

(2022) 12 DEL CK 0022

In the Delhi High Court

Case No : Civil Writ Petition No. 15345 Of 2022, Civil Miscellaneous Application No. 47639 Of 2022

Queen Marry S School & Anr.

APPELLANT

Vs

Kavita Mishra & Anr

RESPONDENT

Date of Decision : 02-12-2022

Acts Referred:

Delhi School Education Rules, 1973 — Rule 118, 119, 120, 121

Citation : (2022) 12 DEL CK 0022

Hon'ble Judges : Jyoti Singh, J

Bench : Single Bench

Advocate : Anil Dabas, Sunil Kumar, Praveen Kumar, Om Prakash Mishra, Yeeshu Jain, Jyoti Tyagi, Manisha

Final Decision : Disposed Of

Judgement

Jyoti Singh, J

1. Present petition filed by the Petitioners assails the judgment dated 26.08.2016 passed by the Delhi School Tribunal in Appeal No. 65/2013, whereby the Tribunal set-aside the order dated 18.07.2013, terminating Respondent No. 1 herein, on the ground that the termination order was passed without following the procedure laid down in Rules 118 to 120 of the Delhi School Education Act and Rules, 1973 and directed reinstatement. With respect to back-wages, the Tribunal gave liberty to Respondent No. 1 to file a representation with the Petitioners herein, in view of Rule 121 of the said Act.

2. When the matter was listed before this Court on 18.11.2022, the Court noted that Respondent No. 1 has already reached the age of superannuation on 04.01.2022 and even if she would succeed, there would be no reinstatement and at best, she would be entitled to monetary benefits for eight and a half years. In view of this, the Court had put to the parties if they were willing to explore the possibility of an amicable settlement by the Petitioners making a payment of a

reasonable lump-sum amount to Respondent No. 1. Manager of the Petitioners-School as also Respondent No. 1 were directed to remain present.

3. Parties have amicably resolved their disputes and it is agreed that Petitioners shall pay a sum of Rs. 28,00,000/- to Respondent No. 1 in three equal installments, without any deduction and the payment shall be cleared on or before 31.03.2023. It is agreed that this payment shall be received by Respondent No. 1 in full and final settlement of all her dues and no further claim shall be made against the Petitioners for notional reinstatement or any other benefit. Needless to state, parties shall be bound by the Terms of Settlement, as aforementioned.

4. Petition is disposed of in the above terms along with the pending application.