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

+ W.P.(C) 3833/2020 and C.M. No.13722/2020 (leave to intervene)

COURT ON ITS OWN MOTION Petitioner

Versus

UNPAID SALARY OF TEACHERS AND EMPLOYEES OF

NR.D.M.C. Respondent

Through: Mrs.Avnish Ahlawat, Standing Counsel, GNCTD (Services) with Mrs.Nitesh K.Singh, Advocate for Directorate of Education and Directorate of Urban Development Department, GNCTD.

Ms.Mini Pushkarna, Standing Counsel with Ms.Namrata Mukim, Standing Counsel, Ms.Garima Jindal, Ms.Latika Malhotra and Ms.Khushboo Nahar, Advocates along with Mr.Bishwajeet Roy, Dty.Cont. of A/C/HQ for R2/Nr.DMC.

Mr.Ranjit Sharma, Advocate for Teachers Akhil Dilli Prathmik Shikshak Sangh.

Mr.Ashok Agarwal, Advocate for Intervener.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

% **21.07.2020**

HEARD THROUGH VIDEO CONFERENCING

1. Pursuant to the order dated 09.07.2020, Government of NCT of Delhi and North Delhi Municipal Corporation (Nr.DMC) have filed their affidavits.
2. In the Status Report filed by the Government of Delhi, it has been stated that the Grant-In-Aid payable by the Delhi Government to the Nr.

DMC for release of salaries to its teachers (under the Scheme of primary education) was to the tune of Rs.147 crores for the first quarter of this year i.e. from April to June, 2020. The said amount was released in three monthly tranches, for the months of April, May and June, 2020. As for the Grant-In-Aid required to be released by the Delhi Government for the second quarter (July to September, 2020), it is stated by Ms. Ahlawat, learned Standing Counsel (Services), GNCTD that the payment for the month of July of Rs.49.17 crores, will be released by the end of July, 2020 and similarly, the remaining two tranches of the like amount at the end of August and September, 2020.

3. Coming to the affidavit of the Nr.DMC, Ms.Mini Pushkarna, learned Standing Counsel for the R2/Nr.DMC states that the remaining amount payable to the teachers employed by the Nr.DMC in their schools, is generated internally but due to the orders passed by the Supreme Court in W.P. (Civil) Diary No.10852/2020 titled “Dr. Arushi Jain Vs. Union of India”. Nr.DMC is required to release the salaries of sanitation workers, health workers and Doctors who are on COVID duty on top priority. It is stated that the Delhi Government has not released its share of the salaries payable to the sanitation workers, health worker and Doctors. Only in the first week of July, 2020, has the Delhi Government released its share of salaries payable to the Doctors for the months of April, May and June. But Delhi Government has yet to release its share of the salaries payable to the sanitation workers.

4. On enquiring from Ms.Mini Pushkarna, learned Standing Counsel, Nr.DMC as to what steps has the Nr.DMC taken to approach the court for seeking necessary directions to the Delhi Government particularly since the

money payable to the teachers towards the arrears of their salaries is apparently being diverted by the Nr.DMC from its internal funds to be paid to the sanitation workers, health workers and Doctors in terms of the order dated 17.06.2020, passed by the Supreme Court.

5. Ms.Mini Pushkarna, Standing Counsel, Nr.DMC states on instructions that an application would be moved by the Nr.DMC within two days in WP(C) 3511/2020 titled “Courts on its own motion Vs. Union of India and Ors.”, listed before DB-I on 29.07.2020, for appropriate orders.

6. We have been further informed by Ms.Mini Pushkarna, Standing Counsel, Nr.DMC that the salary of all the teachers employed by the Nr.DMC in the schools being run by it has been paid for the month of March, 2020 and for the month of April, 2020, the salary of the teachers who are on COVID duty, numbering 5406 has been released on 14.07.2020. She states that the salaries of the remaining teachers for the month of April, 2020 would be released by the end of July, 2020. That would still leave the months of May and June, 2020.

7. Both, Delhi Government and the Nr.DMC shall file fresh Status Report by 31.07.2020, giving the updated status of release of funds/salaries in respect of the teachers employed by the Nr.DMC in its schools.

8. List on 05.08.2020.

HIMA KOHLI, J

SUBRAMONIUM PRASAD, J

JULY 21, 2020

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