

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

CIVIL APPEAL NO(s). 5488 OF 2007

GOVT. OF NCT OF DELHI & ANR Appellant (s)
VERSUS
SUMANJIT KAUR & ORS. Respondent(s)

(With prayer for interim relief and office report)
WITH Civil Appeal NO. 5489 of 2007
(With prayer for interim relief and office report)

Date: 03/06/2010 This Appeal was called on for hearing today.

CORAM : HON'BLE DR. JUSTICE B.S. CHAUHAN
HON'BLE MR. JUSTICE SWATANTER KUMAR
[VACATION BENCH]

For Appellant(s) Mr. P.P. Malhotra, ASG
in CA 5488/2007 & Ms. Madhurima Mridul, Adv.
for respondent(s) Ms. Rekha Pandey, Adv.
in CA 5489/2007 Mr. Chetan Chawla, Adv.for
Mrs Anil Katiyar,Adv.
Mr. D.S. Mahra, Adv.

For Appellant(s) Mr. Ashok Gurnani, Adv.for
in CA 5489/2007 Mr. K.L. Janjani, Adv.

For Respondent(s) Mr. H.K. Puri,Adv.

UPON hearing counsel the Court made the following
O R D E R

C.A. No.5488/2007

Appeal is disposed of in terms of the signed
order. No order as to costs.

C.A. No.5489/2007

Hearing concluded. Judgment reserved.

Written submissions to be filed in five days.

(Ravi P. Verma)
Court Master

(Indu Satija)
Court Master

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 5488 OF 2007

GOVT. OF NCT OF DELHI & ANR.APPELLANT(S)

Versus

SUMANJIT KAUR & ORS.RESPONDENT(S)

O R D E R

Aggrieved from the judgment of the High Court dated 1st February, 2006 passed in Letters Patent Appeal, the Government of NCT of Delhi has preferred the present special leave petition in which leave was granted. It is not necessary to notice in greater detail the facts giving rise to the present appeal in view of the course of action that we propose to adopt keeping in mind the stand taken by learned counsel appearing for the parties.

2. Suffice it to notice that the Khalsa Society was running a school under the name and style of Khalsa Middle School, Sarojini Nagar, New Delhi and admittedly is a recognised institution, receiving 95% grant-in-aid from the Government. The private respondents herein (employees) were appointed as Assistant Teachers. Later on they were not given their respective salary which compelled them to approach the High Court. Learned single Judge decided the issue in favour of the teachers giving rise to filing of2.

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the Letters Patent Appeal before the Division Bench which also came to be dismissed by the impugned judgment. One of the basic question raised is that Government of NCT requires the school management to follow the reservation policy and probably for that reason the approval to the post was not given and consequently the grant-in-aid was not being released to the management.

Learned counsel appearing for the parties, without prejudice to their rights and contentions, have submitted that the controversy in the present case can be resolved by making appropriate settlement before the Court by respective parties.

The learned counsel appearing for the management has

stated that the school will be willing to implement the reservation policy and roster in furtherance to the directive of the Government and would, after issuing advertisement, fill up existing vacancies including reserved vacancies, one for OBC and one for SC, in accordance with rules. These vacancies, as per the affidavit filed on record (at page 161, para 7) are presently lying vacant. The management has agreed to take effective and expeditious steps to do the needful.3.

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Learned Additional Solicitor General has submitted that once these vacancies are filled up and the Government of NCT is informed, the competent authority shall consider the request of the management of school for release of grant-in-aid for all categories including the newly appointed persons and even against the reserved vacancies expeditiously.

In view of the common stand taken by the learned counsel appearing for the parties, which we find otherwise just and proper, the settlement of the parties, without prejudice to their rights and contentions, is recorded by the Court. Thus, we find no reason to keep this matter pending any longer. The order dated 16.5.2008 shall continue till then. At the request of the counsel for the parties, the question of law is kept open.

The appeal is, accordingly, disposed of with no order as to costs.

.....J.
(Dr. B.S. Chauhan)

New Delhi;

.....J.

June 03, 2010.

(Swatanter Kumar)