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

+ W.P.(C) 14758/2022 & CM APPLs. 45380/2022, 15000/2023

SUNITA KUMARI

.....Petitioner

Through: Mr. Mangesh Naik, Advocate.

versus

DIRECTORATE OF TRAINING AND
TECHNICAL EDUCATION GOVT OF
NCT OF DELHI ORS & ORS.

.....Respondents

Through: Mrs. Avnish Ahlawat, Standing
Counsel for GNCTD with Mr.
Nitesh Kumar Singh, Ms.
Laavanya Kaushik, Ms. Aliza
Alam, Mr. Mohnish Sehrawat &
Mr. Amitoj Chadha, Advocates for
R-1.

Mr. Gaurav Kr. Pandey, Advocate
for R-2 & 3.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **09.05.2025**

1. The petitioner was an employee of Guru Tegh Bahadur Polytechnic Institute, from which she retired on 31.05.2022. She has filed this writ petition for the following reliefs:-

“(a) Issue a Writ of Mandamus or any other appropriate Writ(s), Order or Direction calling upon the Respondents No. 2 and 3 to forthwith pay to the Petitioner the arrears of earned salaries under the 6th and 7th pay CPC guidelines-(Rs 25,40,647-Twenty Five Lacs, Forty Thousand, Six Hundred and Forty Seven Only) and the pending salary of Rs 3,17,110 for the period-March 2021 to December 2021.



(b) This Honb'le Court may impose a pendente lite interest @9% p.a. on the dues payable under the 6th and 7th CPC guidelines along with terminal Benefits and to be levied until the disposal of the Writ Petition.

(c) Pass such orders as this Honb'le Court may deem fit in the present facts and circumstances of the case."

2. A preliminary objection has been raised by the respondents, that the petitioner has an alternative efficacious remedy under Section 32(d) of the Delhi Sikh Gurudwaras Act, 1971 ["1971 Act"]. The provision reads as follows:-

"32(d) Application regarding failure of publication of, or non-implementation or non-clearance of the objections raised in, any annual report of the auditors of the Committee."

3. Section 33 provides for appeals to the High Court in the following terms:-

"33. (1) Any person aggrieved by an order passed by the District Judge may, within sixty days of the order, prefer an appeal to the High Court at Delhi and the orders of the High Court on such appeal shall be final and conclusive.

(2) The provisions of sections 5 and 12 of the Limitation Act, 1963, shall, so far as may be, apply to appeals under this section."

4. Although several judgments have been cited in the written arguments filed by the respondents, the applicability of Section 32 of the 1971 Act is not disputed. It is, therefore, not necessary to examine this aspect in greater detail.

5. However, Mr. Mangesh Naik, learned counsel for the petitioner, submits that the petitioner's dues towards pending salary and retirement benefits remain partially unpaid. Insofar as these aspects are concerned, he submits that there is no dispute as to the petitioner's entitlement; the issue is only one of reconciliation of accounts.



6. Having regard to the aforesaid facts, the petitioner is directed to report to the office of Guru Tegh Bahadur 4th Centenary Engineering College, which is the successor entity to the Guru Tegh Bahadur Polytechnic Institute. The Institute is directed to reconcile the petitioner's account and, if any amount remains due, to make payment of the same within a period of four weeks from today. Mr. Gaurav Kr. Pandey, learned counsel for respondent Nos. 2 and 3 states, on instructions, that only an amount of Rs. 55,679/- remains to be paid to the petitioner.

7. Subject to the above, the petitioner is at liberty to approach the Court of the District Judge under Section 32(d) of the 1971 Act for redressal of any remaining grievances, provided she does so within a period of eight weeks from today. She may seek exclusion of the period of pendency of the writ petition before this Court under Section 14 of the Limitation Act, 1963.

8. The writ petition is disposed of with these directions. All pending applications also stand disposed of.

PRATEEK JALAN, J

MAY 9, 2025
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