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

+ **CONT.CAS(C) 1069/2022**

KRITI SHARMA

..... Petitioner

Through: Mr. Rajat Aneja, Ms. Anushka and
Ms. Shambhavi Pandey, Advocates

versus

REVEREND FATHER SAVARIRAJ

..... Respondent

Through: Mr. Romy Chacko and Mr. Varun
Mudgal, Advocates
Ms. Arushi Gupta, Advocate for Mr.
Jawahar Raja, ASC for GNCTD for
R-2 & R-3

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% **07.03.2023**

CM APPL. 11299/2023 (For Exemption)

Allowed, subject to all just exceptions.

Accordingly, the present application stands disposed of.

CM APPL. 11263/2023

1. This application has been filed by the Petitioner placing on record the fact that the LPA No. 489/2022 filed by the Respondent assailing the order dated 17.11.2017 passed by the Delhi School Tribunal, which was upheld by a Single Judge of this Court in W.P.(C) No. 212/2018, has been dismissed as withdrawn.

2. He states that with the unconditional withdrawal of the LPA, the Respondent herein is bound to comply with the express directions of the



Delhi School Tribunal, more specifically in paragraph Nos. 46 and 47 which reads as under:-

*“46. In view of the above discussion this Tribunal is of considered opinion that the report of I.O. dated 09.09.2016 is not based on any legally admissible evidence and is pervert. Entire inquiry proceedings right from tile issuing of charge-sheet and appointing of I.O. are illegal. In these circumstances, the impugned order of removal of the Appellant passed on the basis of the alleged pervert inquiry report dated 09.09.2016, is also illegal and arbitrary. The punishment of removal of Appellant from the service for not signing the staff attendance register in the evening while leaving in the evening is also highly disproportionate The appeal of the Appellant is accepted with cost and the impugned order dated 28.12.2016 is set aside. The order of removal of the Appellant from the service is absolutely illegal and arbitrary, hence, the cost is assessed at Rs. 1,10,000/- to be paid by Respondent School. **Respondent No. 1 is directed to reinstate the Appellant within one month of passing of this order.** Appellant will be entitled for full wages from the date of this order. Appellant will also be entitled all the consequential benefits.*

47. With respect to the back wages, in view of Rule 121 of Delhi School Education Act and Rules 1973, the Appellant is directed to make exhaustive representation to the R:1 School within a period of 4 weeks from the date of this order, as to how and in what manner the Appellant will be entitled to complete wages. The Respondent No.1 School is directed to decide the representation given by the Appellant within a weeks of receiving the same by a speaking order and to communicate the order alongwith the copy of the same to the Appellant. Order accordingly. File be consigned to record room.”

(emphasis supplied)

3. He states that the directions to the School to reinstate the Petitioner within one month from the passing of the said order has not been complied with by the Respondent.
4. In this petition, vide order dated 07.10.2022, this Court had directed the Respondent, the Principal of the school to comply with the directions failing which, the Respondent was directed to remain present in these proceedings.
5. Issue notice. The learned counsel for the Respondent accepts notice.
6. Accordingly, the present application is allowed and the said



documents are taken on record.

CONT.CAS(C) 1069/2022

7. The learned counsel of the Respondent states that the school has resolved not to reinstate the Petitioner and, in this regard, relies upon an order dated 28.02.2023 passed by the Disciplinary Committee to hold a further enquiry.

8. In the opinion of this Court, the aforesaid statement of the counsel for the Respondent clearly evidences the wilful disobedience of the orders of the Tribunal and this Court, which have become final. No order could have been passed by the Disciplinary Committee on 28.02.2023 to render in effective the orders of the Court. The Respondent is bound in law to give effect the orders of the Court and no reliance can be placed on the proceeding before the Disciplinary Committee.

9. The Respondent is directed to remain present in Court on the next date of hearing and accept the charges of contempt.

10. The learned counsel for Respondent seeks one week's time to file his reply. Rejoinder thereto, if any, be filed within one week thereafter.

11. List on 28.04.2023, the date already fixed in this matter.

MANMEET PRITAM SINGH ARORA, J

MARCH 7, 2023/rhc/asb