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

\+ W.P.(C) 17380/2022

SANTOSH GOSWAMI .....Petitioner

Through: Mr. Anuj Aggarwal, Ms. Kritika Matta and Mr. Pradeep, Advocates.

versus

THE SAMARTH SCHOOL & ORS. .....Respondents

Through: Mr. Rajesh Mohan Sinha, Mr.Prateek Mohan Sinha, Ms. Namita Sinha and Ms. Nandini Harsh, Advocates for R-1 and R-2.
Mr. S.K. Mishra and Mr. Saarthak Bansal, Advocates for R-3.
Ms. Archana Chaudhary, Advocate for DOE.
Dr. Rajeev Kumar, OSD Zone – 6 for DOE.

CORAM:
HON'BLE MR. JUSTICE PRATEEK JALAN

O R D E R

% 04.07.2025

1. The petitioner was employed with respondent No. 1 – The Samarth School ["School"] as a Trained Graduate Teacher ["TGT"] (Hindi) from 16.07.1990 until her superannuation on 30.04.2022. She has filed this writ petition seeking payment of gratuity and leave encashment.

2. With respect to the payment of gratuity and leave encashment based on the last drawn salary, Mr. Rajesh Mohan Sinha, learned counsel for the School, submits that any unpaid amounts payable to the petitioner on the basis of her last drawn salary, will be paid to her within a period of four weeks from today.

3. Another writ petition [W.P.(C) No. 11519/2019] has been filed by the petitioner along with another retired employee of the School, seeking implementation of the pay scales provided under the Seventh Central Pay

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Commission ["7th CPC"] by the School. The said writ petition remains pending before this Court.

4. Ms. Kritika Matta, learned counsel for the petitioner, submits that in the event the petitioner succeeds in the aforesaid writ petition, she would also be entitled to enhancement of the amount of gratuity and leave encashment.

5. As the question of enhancement of gratuity and leave encashment is contingent upon the outcome of the pending writ petition, no directions in that regard are being issued at present. The question regarding the petitioner's entitlement to enhanced pay under the 7th CPC remains pending. Consequential relief can be considered in the said writ petition, if decided in favour of the petitioner.

6. As regards the payment of gratuity and leave encashment calculated on the basis of the last drawn salary, the School is directed to release the same to the petitioner within the period of four weeks from today, as submitted by Mr. Sinha. As there is no explanation whatsoever for the delay in payment of these amounts, at least on the basis of the last drawn salary of the petitioner, the School is also directed to pay interest on the unpaid amounts, @ 9% per annum from the date of the petitioner's superannuation until the date of actual payment.

7. If there is any dispute regarding the quantification of the aforesaid dues, the petitioner may avail of her legal remedies, including before the appropriate authority under the Payment of Gratuity Act, 1972.

8. The writ petition stands disposed of with these directions.

PRATEEK JALAN, J

JULY 4, 2025/*UK/sd/*

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\+ W.P.(C) 17380/2022

SANTOSH GOSWAMI .....Petitioner

Through: Ms. Kritika Matta, Mr. Nikhil Pawar and Mr. Anuj Aggarwal, Advocates.

versus

THE SAMARTH SCHOOL & ORS. .....Respondents

Through: Mr. Rajesh Mohan Sinha, Mr. Prateek Mohan Sinha, Ms. Namita Sinha, Ms. Nandini Harsh and Mr. Krishnendy Das, Advocates for R-1 and 2.

CORAM:
HON'BLE MR. JUSTICE PRATEEK JALAN

O R D E R

% 18.08.2025

CM APPL. 50411/2025 *(for extension of time)*

1. This application has been filed by respondent Nos. 1 and 2 for extension of time to comply with the following directions in the order dated 04.07.2025:

> *"5. As the question of enhancement of gratuity and leave encashment is contingent upon the outcome of the pending writ petition, no directions in that regard are being issued at present. The question regarding the petitioner's entitlement to enhanced pay under the 7th CPC remains pending. Consequential relief can be considered in the said writ petition, if decided in favour of the petitioner.*
>
> *6. As regards the payment of gratuity and leave encashment calculated on the basis of the last drawn salary, the School is directed to release the same to the petitioner within the period of four weeks from today, as submitted by Mr. Sinha. As there is no explanation whatsoever for*

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the delay in payment of these amounts, at least on the basis of the last drawn salary of the petitioner, the School is also directed to pay interest on the unpaid amounts, @ 9% per annum from the date of the petitioner's superannuation until the date of actual payment.

7. If there is any dispute regarding the quantification of the aforesaid dues, the petitioner may avail of her legal remedies, including before the appropriate authority under the Payment of Gratuity Act, 1972."

2. I have heard Mr. Rajesh Mohan Sinha, learned counsel for the applicants, and Ms. Kritika Matta, learned counsel for the petitioner. Ms. Matta opposes the application. However, in view of the circumstances mentioned in the application, the time for payment in terms of paragraph 6 of the aforesaid order, is extended by four weeks from today, failing which the petitioner will be free to pursue appropriate remedies for non-compliance.

3. The application is disposed of.

PRATEEK JALAN, J

AUGUST 18, 2025
SS/KA/

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