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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ LPA 450/2021

SIDDHARTH INTERNATIONAL PUBLIC SCHOOL..... Appellant

Through: Mr. Anuj Aggarwal, Advocate.

versus

SHASHI KIRAN & ORS.

..... Respondents

Through: Mr. Hanu Bhaskar, CGSC with  
Mr. Suraj Mishra, Advocate for  
respondent.

**CORAM:**

**HON'BLE THE CHIEF JUSTICE**

**HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD**

**ORDER**

**14.07.2022**

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**C.M. Nos. 24016/2022**

1. Exemption allowed, subject to all just exceptions.
2. The application stands disposed of.

**C.M. Nos. 24015/2022**

3. The present application has been filed by the appellant seeking extension of time to pay salary to the teachers.
4. The facts of the case reveal that a writ petition was preferred by the teachers serving in Siddharth International Public School stating that salary has not been paid to them, and on the contrary, show-cause notices are being issued to them by the Appellant as they are raising demand for payment of salary. The matter was heard at length by the learned Single Judge and the

learned Single Judge by an order dated 03.09.2021 directed the respondent school to pay balance salary within a period of eight weeks with interest @ 7% per annum. The period in dispute is 01.04.2020 till 31.07.2021.

5. The appellant /Siddharth International Public School – being aggrieved by the order passed by the learned Single Judge, preferred the present LPA No.450/2021. A Division Bench of this Court on 24.11.2021 has disposed of the present appeal by passing the following order:

**“CM No.41787/2021**

*1. Allowed, subject to just exceptions.*

**LPA 450/2021 & CM No41786/2021** [Application filed on behalf of the appellant for interim relief]

*2. This appeal is directed against the judgment of the learned single judge dated 03.09.2021, passed in W.P.(C.) No.2734/2021.*

*2.1. The operative part of the impugned judgment dated 03.09.2021 is set out in paragraph 8. For the sake of convenience, the same is extracted hereafter;*

*"...8. I see no reason to deviate from the said orders passed by this Court. Accordingly, it is directed that the balance salary of the petitioners between April 01, 2020 till July 31, 2021 shall be released to the petitioners within a period of eight weeks with interest @ 7% p.a...."*

*3. We have heard the learned counsel for the parties for some time.*

*3.1. Learned counsel for the parties are agreed that the appeal can be disposed of based on the following directions:*

*(i) That the appellant-school will pay the balance salary, as indicated in paragraph 2.2 of the writ petition, to the concerned teachers for the period spanning between 01.04.2020 and 30.06.2021.*

*(ia) Mr. Anuj Aggarwal, who appears on behalf of the respondents, after receiving instructions from the respondents, has confirmed that the span period would end on 30.06.2021.*

*(ii) The aforementioned amount i.e., the balance salary payable to the respondents would be paid within sixteen [16] weeks, along with simple interest at the rate of 7% per annum.*

*(iii) The period of sixteen [16] weeks will commence from today. The interest will, however, run from the date of the judgment of the learned single judge i.e., 03.09.2021.*

*(iv) In case the balance salary is paid to the respondents at an earlier date, the interest will stand reduced proportionately.*

*4. Consequently, pending application shall also stand closed.”*

6. The order was passed with the consent of the parties and the school was required to pay salary to the teachers within the time framework as directed by the Division Bench of this Court.

7. Till date, the salary has not been paid as directed by the learned Single Judge and the Division Bench. Now, the present application has been filed for grant of extension of time for payment of salary.

8. Learned counsel for the appellant has argued before this Court that the school is still facing financial crunch and 60% of the arrears have already been paid. Learned counsel for the respondents/ teachers have stated that the school is collecting hefty fees from the students every month and; they have got sufficient resources to pay arrears of salary to the teachers; and instead of clearing the dues, they are repeatedly issuing show-cause notices to the teachers as to why they are demanding salary.

9. This Court is of the considered opinion that the order was passed by the learned Single Judge in September 2021 and ten months have passed and

the order has not yet been fully complied and therefore no further time can be granted to the appellant school. Resultantly, the application preferred by the school being C.M. No.24015/2022 is rejected.

**SATISH CHANDRA SHARMA, CJ**

**SUBRAMONIUM PRASAD, J**

**JULY 14, 2022**

*B.S. Rohella*