

(2017) 01 DEL CK 0282

In the Delhi High Court

Case No : 11314 of 2015

RAVINDER KAUR MAIDH

APPELLANT

Vs

GURU HARKISHAN PUBLIC SCHOOL & ORS

RESPONDENT

Date of Decision : 11-01-2017

Acts Referred:

[Constitution of India](#), [Article 226](#) -
Power of High Courts to Issue certain writs

Citation : (2017) 01 DEL CK 0282

Hon'ble Judges : Valmiki J.Mehta

Bench : SINGLE BENCH

Advocate : Rajesh Goshwami, Sushil Kumar, Srivats Kaushal, Sanjeev Singh, Raghvendra Pandey

Judgement

1. By this writ petition under Article 226 of the Constitution of India, the petitioner who superannuated from the respondent no.1/school on 31.12.2013 seeks the relief of being granted monetary benefits including the terminal benefits by applying the 6th Pay Commission Report and which became applicable to the schools by virtue of the order of the Director of Education dated 11.2.2009.

2. The writ petition is within the limitation of three years because the writ petition is filed on 3.12.2015 and the petitioner superannuated on 31.12.2013. However, the claim with respect to implementation of the 6th Pay Commission Report by virtue of the order of the Director of Education dated 11.2.2009 which is for monetary benefits on application of the 6th Pay Commission Report will be w.e.f the date which is prior to three years of the filing of the writ petition which would not be time barred, but not for the period before three years of the filing of the petition and which claim will be time barred. Schools in Delhi are bound by the order of the Director of Education dated 11.2.2009 is no longer res integra and has been decided by this Court in the case of T.P. Singh and Ors. Vs. Guru Harkrishan Public School and Ors. 2013 III AD (Delhi) 482.

3. In view of the above, this writ petition is allowed and the respondent no.1 is directed to clear the dues of the petitioner within a period of six months from today along with interest @ 4% per annum simple from the date the amounts became due to the petitioner and till the date amounts are paid to the petitioner. In case, however, the amounts are paid to the petitioner within three months from today, then, no interest will be payable by the respondent no.1, as agreed by the petitioner. The amounts which will be paid by the respondent no.1 will be accompanied by a detailed chart specifying how the total amounts are calculated under different heads and which will also state the relevant basis and period for calculation of the amounts payable under the different heads.

4. Writ petition is allowed and disposed of accordingly, leaving the parties to bear their own costs.