

(2013) 03 DEL CK 0211

In the Delhi High Court

Case No : Writ Petition (C) 1240 of 2010

Savita Bhatnagar and Others

APPELLANT

Vs

Managing Committee, St. Sophia Sr. Sec. School and Others

RESPONDENT

Date of Decision : 12-03-2013

Acts Referred:

Citation : (2013) 199 DLT 427

Hon'ble Judges : Valmiki J Mehta, J

Bench : Single Bench

Advocate : Preet Pal Singh, Mr. Achal Gupta and Mr. H.K. Shekhar, for the Appellant; Vinay Kr. Garg, Advocate for the Respondents 1 and 2 and Ms. Reeta Kaul, Advocate for the Respondent Nos. 3 and R-4/GNCT, for the Respondent

Judgement

Valmiki J Mehta, J.

CM No. 9483/2011 (for direction)

This application is allowed and the writ petition is restored for hearing.

CM stands disposed of.

CM No. 2392/2013(u/o 1 R 10, CPC by petitioner)

This is an application for adding one Ms. Neelam Sahani as a petitioner in the writ petition. Since the applicant is praying the same relief as the other petitioners, the application is allowed. Amended memo of parties be filed within one week.

CM stands disposed of.

W.P. (C) No. 1240/2010

1. By this writ petition, the petitioners are praying for implementation of the report of the Sixth Pay Commission by the respondent Nos. 1 and 2/School and the Society. I have had an occasion to consider this aspect in various judgments

and as per a recent judgment passed on 14.2.2013 in W.P.(C) No. 12132/2009 titled as T.P. Singh v. Guru Harkrishan Public School & Ors., I have held that schools have to pay arrears in terms of the Sixth Pay Commission Report in view of the order of the Director of Education dated 11.2.2009.

2. Accordingly, adopting the ratio of T.P. Singh's case (supra), it is directed that petitioners will be paid their dues in terms of the report of the Sixth Pay Commission read with the general order of the Director of Education dated 11.2.2009 and the specific order dated 25.4.2011 so far as the respondent Nos. 1 and 2 are concerned. Petitioners will be entitled to interest at 6% per annum simple on the arrears during the period for which this petition was pending, and for a period of three months from today, and during which period, the arrears with interest be paid by respondent Nos. 1 and 2. In case, the arrears are not paid within three months, thereafter, the respondent Nos. 1 and 2 will be liable to pay interest at 9% per annum simple to the petitioners till actual payment. The writ petition is disposed of with the aforesaid observations.