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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 9324/2021, CM Nos. 28963/2021 & 28964/2021
RITU GOEL

..... Petitioner

Through: Mr. Khagesh B. Jha, Adv. with
Ms. Shikha Sharma Bagga, Adv.

versus

RICHMONDD GLOBAL SCHOOL AND ORS

..... Respondent

Through: Mrs. Avnish Ahlawat, Adv. with
Mr. Nitesh Kumar Singh, Mrs. Tania
Ahlawat & Ms. Palak Rohemetra,
Adv. for R-1 & 2
Mr. Santosh Kumar Tripathi, SC
(Civil) GNCTD with Mr. Arun
Panwar, Adv. for R-3/DoE

CORAM:
HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

% **01.09.2021**

CM No. 28964/2021

Exemption allowed subject to all just exceptions.

Application stands disposed of.

W.P.(C) 9324/2021

1. This petition has been filed by the petitioner with the following prayers:-

“a) Direct the respondent no. 1 & 2 to disburse the lawful arrears amounting to the arrears as per ANNEXURE-A4, with interest @12% P.A. as per the calculations chart annexed.

b) Declare the impugned resignation (Annexure-A2)

tendered by the petitioner as non-est and void, as the same has been tendered by the petitioner because of extremely difficult conditions created by the respondent school for non-payment of salary w.e.f. February 2020.

c) Direct the respondent to restore the services of the petitioner so that she can perform her lawful duties of an employee in school.

d) Direct the respondent school to start disbursing uninterrupted regular subsequent lawful salary to the petitioners as per 7th CPC.

e) Direct the respondent school to hand over all the original documents/certificates of petitioner to her safely.

f) allow the writ petition with cost;

g) or pass any other order of further orders this Hon'ble court be fit on the basis of above-mentioned facts and circumstances of the case."

2. I note from the writ petition that the petitioner has tendered her resignation as a Teacher from the respondent No.1 School on March 09, 2021.

3. Though, the learned counsel for the petitioner submits that the resignation has not been accepted, she does not press this relief. In other words, she presses the relief with regard to the payment of arrears of salary w.e.f. February, 2020 with interest. That apart, she also seeks payment of gratuity and disbursement of the salary in terms of 7th CPC.

4. During the oral submissions, she also stated that the original documents of the petitioner with respect to her qualification etc are with the School; the same should be released to the petitioner.

5. Mrs. Ahlawat would fairly concedes that the arrears of salary need to be paid to the petitioner w.e.f. February, 2020 till March, 2021. According to Mrs. Ahlawat, the same shall be on the basis of the terms of appointment, issued to the petitioner.

6. An issue has arisen whether the petitioner was paid salary in terms of 6th CPC / 7th CPC. Though, the petitioner states, she was appointed w.e.f. January 18, 2016 in the pay scale of Rs.9300 – Rs.34800/- in pay band of Rs.4200/-, the same is disputed by Mrs. Ahlawat who contends that the petitioner was appointed w.e.f. April 01, 2016. Suffice to state, that the appointment of the petitioner being post January 01, 2016, when the recommendation of the 7th CPC were implemented, the petitioner is entitled to the benefits thereof. The School shall ensure that the benefits of the 7th CPC, if not already paid, with effect from her date of appointment, the same shall be paid to her along with arrears of salary for the period between February, 2020 till March, 2021.

7. At the first instance, the respondent No.1 School shall release the arrears of salary for the period February, 2020 till March, 2021 within four weeks from today with interest @ 7% per annum. The arrears of 7th CPC shall be paid to the petitioner effective from April 01, 2016, if not already paid, within a period of eight weeks but without interest. The petitioner shall also be paid Gratuity in accordance with the Rules.

8. I also fix the date of 27th September, 2021 at 10 am when the petitioner shall appear before the Principal of respondent No.1 School to retrieve the original documents, which are said to have been submitted by the petitioner at the time of her appointment.

9. The petition is disposed of.

CM No. 28963/2021

In view of the order passed in the writ petition, the application has become infructuous.

V. KAMESWAR RAO, J

SEPTEMBER 01, 2021*/ak*