



**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Civil Writ Petition No. 9552/2019

1. Managing Committee, Vidya Bhawan Society, Fatehpura, Udaipur. Through The Secretary.
2. Managing Committee, Vidhya Bhawan Rural Institute Polytechnic College, Fatehpura, Udaipur. Through The Secretary.

-----Petitioners

Versus

1. Ratanlal Meghwal S/o Shri Jai Chand Meghwal, Opposite Dagai Mand Ara Machine, Village And Post Lakadvaas, Tehsil Girva, District Udaipur.
2. The Director, Technical Education, Jodhpur.
3. Rajasthan Non Government Educational Institution Tribunal, Secretariat, Jaipur.

-----Respondents

Connected With

S.B. Civil Writ Petition No. 9555/2019

1. Managing Committee, Vidya Bhawan Society, Fatehpura, Udaipur. Through The Secretary.
2. Managing Committee, Vidhya Bhawan Rural Institute Polytechnic College, Fatehpura, Udaipur. Through The Secretary.

-----Petitioners

Versus

1. Kundan Singh Chouhan S/o Shri Shiv Singh Chouhan, R/o 22 Narayan Nagar, Badgaon, Tehsil Girwa, District Udaipur.
2. The Director, Technical Education, Jodhpur.
3. Rajasthan Non Government Educational Institution Tribunal, Secretariat, Jaipur.

-----Respondents

S.B. Civil Writ Petition No. 9563/2019

1. Managing Committee, Vidya Bhawan Society, Fatehpura, Udaipur Through The Secretary.
2. Managing Committee, Vidhya Bhawan Rural Institute



Polytechnic College, Fatehpura, Udaipur Through The Secretary.

3. Managing Committee, Vidhya Bhawan Senior Secondary School, Fatehpura, Udaipur Through The Secretary.

----Petitioners

Versus

1. Amit Jain S/o Shri Gyan Chand Jain, R/o A-110, Nityanand Nagar, Queens Road, Jaipur.
2. The Director, Technical Education, Jodhpur.
3. Rajasthan Non Government Educational Institution Tribunal, Secretariat, Jaipur.

----Respondents

S.B. Civil Writ Petition No. 9651/2019

1. Managing Committee, Vidya Bhawan Society, Fatehpura, Udaipur. Through The Secretary.
2. Managing Committee, Vidhya Bhawan Rural Institute Polytechnic College, Fatehpura, Udaipur. Through The Secretary.

----Petitioners

Versus

1. Prem Singh Jhala S/o Late Shri Maan Singh Jhala, R/o Kadmal House, Parshuram Colony, Neemachkhera, Devali, District Udaipur.
2. The Director, Technical Education, Jodhpur.
3. Rajasthan Non Government Educational Institution Tribunal, Secretariat, Jaipur.

----Respondents

S.B. Civil Writ Petition No. 9655/2019

1. Managing Committee, Vidya Bhawan Society, Fatehpura, Udaipur. Through The Secretary.
2. Managing Committee, Vidhya Bhawan Sr. Secondary School, Fatehpura, Udaipur. Through The Secretary.

----Petitioners

Versus

1. Ratan Lal Dangi S/o Late Shri Hira Lal Dangi, R/o Village Bhalo Ka Guda, Via Zinc Smelter, Udaipur.
2. The Commissioner/director, Secondary Education



Department, Government Of Rajasthan, Bikaner.

3. Rajasthan Non Government Educational Institution Tribunal, Secretariat, Jaipur.

-----Respondents

S.B. Civil Writ Petition No. 9759/2019

1. Managing Committee, Vidya Bhawan Society, Fatehpura, Udaipur. Through The Secretary.
2. Managing Committee, Vidhya Bhawan Rural Institute Polytechnic College, Fatehpura, Udaipur. Through The Secretary.

-----Petitioner

Versus

1. Keshu Lal Teli S/o Late Shri Uma Shanker Teli, R/o 5/576, Outside Chandpole, Brahmpole Marg, District Udaipur.
2. The Director, Technical Education, Jodhpur.
3. Rajasthan Non Government Educational Institution Tribunal, Secretariat, Jaipur.

-----Respondents

S.B. Civil Writ Petition No. 9763/2019

1. Managing Committee, Vidya Bhawan Society, Fatehpura, Udaipur. Through The Secretary.
2. Managing Committee, Vidhya Bhawan Rural Institute Polytechnic College, Fatehpura, Udaipur. Through The Secretary.

-----Petitioners

Versus

1. Manoj Paliwal S/o Late Shri Chatur Lal Paliwal, R/o 265, Krishnapura, Road No. 8, Behind St. Paul School, District Udaipur.
2. The Director, Technical Education, Jodhpur.
3. Rajasthan Non Government Educational Institution Tribunal, Secretariat, Jaipur.

-----Respondents

S.B. Civil Writ Petition No. 11066/2019

1. Managing Committee Vidya Bhawan Society, Fatehpura, Udaipur, , Through The Secretary.
2. Managing Committee Vidhya Bhawan Rural Institute



Polytechnic College, Fatehpura, Udaipur, Through The Secretary.

