

# Guru Harkrishan Public School & Ors vs Dharni Kant Joshi on 7 October, 2020

**Author: Prathiba M. Singh**

**Bench: Prathiba M. Singh**

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IN THE HIGH COURT OF DELHI AT NEW DELHI

W.P.(C) 1576/2020

GURU HARKRISHAN PUBLIC SCHOOL & ORS..... Petition

Through: Mr. Chirag Madan,  
with Ms. Ravleen  
Vipul Sharma, and  
Advocates. (M:999

versus

DHARNI KANT JOSHI

Through: None.

CORAM:

JUSTICE PRATHIBA M. SINGH  
ORDER

% 07.10.2020 CM APPL. 25179/2020 in W.P.(C) 1576/2020

1. This hearing has been held through video conferencing.

2. The Respondent was an employee with the Petitioner School. The Respondent attained the age of superannuation and was relieved from his post on 31st March, 2019 after working for more than 30 years with the School. As per the Respondent, the gratuity amount has not been paid by the School to the Respondent. Accordingly, an application was filed before the Authority under the Payment of Gratuity Act, 1972. The said Authority, after computing the gratuity amount, directed the School to pay a sum of Rs.13,65,854/- along with simple interest @ 10% per annum on the amount due from the date of superannuation. The operative portion of the order is set out hereinbelow:

Digitally Signed By:SINDHU KRISHNAKUMAR Signing Date:08.10.2020 11:39:16

"6. Now, I therefore, direct the respondent no. 1 &

3 to pay to the applicant a sum of Rs.13,65,854/- (Thirteen Lakh Sixty Five Thousand Eight Hundred Fifty Four) with 10% simple interest per annum from 31.03.2019 till the date of payment."

3. The stand of the School is that the School has been established as a minority educational institution and due to various financial constraints, it was unable to pay the entire gratuity amount. Before the Authority, the School had proposed that it would pay the gratuity amount in 10 equal instalments beginning with February, 2020. Thereafter, however, due to the COVID-19 pandemic, the School is also unable to collect even tuition fee etc. from its students.

4. It is submitted that now, a recovery certificate has been issued by the Assistant Collector/SDM (Punjabi Bagh), GNCTD, Main Rohtak Road, Nangloi, Delhi -110041, that if the amount is not paid, the same would be recoverable as arrears of land revenue. The Petitioner, accordingly, seeks stay of the said notice dated 25th September, 2020.

5. Advance copy of this application has been served on the Respondent, however none appears for the Respondent. It is submitted by Mr. Madan, ld. counsel for the Petitioners that Rs.2.5 lakhs has been paid to the Respondent. The outstanding amount would, therefore, be Rs.11,15,854/-. The Petitioner School is willing to pay the same in 6 equal instalments beginning from 1st November, 2020. Accordingly, the Petitioner shall pay a sum of Rs.1,85,976/- every month starting from 1st November, 2020, on or before the 10th of every month, directly into the Respondent's account. The entire amount due shall be cleared by 10th April, 2021. If the amount is not paid as directed by this Court today, the recovery certificate would be enforceable, Digitally Signed By:SINDHU KRISHNAKUMAR Signing Date:08.10.2020 11:39:16 in accordance with law.

6. If the Respondent is, in any way, aggrieved by this order, he is permitted to approach this Court. Subject to compliance of the above order, the recovery certificate shall not be given effect to.

7. The petition along with all pending applications is disposed of. Copy of this order be also sent to the Assistant Collector/SDM (Punjabi Bagh), GNCTD, Main Rohtak Road, Nangloi, Delhi -110041.

PRATHIBA M. SINGH, J.

OCTOBER 7, 2020 dk/T