

Pramod Kumar Vs. R C Jain and Ors

Pramod Kumar Vs. R C Jain and Ors

SooperKanoon Citation : sooperkanoon.com/35606

Court : Delhi

Decided On : Feb-02-2015

Judge : Suresh Kait

Appellant : Pramod Kumar

Respondent : R C Jain and Ors

Judgement :

\$~3 to 6 * IN THE HIGH COURT OF DELHI AT NEW DELHI Judgment delivered on:

2. d February, 2015 + + + + CONT.CAS(C) 268/2014 CONT.CAS(C) 270/2014 CONT.CAS(C) 271/2014 & CM Nos. 12161/2014 CONT.CAS(C) 275/2014 & CM Nos. 12303/2014 PRAMOD KUMAR Petitioner/Contemnor in CONT. CAS (C) No.268/2014 CHANDRA PRAKASH Petitioner/Contemnor in CONT. CAS (C) No.270/2014 SHASHI BHUSHAN PANDEY Petitioner/Contemnor in CONT. CAS (C) No.271/2014 VED PRAKASH SINGH Petitioner/Contemnor in CONT. CAS (C) No.275/2014 Represented by: Mr.V.N.Jha, Advocate. Versus R C JAIN & ORS Respondents Represented by:Mr. Dinesh Agnani, Sr. Advocate with Mr. Divakar Prasad, Advocate Mr. Pankaj Jain in person for R-1,2&3. CORAM: HONBLE MR. JUSTICE SURESH KAIT SURESH KAIT, J.

(Oral) 1. Vide these petitions, the petitioner seek to initiate contempt proceedings under section 12 of the Contempt of Courts Act, 1971 for violation of order dated

18.11.2013 passed by this Court in WP(C) No.3869/1999 and WP(C) 5150/1999.

2. It is pertinent to reproduce the relevant part of order dated 18.11.2013 whereby this Court recorded as under:

3. The terms of settlement which are agreed are stated hereinafter:

4. A total of 20 persons would be continued in their employment with the school subject to the terms of emoluments with respect to past arrears and further benefits as will be detailed here-in-after. The names of 20 persons are given below: Sr. No.1.

2. 3.

4. 5.

6. 7.

8. 9.

10. 11.

12. 13.

14. 15.

16. 17.

18. 19.

20. Name Mr. Sanjay Kumar Ray Ms. Kiran Khatri Ms. Kavita Ms. Vimlesh Singhal Ms. Reeta Vats Ms. Sunita Sharma Ms. Prem Mendiratta Ms. Sanjita Bhardwaj Ms. Tripti Das Ms. Nutan Ms. Shashi Kala Ms. S. Ghoshal Ms. Nokesh Gupta Ms. Veena Chauhan Ms. Usha Kukreti Mrs. Nirmal Kadian Mr. Shashi Bhushan Pandey Mr. Ved Prakash Singh Mr. Chandra Prakash Mr. Pramod Kumar 5. These aforesaid 20 persons will be continued in their employment with the school subject to the following conditions:- (a) These 20 petitioners are to be continued in their employment from the dates of the original appointments so far as first 16

