

Kuttamparampath Sudha Nair vs Managing Committee Sri Sathya Sai Vidya ... on 10 January, 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) 373/2022

KUTTAMPARAMPATH SUDHA NAIR

..... Pet

Through: Ms. Indrani Ghosh, Adv.

versus

MANAGING COMMITTEE SRI SATHYA SAI VIDYA

VIHAR & ANR.

.... Resp

Through: Mr. Anurag Lakhotia, Adv. f

Mr. Rishabh Gupta, Adv. for

Vibha Mahajan Seth, Adv. fo

Mr. Santosh Kumar Tripathi,

Standing Counsel, GNCTD wit

Arun Panwar, Mr. Siddhartha

Dwivedi and Ms. Vrinda, Adv

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

% 10.01.2022 This matter is being heard through video-conferencing This petition has been filed by the petitioner with the following prayers:

"In view of the facts and circumstances stated above it is most respectfully prayed that this Hon'ble Court may be pleased to:

(a) Pass a writ, order or direction in the nature of declaration declaring that the Respondent school was bound to pay the Gratuity dues of the Petitioner as mandated under Section 10(1) of the Act read with Sections 4 & 7 of the Payment of Gratuity Act, 1972 ;

(b) Pass a writ, order or direction in the nature of mandamus commanding the Respondent school to pay the Gratuity due of the Petitioner forthwith together with the statutory interest as mandated in Section 7 (3A) of the Payment of Gratuity Act R/w Section 10(1) of the Act;

(c) Pass a writ, order or direction in the nature of mandamus commanding the Respondent No.2 to take action against the Respondent school for not abiding by the provisions of the Act & Rules (R/w the Payment of Gratuity Act), which is a precondition for any recognised school to continue to be recognised under Rule 50 of

the Rules;

Any other further orders as this Hon'ble Court may deem it fit and proper in the facts and circumstances of the case.

In substance, the grievance of the petitioner is non-payment of gratuity though she has superannuated on attaining the age of superannuation in the month of January, 2021.

According to Ms. Indrani Ghosh, learned counsel appearing for the petitioner the petitioner is seeking payment of gratuity along with statutory interest.

Mr. Anurag Lakhotia, learned counsel appearing for the respondent No.1 would not deny the entitlement of the petitioner to the gratuity except stating that the School is ready to compensate her for the delay in the payment of the same, by paying her an amount of 25,000/- which is also agreed by Ms. Ghosh. Suffice to state the consent of the parties cannot be a bar for the payment of interest under the Payment of Gratuity Act, 1972.

It is conceded by Mr. Lakhotia that the statutory interest under the Payment of Gratuity Act for the delayed payment is 6%. If that be so, petition is disposed of directing the respondent No.1 to pay the gratuity alongwith statutory interest. The order shall be complied within six weeks from today.

The petition stands disposed of.

V. KAMESWAR RAO, J JANUARY 10, 2022/jg