

\$~26

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 8102/2021, CM No. 25184/2021
KALPNA KHAN

..... Petitioner

Through: Mr. Anuj Aggarwal, Adv.

versus

RAVINDRA PUBLIC SCHOOL & ORS

..... Respondents

Through: Counsel (appearance not given)

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

% **10.08.2021**

This matter is being heard through video-conferencing.

CM No. 25184/2021

Exemption allowed subject to all just exceptions.

The application stands disposed of.

W.P.(C) 8102/2021

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

“In the premise aforesaid, the petitioner most humbly prays that this Hon'ble Court be pleased to:-

(i) issue an appropriate writ, order or direction thereby directing the respondent No.1/school to release/pay the due gratuity, as payable to the petitioner, along with interest thereupon to be calculated @ 18% per annum;

(ii) issue an appropriate writ, order or direction thereby directing the respondent No.1/school to release/pay the due leave encashment, as payable to the petitioner, along with interest thereupon to be calculated @ 18% per annum;

(iii) Issue an appropriate writ, order or direction thereby

directing the respondent No.2 to take appropriate action against the respondent No.1/school on account of violating the provisions of the Delhi School Education Act, 1973 and the Rules made thereunder;

(iv) Allow the present writ petition with exemplary compensation, cost and litigation expenses in favour of the petitioner; and

(v) Pass any such other or further orders as this Hon'ble Court may deem fit and proper in the interest of justice and in favour of the petitioner.”

2. In substance, it is the case of the petitioner though he has retired from the services of the respondent No.1 – school on July 31, 2019, neither the gratuity nor the leave encashment has been paid. According to Mr. Aggarwal, the petitioner had approached the appropriate authority under the Payment of Gratuity Act. Despite eighteen (18) hearings, the claim petition of the petitioner has not been decided.

3. Having noted the contents of the petition, I deem appropriate to dispose of this writ petition directing the respondent No.3 – Deputy Labour Commissioner, District North-West, GNCT of Delhi to decide the claim petition of the petitioner under the Payment and Gratuity Act, 1972 within four weeks from today, as an outer limit.

4. In so far as the prayer for grant of leave encashment is concerned, the respondent No.2 shall treat this writ petition as a representation and decide the same by taking the comments from the respondent No.1 – school within eight weeks from today.

V. KAMESWAR RAO, J

AUGUST 10, 2021/bh