

Charanjit Kaur Sehra & Ors vs Directorate Of Education & Ors on 4 May, 2022

Author: V. Kameswar Rao

Bench: V. Kameswar Rao

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IN THE HIGH COURT OF DELHI AT NEW DELHI

W.P.(C) 6949/2022 & CM APPLs. 21253/2022, 21254/20

CHARANJIT KAUR SEHRA & ORS.

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Through: Mr.Ankur Garg and Mr.J.S.B
Advocates.

versus

DIRECTORATE OF EDUCATION & ORS.

..... Resp

Through: Mr.Abinash Kumar Mishra and
Mr.Indrajeet Singh , Advocat
2 to 4/ GHPS.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

% 04.05.2022 [The matters are being heard through video-conferencing today.] CM APPL.
21253/2022 (Exemption)

1. Exemption allowed subject to just exceptions.

2. Application is disposed of accordingly.

W.P.(C) 6949/2022 & CM APPL. 21254/2022 (direction)

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

"a) Issue a writ of mandamus, order or direction, directing the Respondent No.1 to calculate arrears towards salary (due and drawn statement) from 2006 to till date of retirement and to calculate Gratuity and leave encashment, TA, DA, 6CPC & 7CPC Arrears.

b) Issue a writ of mandamus, order or direction, directing the Respondent No. 2 to 4 to release the terminal benefits to the Petitioner which includes gratuity, leave encashment, arrears towards 6th Pay Commission, Arrears of DA and TA from 2014 till retirement, Implementation and release arrears towards 7th Pay Commission with interest;

c) Issue a writ a mandamus, order or direction, direct the respondent No 2 to 4 to release pending 40% salary to petitioner from Jan, 2020 to Feb 2021 with Interest of 9% per annum till the date of release of arrears of pending salary.

d) Issue a writ a mandamus, pass similar Judgment W.P.(C) 3746/2020 and connected matters titled as Shikha Sharma V/s GHPS & Ors. „All retiral benefits shall also be fixed and released to the petitioners, who have retired from their service within six months from today. As an immediate assistance, the respondents / DSGMC / GHPS Society/ GHSPS shall release an amount of Rs.5lacs to each of the retirees within one month, subject to adjustment at the time of full payment. It is made clear that the failure to pay the amounts within six months as directed above shall entail payment of a higher interest of 9% per annum on the arrears of both 6th and 7th CPC and retiral benefits . "

2. Mr.Jagminder Singh, learned counsel appearing for the petitioner would submit that the petitioners are entitled to the benefit of the judgment of this Court titled as „Shikha Sharma versus GHPS and Others , W.P.(C)3746/2020 decided on 16th November, 2021.

3. He states that all the petitioners have retired. They are also entitled to the same benefits as have been granted pursuant to the statement made by Mr.Sirsa, Ex-President, DSGMC.

4. Mr.Avinash Kumar Mishra, Advocate who appears for respondent Nos.2, 3 and 4 states that though the judgment dated 16 th November, 2021 has been challenged before the Division Bench, but no stay has been granted.

5. If that be so, the petitioners herein are entitled to the same benefits as have been granted to the petitioners in W.P.(C)3746/2020 i.e. Shikha Sharma (Supra). The timelines as prescribed in the said judgment shall run from today. I take on record the submission made by Mr.Mishra that an amount of Rs.2,50,000/- shall be paid to the petitioners within three weeks from today and a further amount of Rs.5,00,000/- shall be paid within four weeks thereafter.

6. The petition and connected application are disposed of.

V. KAMESWAR RAO, J MAY 4, 2022/PB