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

+ W.P.(C) 6542/2016

ANDHRA EDUCATION SOCIETY

.....Petitioner

Through: Mr. Hanu Bhaskar, Mr. Ravi Kant,
Mr. Aakash & Ms. Nidhi,
Advocates.

versus

DIRECTOR OF EDUCATION & ORS.

.....Respondents

Through: Mrs. Avnish Ahlawat, SC,
GNCTD with Mr. Nitesh Kumar
Singh, Ms. Laavanya Kaushik, Ms.
Aliza Alam & Mr. Mohnish
Sehrawat, Advocates.

Mr. Shubham Bahl, Mr. Nikhil
Pawar & Ms. Kritika Matta,
Advocates for R-3.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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17.02.2025

CM APPL. 9553/2025 (application on behalf of the respondent No. 3 for early hearing of the writ petition)

1. Respondent No. 3 has filed this application for early hearing of the writ petition.

2. Mr. Hanu Bhaskar, learned counsel for the petitioner, and Ms. Laavanya Kaushik, learned counsel for respondent No. 1 are present. Having regard to the contents of the application and with the consent of the learned counsel for all the parties, the application is allowed, and the writ petition is taken on board.



W.P.(C) 6542/2016

1. The petitioner – School assails an order dated 30.11.2015, by which the Delhi School Tribunal [“Tribunal”] has allowed the appeal of respondent No. 3 herein, against an order dated 18.01.2012, by which the School imposed the penalty of compulsory retirement upon him. The Tribunal directed reinstatement of respondent No. 3, with liberty to the petitioner to hold a fresh inquiry. The question of back wages was referred to the petitioner for a decision, in accordance with law.
2. During the pendency of writ petition, it has been stated by Mr. Shubham Bahl, learned counsel for the respondent No. 3 – which is reiterated in the application for early hearing – that respondent No. 3 has reconsidered the entire issue and is willing to accept the order of compulsory retirement, subject to release of his entitlements within a specified time period. The submissions of the parties to this effect are recorded in the orders dated 27.03.2024 and 09.05.2024. The School was granted an opportunity to forward the proposal to the Directorate of Education [“DoE”] since the petitioner school is an aided school. By order dated 07.11.2024, time was granted to DoE to apprise the Court of its decision.
3. Although no formal decision of DoE has been placed on record, I am of the view that it is unnecessary to await a fresh decision by DoE. The genesis of this litigation is the challenge by respondent No.3, to the order dated 18.01.2012. The effect of the submission now made on his behalf is that his challenge is not pressed, and the original order dated 18.01.2012, revives.
4. Learned counsel for the parties are *ad idem* that the writ petition



may be disposed of, by setting aside the impugned order of the Tribunal dated 30.11.2015, and restoring the order of the School dated 18.01.2012, with the consequential direction that the entitlements of the respondent No. 3, consequent upon his compulsory retirement in terms of the said order, be paid to him within the period of three months from today.

5. The order of this Court dated 27.03.2024 records the submission of the respondent No. 3 that his entitlement should be released “*with reasonable interest*”. However, learned counsel for respondent No. 3, instructed by respondent No. 3, who is personally present in Court, does not press for payment of interest.

6. It is made clear that the amounts to be paid to respondent No. 3 are those amounts to which he would have been entitled, had he accepted the order of compulsory retirement when it was passed.

7. As far as the computation is concerned, the School is directed to supply the computation of the amount being paid to respondent No. 3, alongwith the remittance of the payment. In the event, respondent No. 3 disputes the computation, he may make a representation to the School and DoE within two weeks thereafter. If any further amount is found payable, payment of the said amount may be made within four weeks thereafter. If the representation of respondent No. 3 is not accepted, a reasoned order be communicated to him, within the same period. The rights and remedies of the parties on the question of computation remain reserved.

8. Mr. Bhaskar states that the petitioner–School does not appear to have the current address and contact details of respondent No. 3. Those will be communicated by Mr. Bahl to learned counsel for School and DoE within one week from today. Correspondence between the School



and respondent No. 3 may also be marked to their respective counsel, for facilitation of communication.

9. The writ petition is disposed of with these directions.

PRATEEK JALAN, J

FEBRUARY 17, 2025

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