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

+ LPA 439/2021, CM APPL. 41066/2021

RICHMONDD GLOBAL SCHOOL

.....Appellant

Through: Ms. Anjana Mishra, Senior Advocate,
Mr. Vedanta Varma, Advocate Mr
Shubhankar Choudhary, Ms. Aparna
Satyanarayan, Advocates.

versus

RITU GOEL

.....Respondent

Through: Mr. Khagesh B. Jha, Ms. Shikha
Sharma Bagga, Mr. Ankit Mann and
Ms. Jyoti Shokeen, Advocates.
Mr. Yeeshu Jain, ASC with Ms. Jyoti
Tyagi, Mr. Aveeraj Sharma Ms. Priya
Shukla, Advocate for Respondent
DOE (Department of Education).

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

24.07.2025

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1. This LPA is directed against the Order dated 01.09.2021, passed by the learned Single Judge in W.P.(C) No.9324/2021. Relevant portions of the said Order reads as under:

“3. Though, the learned counsel for the petitioner submits that the resignation has not been accepted, she does not press this relief. In other words, she presses the relief with regard to the payment of arrears of salary w.e.f. February, 2020 with interest. That apart, she also seeks payment of gratuity and disbursement of the salary in terms of 7th CPC.



4. During the oral submissions, she also stated that the original documents of the petitioner with respect to her qualification etc are with the School; the same should be released to the petitioner.

5. Mrs. Ahlawat would fairly concedes that the arrears of salary need to be paid to the petitioner w.e.f. February, 2020 till March, 2021. According to Mrs. Ahlawat, the same shall be on the basis of the terms of appointment, issued to the petitioner.

6. An issue has arisen whether the petitioner was paid salary in terms of 6th CPC / 7th CPC. Though, the petitioner states, she was appointed w.e.f January 18, 2016 in the pay scale of Rs.9300 – Rs.34800/- in pay band of Rs.4200/-, the same is disputed by Mrs. Ahlawat who contends that the petitioner was appointed w.e.f. April 01, 2016. Suffice to state, that the appointment of the petitioner being post January 01, 2016, when the recommendation of the 7th CPC were implemented, the petitioner is entitled to the benefits thereof. The School shall ensure that the benefits of the 7th CPC, if not already paid, with effect from her date of appointment, the same shall be paid to her along with arrears of salary for the period between February, 2020 till March, 2021.

7. At the first instance, the respondent No.1 School shall release the arrears of salary for the period February, 2020 till March, 2021 within four weeks from today with interest @ 7% per annum. The arrears of 7th CPC shall be paid to the petitioner effective from April 01, 2016, if not already paid, within a period of eight weeks but without interest. The petitioner shall also be paid Gratuity in accordance with the Rules.”

2. Learned Counsel for the Appellant states that the Respondent is not



entitled to the benefit of 6th CPC/7th CPC for the reason that she has not been appointed in accordance with the recruitment rules and that she is not qualified for such an appointment.

3. A perusal of the Impugned Order shows that this contention was not raised before the learned Single Judge and, therefore, this argument cannot be permitted to be taken for the first time before the Division Bench.

4. Confronted with this, learned Counsel for the Appellant seeks permission to withdraw the present appeal with liberty to file a Review Petition.

5. Learned Counsel for the Appellant has drawn the attention of this Court to the Order dated 18.11.2021, passed by this Court. Relevant portion of the said Order reads as under:

“8. Given the aforesaid circumstances, Mr. Bajaj says that the appellant school, for the moment, will pay dues to the respondent i.e., Ms. Ritu Goel, as indicated in the first part of paragraph 7 of the impugned order i.e., the part which concerns arrears of salary for the period spanning between February 2020 and March 2021, with interest, as applicable.

8.1. Mr. Bajaj says that the amount due will be remitted to the respondent/Ritu Goel, before the next date of hearing.”

6. Learned Counsel appearing for the Respondent/Teacher states that in view of the fact that the School had agreed to make the payments of the Teachers before this Court, the Writ Petition was withdrawn by the Appellant.

7. A perusal of the said Order shows that the School had agreed to make



payments only for the period between February 2020 to March 2021 and were subject to the final adjudication of the said appeal.

8. In this view of the matter, this Court is inclined to grant liberty to the Respondent to revive the Writ Petition.

9. Liberty is also granted to the Appellant to take steps in accordance with law.

10. It is made clear that since the present appeal has been filed *bona fide*, the Appellant will be entitled to the benefit of Section 14 of the Limitation Act.

11. With these observations, the appeal is disposed of, along with the pending applications, if any.

SUBRAMONIUM PRASAD, J

SAURABH BANERJEE, J

JULY 24, 2025

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