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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 3833/2020 & C.M. Nos. 13722/2020 (u/S 151 CPC for leave to intervene) and 13723/2020 (Exemption)

COURT ON ITS OWN MOTION IN RE. :

UNPAID SALARY OF TEACHERS AND EMPLOYEES OF Nr. DMC

Through: Mrs. Avnish Ahlawat, Standing Counsel for GNCTD (Services) with Mr. N.K. Singh and Ms. Palak Rohmetra, Advocates Director of Local Bodies GNCTD and Director of Education, GNCTD.

Mr. H.S. Phoolka, Sr. Advocate with Ms. Mini Pushkarna, and Ms. Namrata Mukim, Standing Counsel for Nr. DMC with Ms. Garima Jindal, Ms. Latika Malhotra, Ms. Khushboo Nahar, Advocates and Mr. Bishwajeet Roy, Dy. Controller of Accounts, HQ.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

30.06.2020

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HEARD THROUGH VIDEO CONFERENCING.

1. Vide order dated 26.6.2020, LPA No.158/2020 entitled 'Akhil Dilli Prathmik Shikshak Sangh (Regd.) & Ors. v. Govt. of NCT of Delhi & Anr.' was disposed of and it was deemed appropriate to register a *suo motu* petition with regard to the disbursement of unpaid salaries of teachers employed in schools run by the North Delhi Municipal Corporation (in short 'Nr.DMC'). Pursuant **W.P. (C) 3833/2020**

thereto, the present petition has been registered. The Registry is directed to tag the file of the captioned appeal with this petition for the purposes of referring to the affidavits of Nr.DMC and the Delhi Govt.

2. On the last date of hearing, Delhi Govt. was directed to file an affidavit, responding to the Status Report that was filed by the Nr.DMC. Mrs. Ahlawat, learned Standing Counsel for the GNCTD states that a Status Report has been filed on behalf of the Deptt. of Education, GNCTD wherein, it has stated that vide order dated 27.4.2020, GNCTD had sanctioned a sum of Rs.49.17 crores to the Nr.DMC towards Grant in aid for disbursing salaries to the teachers of the Nr.DMC for April, 2020, under the Scheme of Primary Education, for the year 2020-21. As regards the Grant in aid for the month of May, 2020, the Finance Department has sanctioned a sum of Rs.49.17 crores to the Nr.DMC vide order dated 01.5.2020, for implementing the Scheme of primary education under the salary component for the year 2020-21.

3. We have enquired from learned counsel for the GNCTD as to whether the Grant in aid has been sanctioned by the Finance Department in favour of the Nr.DMC for the month of June, 2020. She states that the release order for a sum of Rs.49.16 crores was issued only yesterday and in all probability, the said amount would have been remitted into the account of the Nr.DMC through RTGS.

4. Mr. Phoolka, learned Senior Advocate appearing along with Ms. Pushkarna, learned Standing Counsel for the Nr.DMC, disputes the aforesaid submission and states that his briefing counsel will have to ascertain as to whether a sum of Rs. 49.16 crores has been received by the Nr.DMC, as stated above. He further states that Govt. of NCTD has not released the amounts due and payable to the Nr.DMC for the month of June, 2020 towards its share of the Grant in aid for implementation of the Scheme of Primary Education under the salary component, for the year 2020-21. He informs us that the salary of all

the 9,000 teachers employed by the Nr.DMC was released in February, 2020 but salary for the month of March, 2020 has been paid only to 5,400 teachers employed by the Nr.DMC on COVID-19 duties. He concedes that salary of the remaining 3,600 teachers has not been released for the month of March, 2020 and no salary has been paid to any of the teachers employed by the Nr.DMC for three months, from April, 2020 till June, 2020.

5. For purposes of clarity, the Department of Education and the Urban Development Department of the Delhi Govt., who we are informed, release amounts on a quarterly basis to the Civic Authorities towards Grant in aid, shall file separate Status Reports indicating *inter alia* the amounts that are due and payable for the financial year 2020-2021 towards the salary component of teachers engaged by the Nr.DMC, the amounts that have been released on this head in the quarter ending June, 2020 and the amounts that are due and payable.

6. Similarly, Nr.DMC shall also file a Status Report with a tabulated statement indicating the amounts that it is required to disburse in the year 2021 towards its share of the salaries payable to teachers engaged by it, the amounts that have been released till the quarter ending June, 2020 and the extent of the unpaid amounts.

7. In the event, the sum of Rs.49.16 crores that Govt. of NCTD is stated to have released in favour of the Nr.DMC only yesterday is received, then the unpaid salaries of the teachers for the month of March, 2020 shall be released forthwith.

8. The Status Report that the Nr.DMC will file shall indicate the amount that has been released to its teachers in terms of our order and the number of teachers and for which period.

9. The Status Reports shall be filed by GNCTD and Nr.DMC within one week.

10. List on 09.7.2020.

HIMA KOHLI, J.

SUBRAMONIUM PRASAD, J.

JUNE 30, 2020

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