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

+ W.P.(C) 8231/2011, CM APPL. 23179/2024, CM APPL.61170/2024,
CM APPL. 61171/2024 , CM APPL. 61172/2024 , REVIEW PET.
391/2024.

SANTOSH KUMAR

.....Petitioner

Through: Mr. Khagesh B. Jha, Ms. Shikha
Sharma Bagga, Mr. Ankit Mann, Mr.
Naman Jain and Ms. Jyoti Shokeen,
Advocates for review petitioner.

versus

DIRECTOR OF EDUCATION AND ANR

.....Respondent

Through: Mr. Pramod Gupta, Mr. Harsh Jaiswal
and Mr. Umang Dixit, Advocates

CORAM:

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

13.12.2024

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CM APPL. 23179/2024

1. This is an application filed on behalf of applicant/respondent no.2 school under Section 151 of the Code of Civil Procedure, 1908 seeking clarification of the judgment dated 14.02.2024 passed by this Court.
2. Mr. Pramod Gupta, learned counsel appearing for the applicant/respondent no.2 submits by referring to para 2 of the application that in para 37 of the judgment dated 14.02.2024, this Court had, in the initial portion, restricted the relief granted to the non-applicant/petitioner to the extent of three years prior to filing of the present petition. He states that



at the same time and in the same paragraph, while granting actual relief, this Court had directed payment of the arrears of difference in salary of the petitioner as per the pay scale mentioned in his service books from July, 2007 till July, 2010 alongwith consequential benefits. He states that there is a contradiction in both the observations and the directions.

3. Notice has already been issued to the non-applicant/petitioner in this application vide order dated 23.04.2024.

4. After hearing the submissions of learned counsel for the parties, this Court is of the considered opinion that there appears to be an apparent error in para 37. It is clear that the intent of this Court was to grant relief only to the extent of three years prior to filing of the present petition and not from July, 2007 to 2010. From the perusal of the record of W.P.(C) 8231/2011, it is apparent that the same was filed on 18.11.2011. Thus, the period of three years have to be reckoned retrospectively with effect from November, 2011.

5. In view of the above, it is clarified that para 37 of the judgment dated 14.02.2024 be read as under:

“In view thereof, the petitioner is entitled for the reliefs sought, only to the extent of three years prior to the filing of the present petition. It is therefore, directed that the respondent – school release the arrears of difference in salary of the petitioner as per the pay scale mentioned in the service book (annexed with the petition), from November, 2008 till November, 2011 alongwith consequential benefit, within six weeks from today, failing which the arrears would be paid with the interest @ 8% per annum.”

6. In view of the above, appropriate Corrigendum be issued in respect of the judgment dated 14.02.2024 and the same be uploaded on the official website forthwith.



7. Since the change has been effected in the operative portion of the judgment dated 14.02.2024, the applicant-respondent no.2 school is afforded another six weeks' time to comply with the aforesaid directions.

8. The application is disposed of in the above terms.

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9. List for hearing on 07.02.2025.

TUSHAR RAO GEDELA, J

DECEMBER 13, 2024

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