

(2013) 04 DEL CK 0196

In the Delhi High Court

Case No : Writ Petition (C) No. 4601 of 2012

Smt. Pramod Popli

APPELLANT

Vs

Kulachi Hansraj Model School and Others

RESPONDENT

Date of Decision : 29-04-2013

Acts Referred:

Citation : (2013) 04 DEL CK 0196

Hon'ble Judges : Valmiki J Mehta, J

Bench : Single Bench

Advocate : Ashok Aggarwal and Ms. Nisha Tomar, for the Appellant; Purnima Maheshwari, for the Respondent

Judgement

Valmiki J Mehta, J.—The only relief claimed in this writ petition is the claim of the petitioner for benefits of 6th Pay Commission Report, and which has been held applicable to schools by the circular of the Director of Education dated 11.2.2009. 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 Vs. Guru Harkrishan Public School & Ors., I have held that benefits of Sixth Pay Commission have to be given to employees of schools in Delhi.

2. In the present case, school is respondent no. 1 namely Kulachi Hansraj Model School. In spite of opportunity, respondent no. 1-school has not filed its counter-affidavit. Respondent no. 3, which is the Director of Education has filed its counter-affidavit supporting the stand of the petitioner that in case the petitioner is a confirmed employee, he will be entitled to the benefits of 6th Pay Commission Report in view of the circular of the Director of Education dated 11.2.2009.

3. A reading of the writ petition shows that the petitioner was employed in the year 1987 on permanent basis, and the petitioner has retired on 31.7.2012. Petitioner therefore from the date as given in the circular of the Director of

Education dated 11.2.2009, will be entitled to benefits of 6th Pay Commission Report till the petitioner retired on 31.7.2012. Petitioner will be entitled from the respondent no. 1 to be paid the benefits of 6th Pay Commission Report, and which benefits as payable to the petitioner will be calculated in terms of the circular of the Director of Education dated 11.2.2009. Benefits of 6th Pay Commission in terms of the circular dated 11.2.2009 will be payable to the petitioner till the petitioner retired in normal course on 31.7.2012.

4. The respondent no. 1-school will make the payment in terms of this judgment within a period of three months from today. Petitioner will also be entitled to interest at 6% per annum simple on the amount payable for the period of pendency of this petition and for a period of three months from today. If payment is not made within three months then petitioner thereafter will be entitled to interest at 9% per annum simple till actual payment. The writ petition is allowed and disposed of accordingly.