



\$~2

*

IN THE HIGH COURT OF DELHI AT NEW DELHI

+

CONT.CAS(C) 1398/2024 & CM APPL. 2924/2025

RAGHAWANAND PATHAK

.....Petitioner

Through: Mr. Shashank Deo Sudhi, Mr.
Sanjeev Tanwar, Mr. Aru Prakash,
Ms. Sheetal, Advocates.

versus

DR. VIVEK YADAV AND ORS

.....Respondents

Through: Mr. Apoorv Kurup, Sr. Advocate
with Mr. Udesb Puri, Mr. Shubham
Choudhary and Mr. Gurjas Narula,
Advocates for R-1 to 3.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

%

20.02.2025

1. The petitioner alleges violation of the order dated 24.04.2024, passed in W.P.(C) No. 5724/2024.
2. The petitioner was appointed as a teacher in the Modern Child Public School ["School"], of Nangloi Education Society (Regd.) ["Society"] in the year 1997. By way of the writ petition, which remains pending, the petitioner challenges notices issued by the Society, placing him on compulsory *dies-non* leave for want of production of original certificates for verification. By the aforesaid order dated 24.04.2024, the School was directed to release the petitioner's salaries from the month of December 2023 onwards, till date i.e., 24.04.2024, within three weeks.
3. In the present contempt petition, it is alleged that although the salaries from December 2023 to April 2024 were paid, it was not paid thereafter.

CONT.CAS(C) 1398/2024

Page 1 of 3



4. Mr. Apoorv Kurup, learned Senior Counsel for the School, states that although there has been some delay, the cheques for the salaries from May 2024 until December 2024 are available. He has handed them over to Mr. Shashank Deo Sudhi, learned counsel for the petitioner.

5. As far as further salaries for the months of January and February, 2025 are concerned, Mr. Kurup, upon instructions from Dr. Vivek Yadav, Chairman, Nangloi Education Society, states that the amounts will be paid within a period of one week from today. The undertaking is accepted. Nangloi Education Society and Dr. Vivek Yadav are bound down to this undertaking.

6. Mr. Sudhi submits that even prior to December 2023, three months' salaries remain unpaid. The order dated 24.04.2024, however, clearly refers to payment of salary from December 2023 onwards. The non-payment of any prior claim, therefore, cannot be properly treated as a contempt of Court. The rights and remedies of the parties, in this regard, are reserved.

7. Mr. Sudhi submits that the amounts paid from December 2023 to April 2024, were short of certain allowances, including House Rent Allowance ["HRA"], Travelling Allowance ["TA"], and Dearness Allowance ["DA"] on TA.

8. As far as TA, and DA on TA, are concerned, the petitioner has not been attending the School. Subject to the further arguments in the writ petition, I do not think it necessary for these allowances to be paid to the petitioner. However, if there is any shortfall in the payment of HRA, Mr. Kurup submits that the same will also be remitted within a period of one week from today.



9. As payment of the entire salary from December 2023 until February 2025 will, thus, be complete within a period of one week from today, accordingly, the contempt petition is disposed of, subject to the undertaking recorded above.

10. If there is any failure to comply with the undertaking, the petitioner may make an application for revival of the contempt petition.

11. As the School was unable to comply with the order of the Court within time, it will additionally bear costs of ₹15,000/-, to be paid to the petitioner.

PRATEEK JALAN, J

FEBRUARY 20, 2025
SS/SD/