether a distinction can be drawn based on the nature of the employment for the purposes of gratuity, and came to the following conclusion:

“8. Indisputably, the Petitioners are covered under the amended definition of the word ‘employee’ under Section 2(e) of the Act as amended by the Amending Act of 2009. In *Janardan Sharma* (supra) this Court has obliterated the distinction between Teachers based on the nature of their employment viz. full-time/part-time/ad hoc/contract etc. as the Act itself does not contemplate such a distinction for grant of Gratuity. The judgment was followed by another Co-ordinate Bench of this Court in a batch of petitions being W.P. (C) 13761/2022 and connected matters, titled *Anuradha Seem and Others v. Directorate of Education & Anr.* decided on 17.11.2022 and the Respondents were directed to extend the benefits of the decision to the Petitioners therein. Therefore, in my view, Petitioners are right in their submission that their cases are squarely covered by the aforementioned judgments where the issue stands crystallized and it is no longer open to the Respondents to deny Gratuity to them.

9. Ms. Avnish Ahlawat, learned Standing Counsel appearing on



behalf of Respondents No. 1 and 2 does not dispute the fact that case of the Petitioners in each of the writ petitions is covered by the judgments of this Court in Janardan Sharma (supra) and Anuradha Seem (supra), on all four corners. She, however, points out that a large number of employees are now entitled for grant of Gratuity and the matter is under active consideration for release of the amounts. She further submits that release of Gratuity entails calculations of the amounts payable, which in turn involves reckoning of various factors such as number of years of service, calculation of fraction of each year of service rendered etc., in accordance with the provisions of the Act and is a time consuming exercise. It is therefore prayed that at least a period of eight weeks be given to the Respondents to calculate and disburse the arrears of Gratuity to the Petitioners, in accordance with the Act.

10. *In view of the stand taken by the Respondents, writ petitions are allowed with directions to the Respondents to calculate and release the amounts payable to the Petitioners towards Gratuity, in accordance with the provisions of the Act, as the cases of the Petitioners are squarely covered by the judgments of this Court in Janardan Sharma (supra) and Anuradha Seem (supra).*

11. *Assurance of Ms. Ahlawat that the entire exercise shall be carried out and completed within a period of eight weeks from today is taken on record. Calculations of the amounts disbursed shall also be furnished to the Petitioners and in case of any surviving grievances, Petitioners would be at liberty to take recourse to appropriate remedies, in accordance with law.”*

6. The only ground urged in the counter affidavit, to resist the applicability of the judgment in *Irfan Ali*, is that the petitioners’ service was not continuous, as two months’ break in service was given between the academic years. It is contended by learned counsel for the petitioners, and not disputed by learned counsel for the respondents, that this position obtained even in the cases of Punjabi Academy and Urdu Academy, which were considered in *Irfan Ali*.

7. For the aforesaid reasons, I find that the petitioners’ cases are entirely covered by the judgment in *Irfan Ali*, and the writ petitions are



disposed of with directions in terms of paragraphs 9 to 11 of *Irfan Ali*.

8. The writ petitions stand disposed of with these observations.

PRATEEK JALAN, J

AUGUST 4, 2025

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