persons are concerned, and so far as the last 4 persons are concerned, they would be treated as permanent on the completion of their respective probationary periods. (b) The first 16 persons as a part of the settlement will get 20% of the salary emoluments which are payable for 150 months period, and which 150 months will be calculated as 150 months back from passing of today's order qua the teachers at serial nos. 1 to 16. In order to avoid any confusion, disputes or ambiguity the amount payable to the sixteen persons is agreed at Rs.1.5 lacs each towards full and final settlement. These 16 teachers on receipt of Rs.1.5 lacs each give up any and every other monetary claim with respect to past arrears against the school, and inasmuch as, as a result of the settlement, the school is not questioning the order of the Director of Education to reinstate these 16 persons/teachers. (c) The persons mentioned at serial Nos. 17 to 20 i.e. Mr. Shashi Bhushan Pandey, Mr. Ved Prakash Singh, Mr. Chandra Prakash and Mr. Pramod Kumar will not receive any monetary emoluments for a period for which they did not work with the school i.e. nothing will be payable to these 4 persons as monetary emoluments till date subject however to the term of their being paid salaries from today as stated here-in-after. (d) On and from the dates of their now joining duties with the school, each of the 20 teachers as stated above, will get the same salary package which is payable to an equivalent teacher in Government schools of the Govt. of NCT of Delhi as on the dates of their joining the school. This pay package will be payable from the dates of joining of the 20 persons with the school and it is agreed that on or before 1.4.2014 these 20 persons will one by one be taken back for performing their duties in the school. To the extent possible these 20 teachers will be taken back in proportion every month till 31.3.2014/1.4.2014. (e) Though so far as the four persons, namely Mr. Shashi Bhushan Pandey, Mr. Ved Prakash Singh, Mr. Chandar Prakash and Mr. Pramod Kumar are concerned, they will not get any amounts as arrears till today, however, it is clarified that these persons will get all consequential increases in their pay packages as on date so that on the date of their joining they will get salary package to a teacher of the Govt. school of Govt. NCT of Delhi as payable on those dates. (f) Each of the 20 persons will though are getting a lump sum amount of Rs.1.5 lacs each towards past arrears, being the petitioners 1 to 16, and no arrears being the petitioners 17 to 20, however, whatever were the pay scales in

this past period from the dates of their termination of services, such theoretical pay package enhancement would be deemed to be granted to them for the purpose of calculating their retirement benefits including gratuity, PPF etc. etc. While stating this it is clarified that so far as the actual monetary emoluments for the period for which the petitioners have not been worked with the school only monetary emoluments will be limited to Rs.1.5 lacs each. (g) On the aforesaid 20 teachers joining the school it is agreed that both the parties will be governed by the Delhi School Act and Rules, 1973.

3. Pursuant to the aforesaid order, the respondent school issued office order dated 31.03.2014 which reads as under:

In pursuance of order dated 18/11/2013 passed by Honble Delhi High Court, Delhi in W.P.(C) 3869/1999 and 5150/1999, I am directed to inform Mr. Pramod Kumar (Asstt. Tr.), to report for his duties on probation in the school on 1st April 2014 at 7.30 A.M.

4. The petitioners being aggrieved with the aforesaid order filed the present petitions submitting that they were permanent employees of the respondent school. However, vide order dated 31.03.2014 they have been shown as on probation. Having no option, the petitioners joined their duties on 01.04.2014 and immediately thereafter filed these petitions.

5. I note, in the order dated 18.11.2013, it is specifically stated that 16 out of 20 were treated as permanent and these 4 petitioners would be treated as permanent on completion of their respective probationary periods.

6. Mr. Dinesh Agnani, learned senior counsel appearing on behalf of the respondent school submitted that the petitioners joined the school on 01.07.1997 as Assistant Teachers on probation and their probation was extended for a period of one year till 30.06.1999. Since their services were terminated on 14.03.1999 during probation period, and at the time of termination they have only completed 1 year and 7 months on probation; leaving 3 months more to be completed as probation. Cont.Cas.(C) 268, 270, 271 and 275 of 2014 respondent school, finding their work not satisfactory, terminated the services of the petitioners vide order

dated 16.05.2014 and 30.08.2014.

7. These petitions are contempt petitions. There are claims and counter claims and the respondents have complied with the order dated 18.11.2013, however, the petitioners dispute the same.

8. In view of the submissions of the counsel for the parties, I am of the considered opinion that let the petitioners file appropriate petition to seek relief, however, I am not inclined to pass any order in these petitions.

9. Accordingly, these petitions are disposed of with liberty to the petitioners to file appropriate petitions or get WP(C) No.3869/1999 revived.

10. The petitions are disposed of accordingly.

11. Contempt notices stand discharged.

12. All the pending applications stand dismissed being infructuous. SURESH KAIT, J FEBRUARY02 2015 RS

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com