
(2013) 08 DEL CK 0394

In the Delhi High Court

Case No : Writ Petition (C) No. 6159 of 2010

Shweta Razdan

APPELLANT

Vs

Bapu Adarsh Vidhyalaya Public School and Others

RESPONDENT

Date of Decision : 13-08-2013

Acts Referred:

Citation : (2013) 08 DEL CK 0394

Hon'ble Judges : Valmiki J Mehta, J

Bench : Single Bench

Advocate : Vibhav Misra, for Ms. Avnish Ahlawat, for the Appellant; Sambhuti Kumar, for Mr. Ajai Kumar, for R-1 and 2, for the Respondent

Final Decision : Allowed

Judgement

Valmiki J Mehta, J.—Two reliefs are claimed in this writ petition. First is for grant of payment of salary in terms of the 6th Pay Commission Report which has been directed to be implemented by schools in Delhi in terms of the circular of the Director of Education dated 11.2.2009. The second relief claimed is for gratuity. So far as the first relief of payment in terms of 6th Pay Commission Report is concerned, I have had an occasion to consider this aspect in many cases and one such case is T.P. Singh Vs. Guru Harkrishan Public School & Ors. in W.P.(C) 12132/2009 decided on 14.2.2013 wherein I have held that even minority schools have to pay in terms of the circular of the Director of Education dated 11.2.2009 by which the employees of schools were to be paid in terms of 6th Pay Commission Report. This prayer of the petitioner is therefore allowed.

2. The second relief claimed is for gratuity. Since it is not disputed that petitioner was a teacher in the school, and that too since 1975, petitioner will be entitled to payment of gratuity in terms of the judgment passed by me in the case of Deepak Dua Vs. Directorate of Education and Anr. in WPC 7040/2011 decided on 10.4.2013. Adopting the ratio of that case petitioner is also held entitled to be paid gratuity by the school.

3. In view of the above, the writ petition is allowed and respondent nos. 1 and 2 are directed to make payments to the petitioner with respect to the 6th Pay Commission Report as also of gratuity within a period of four months from today. All the amounts including arrears shall be paid alongwith interest at 6% per annum simple from the date amounts become due till the date of payment. In case the amounts are not paid within four months, interest thereafter will be payable at 9% per annum simple. The writ petition is allowed and disposed of, leaving parties to bear their own costs.