(2013) 07 DEL CK 0541

In the Delhi High Court

Case No : Writ Petition (C) 7014 of 2012

Meenu Saxena and Others APPELLANT

Vs

Arya Vidya Mandir and Others RESPONDENT

Date of Decision : 19-07-2013

Acts Referred:

Citation : (2013) 202 DLT 216 : (2014) 1 SLJ 245

Hon'ble Judges : Valmiki J Mehta, J

Bench : Single Bench

Advocate : Ashok Aggarwal, for the Appellant; S.K. Shukla, Rajiv Shukla and Ms. Sneha Mukherjee, Advocates for R-1 and R-2 and Mr. Anuj Tyagi and Mr. Sachin Chopra, for R-3, for the Respondent

Final Decision : Allowed

Judgement

Valmiki J Mehta, J.—The limited issue in this case is the claim of the petitioners, who are teachers and other employees in the respondent no. 1-school, for payment to them all salaries in terms of the reports of the 5th and 6th Pay Commissions as adopted by the Director of Education. It cannot be disputed that Director of Education has issued appropriate orders for payment of the monetary emoluments to the teachers and employees of the schools in terms of the 5th and 6th Pay Commissions Reports, of course, as per the modifications, if any, of the Director of Education with respect to the amounts or the dates of implementation of the Reports. With respect to the 6th Pay Commission, the order of the Director of Education is dated 11.2.2009.

2. I may state that the lack of monetary ability in a school to make payments of monetary emoluments to teachers & employees in terms of Pay Commission Reports is not a ground to justify non-payment. I have so held in the case of T.P. Singh Vs. Guru Harkishan Public School & Ors. in W.P. (C) 12132/2009 decided on 14.2.2013. A Division Bench of this Court has also held that lack of monetary capability is not a reason which a school can give to deny payment to teachers and employees. The order in this regard is also filed as Annexure ''C'' to this writ

petition and which is of the Division Bench in LPA No. 286/2012 titled as Rukmani Devi Public School Vs. Sadhna Payal & Others decided on 11.5.2012. In view of the above, the writ petition is allowed and petitioners are directed to be paid in terms of the orders of the Director of Education with respect to 5th and 6th Pay Commissions Reports. The entire arrears payable to the petitioners be now positively paid within three months from today. In case, the amounts are not paid within three months, then, from the original date of implementation of 5th and 6th Pay Commissions Reports as directed by the Director of Education, the petitioners will be entitled to interest at 9% per annum simple. I may state that I am only in the interest of equity and justice not granting interest in the first instance on the arrears because the counsel for the school states that they have in fact applied for closure of the school. Possibly, imposing additional interest burden may hasten the closure of the school, which should be avoided. Parties are left to bear their own costs.