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

+ LPA 158/2020 & CM No.12809/2020

AKHIL DILLI PRATHMIK SHIKSHAK
SANGH (REGD.) & ORS.

..... Appellants

Through: Mr.Ranjit Sharma, Advocate

versus

GOVT OF NCT DELHI & ANR.

....Respondents

Through: Ms.Avnish Ahlawat, Standing Counsel
with Mr.Nitesh Kumar Singh, Advocate
for R-1

Mr.H.S.Phoolka, Sr.Advocate with
Ms.Mini Pushkarna, Standing Counsel,
Ms.Namrata Mukim, Ms.Garima Jindal,
Ms.Latika Malhotra and
Mr.Biswajit Roy, Advocates for R-2.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

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26.06.2020

HEARD THROUGH VIDEO CONFERENCING.

1. On the last date of hearing i.e. on 18th June, 2020, when the present appeal was listed for admission, we had noted that the appellants/teachers are aggrieved by an order dated 9th June, 2020, passed by the learned Single Judge dismissing their writ petition filed for issuing directions to the respondent No.2/Nr.D.M.C. to release their salaries that had remained unpaid since March, 2020, on the ground that the remedy of the appellants lay before the Central Administrative Tribunal. Observing that the appellants are all teachers working in schools run by the Nr.D.M.C. and cannot be made to run from pillar to post for release of their lawful dues more particularly when the respondent

No.2/Nr.D.M.C. is in default and has admittedly failed to release their salaries ever since the lockdown was declared in Delhi in March, 2020, it was deemed appropriate to direct the respondent No.2/Nr.D.M.C. to clear the arrears of all the salaries of the teachers teaching in its schools within one week.

2. Instead of clearing the arrears of the salaries payable to the appellants and other similarly placed teachers working in schools run by the respondent No.2/Nr.D.M.C. for us to put the matter to respondent, an affidavit has been filed by the respondent No.2/Nr.D.M.C. admitting *inter alia* that not just the salary of the teachers teaching in the schools run by the Nr.D.M.C. have not been paid, there are several other employees working in different categories in Nr.D.M.C. starting from Group A Officials down to the Safai Karamcharis whose salaries could not be paid as Delhi Government has not released the amounts payable to Nr.D.M.C. under various heads from April, 2020 to June, 2020.

3. Mr. Phoolka, Sr. Advocate appearing for the respondent No.2/Nr.D.M.C. states that Nr.D.M.C. is running 700 schools in its jurisdiction where 9000 teachers are employed out of which, more than 50% teachers have been actively deployed on COVID-19 duties as 299 schools run by the Nr.D.M.C. have been involved by the Delhi Government for providing services relating to distribution of dry ration, providing cooked meals to the needy, etc. Learned Senior Advocate submits that for discharging the above duties, 5406 teachers employed with Nr.D.M.C. have been roped in but their salaries remain due and payable from March, 2020. It is stated that the salaries for the month of March, 2020 in respect of 5400 teachers has been released only this morning.

4. To say the least, this is a very sorry state of affairs. The teachers cannot be left on a wing and a prayer. They must be released their rightful dues without any further delay. As they are being made to discharge COVID-19 duties at the instance of the Delhi Government, they can be well equated with COVID-19 warriors. Despite that they are being deprived of their rightful dues

from March, 2020 onwards. Taking note of the Status Report filed by the respondent No.2/Nr.D.M.C. and the stand taken by it that the salaries could not be disbursed to several categories of employees working in the Nr.D.M.C. including doctors, health workers, safai karamcharis, etc., and only when orders have been passed by the court, has the Delhi Government released the funds, it is deemed appropriate to dispose of this appeal and register a *suo motu* petition, flagging this issue. The Registry is directed to assign a number to the petition titled as 'In Re: Unpaid Salary of Teachers and Employees of Nr.D.M.C.'

5. The respondent No.1/Delhi Government shall file an affidavit within three days specifically responding to the averments made by the respondent No.2/Nr.D.M.C. in its Status Report and set down a timeline for releasing the funds. Advance copies thereof shall be furnished to Mr. Sharma, learned counsel for the teachers and counsel for the Nr.D.M.C.

6. The matter be placed before Hon'ble the Chief Justice for being listed before the appropriate Bench on 30.6.2020.

HIMA KOHLI, J.

SUBRAMONIUM PRASAD, J.

JUNE 26, 2020

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