----Petitioners

Versus

1. Vibhor Bhatnagar S/o Shri Banshilal Bhatnagar, R/o 9, Havala Marg, Ajanta Hotel Street, District Udaipur.
2. The Director, Technical Education, Jodhpur.

----Respondents

S.B. Civil Writ Petition No. 7419/2020

1. Managing Committee, Vidya Bhawan Society, Fatehpura, Udaipur, Through The President.
2. Managing Committee, Vidya Bhawan Secondary School, Ramgiri, Udaipur Through The Secretary.

----Petitioners

Versus

1. Smt. Jai Shree Jain W/o Shri Probhat Jain, R/o 6-A, Mahaveer Colony, Ashok Nagar, Udaipur.
2. The Director/Commissioner, Secondary Education, Govt. of Rajasthan, Bikaner.

----Respondents

S.B. Civil Writ Petition No. 8001/2020

1. Managing Committee, Vidya Bhawan Society, Fatehpura, Udaipur, Through The President.
2. Managing Commiittee, Vidhya Bhawan Senior Secondary School, Fatehpura, Udaipur. Through The Secretary.

----Petitioners

Versus

1. Pushplata Shrimali W/o Shri Harish Chandra Shrimali, R/o 286, Fatehpura, Udaipur.
2. The Director/commissioner, Secondary Education, Govt. Of Rajasthan, Bikaner.

----Respondents

S.B. Civil Writ Petition No. 8002/2020

1. Managing Committee, Vidya Bhawan Society, Fatehpura, Udaipur, Through The President.
2. Managing Commiittee, Vidhya Bhawan Senior Secondary School, Fatehpura, Udaipur. Through The Secretary.



----Petitioners

Versus

1. Shagufta Anjum W/o Shri Sirazuddin, R/o 14, Titawala Ki Badi Kharol Colony, Tank Building Ke Aage, Udaipur.
2. The Director/commissioner, Secondary Education, Govt. Of Rajasthan, Bikaner.

----Respondents

S.B. Civil Writ Petition No. 8004/2020

1. Managing Committee, Vidya Bhawan Society, Fatehpura, Udaipur, Through The President.
2. Managing Commiittee, Vidhya Bhawan Senior Secondary School, Fatehpura, Udaipur. Through The Secretary.

----Petitioners

Versus

1. Ram Prasad Bangar S/o Shri Laxmi Narayan Bangar, R/o 8/9 Matra Chaya Vidhya Vihar Colony, Near Shrinath Colony, Pula, Fatehpura, District Udaipur.
2. The Commissioner, Secondary Education, Govt. Of Rajasthan, Bikaner.

----Respondents

S.B. Civil Writ Petition No. 8320/2020

1. Managing Committee, Vidya Bhawan Society, Fatehpura, Udaipur. Through Its President.
2. Managing Committee, Vidya Bhawan Secondary School, Ramgiri, Udaipur. Through Its Secretary.

----Petitioners

Versus

1. Dr. Anju Sharma W/o Dr. Chandra Prakash Sharma, R/o Plot No. 5, Luvnet, Shivam Complex, Ara Machine Wali Gali, Badgaon, Udaipur.
2. The Director/commissioner, Secondary Education, Govt. Of Rajasthan, Bikaner.

----Respondents

S.B. Civil Writ Petition No. 12397/2020

1. Managing Committee, Vidya Bhawan Society, Fatehpura, Udaipur, Through The President.
2. Managing Committee, Vidya Bhawan Senior Secondary



School, Fatehpura, Udaipur. Through The Secretary.

-----Petitioners

Versus

1. Mrs. Madhu Bordia W/o Sh. Dileep Kumar Bordia, 45 Modern Complex, Pula, Bhuwana Road, Udaipur - 313001 (Rajasthan)
2. The Director / Commissioner, Secondary Education, Govt. Of Rajasthan, Bikaner.

-----Respondents

For Petitioner(s) : Mr. Rakesh Arora with Mr. Naresh Singh.

For Respondent(s) : Mr. Kailash Choudhary for Mr. Manish Vyas, AAG. Mr. Sarwan Kumar for Mr. Hemant Choudhary, GC. Mr. Manish Pitaliya. Mr. Sushil Solanki. Mr. S.K. Maru.

HON'BLE MR. JUSTICE ARUN BHANSALI

Order

26/08/2022

The matters come up on applications filed by the petitioners for disposal of the present writ petitions.

With the consent of the parties, the applications are allowed and the petitions are finally heard.

These writ petitions have been filed by the petitioners aggrieved against judgments passed by Rajasthan Non-Government Educational Institutions Tribunal, Jaipur ('the Tribunal') dated 23.4.2015 (in CWP No.7419/2020), 8.2.2016 (in CWP No.8004/2020), 14.2.2017 (in CWP No. 11066/2019), 10.3.2017 (in CWP No. 12397/2020), 10.3.2017 (in CWP No. 8002/2020), 23.4.2015 (in CWP No. 8320/2020), 26.2.2019 (in CWP No.9655/2019), 13.3.2019 (in CWP No.9763/2019),



13.3.2019 (in CWP No.9563/2019), 18.3.2019 (in CWP No.9759/2019), 18.3.2019 (in CWP No. 9651/2019), 18.3.2019 (in CWP No. 9555/2019), 18.3.2019 (in CWP No.9552/2019) and 26.9.2019 (in CWP No.8001/2020) and in four cases the proceedings initiated by the respondents-teachers/employees seeking execution of the judgments passed by the Tribunal before the Civil Court also.

The respondents-teachers/employees approached the Tribunal for due amount of gratuity, leave encashment and payment pertaining to the arrears of pay based on revision of pay scales.

The Tribunal by its various orders, ordered for payment of the amount due to the teachers/employees. While accepting the applications, the directions in following nature were given-

“प्रार्थीगण को सम्पूर्ण राशि पर बकाया होने की दिनांक से भुगतान किये जाने की दिनांक तक 06 प्रतिशत वार्षिक ब्याज की दर से देय ब्याज सहित राशि अप्रार्थी संख्या 01 व 03 द्वारा अदा की जाये।

उपरोक्त अनुतोषों के सम्बन्ध में अप्रार्थी संख्या 01 व 03 ने यदि कोई भुगतान प्रार्थीगण को कर दिया हो तो वह समायोजन किये जाने योग्य रहेगा।

अप्रार्थी संख्या 02 को निर्देश दिये जाते हैं कि वे उपरोक्त निर्णय की पालना अप्रार्थी संख्या 01 व 03 से कराया जाना सुनिश्चित करें। विपक्षीगण माननीय उच्च न्यायालय द्वारा डी.बी. सिविल स्पेशल अपील (रिट) सं० 663/2015 राज० राज्य व अन्य बनाम प्रबन्ध समिति, श्री भगवान दास तोडी कॉलेज जरिये सचिव, लक्ष्मणगढ़ जिला सीकर में पारित निर्णय दिनांक 06.11.2015 में दिये गये निर्देशों की पालना सुनिश्चित करें।”

The present petitions have been filed by the petitioner institution seeking to question the direction of the Tribunal in ordering for payment of amount of interest on the due amount and/or the execution proceedings initiated by the judgment



holders before the Executing Court for recovery of the amount of interest from the petitioner institution.

Learned counsel for the petitioners made submissions that issue raised by the petitioners regarding its responsibility to make payment of interest is concluded by judgment in *Managing Committee, Rajasthan Mahila Parishad and Anr. Vs. Mohan Giri Goswami & Ors. : SBCWP No. 1958/2016* decided on 9.11.2016, wherein this Court came to the conclusion that, insofar as, the direction to pay interest on the amount of gratuity was concerned, the petitioner institution were liable, however, for rest of the interest, the petitioner institution were not liable for payment.

Against the above judgment dated 9.11.2016, the respondent approached Division Bench and Division Bench in *Mohan Giri Goswami Vs. Managing Committee, Rajasthan Mahila Parishad : D.B. Spl. Appl. Writ No. 178/2017* decided on 13.3.2018, upheld the order passed by the Single Judge and, therefore, as the issue raised is squarely covered by order in the case of Mohan Giri Goswami (supra), the petitions deserve to be allowed and the order passed by the Tribunal to the extent of direction to pay interest on the amount other than the amount of gratuity, deserves to be set aside and the execution applications pending before the Executing Court in this regard deserve to be dismissed to the said extent. Further submissions were made that the liability to pay interest, if any, is that of the State and the Tribunal was not justified in exonerating the State, who was solely responsible for the delay, in this regard.

Learned counsel appearing for the respondents -teachers/employees made submissions that even if the petitioner institution is not liable to pay interest, as laid down by this Court



in *Management Committee of Shri Swetamber Jain Secondary School Vs. Rajasthan Non-Government Educational Institutions Tribunal, Jaipur : SBCWP No. 8228/2013* decided on 8.2.2017 at Jaipur Bench as upheld in *Director, Secondary Education Vs. Managing Committee, Shree Shwetambar Jain Secondary School, Jaipur : D.B. Special Appeal Writ No. 1439/2019* decided on 22.1.2021 at Jaipur Bench, the State is liable to make payment of the amount of interest and that in light of the said law laid down by the Division Bench, the State be directed to pay the interest.

Learned counsel appearing for the State attempted to make submissions that the delay in making payment of the amount of grant-in-aid to the petitioner institution was on account of the fact that the due drawn statements etc. were not supplied by the petitioner institution in time and, therefore, the State also cannot be saddled with the liability to pay interest.

I have considered the submissions made by learned counsel for the parties and have perused the material available on record.

The petitioner, in its petitions has made specific reference to the fact that the petitioner institution, on account of non-payment of the amount of grand-in-aid, had to file SBCWP No. 1442/2013, which came to be decided on 21.3.2014 with direction to the State Government to release the grant and when the amount was not paid, the petitioner institutions had to file S.B. Writ Contempt Petition No. 502/2016, wherein ultimately the payment was made to the petitioner institutions.

In that view of the matter, the plea sought to be raised by the State seeking to justify the delay and/or accusing the petitioner institutions for the delay cannot be accepted.



Insofar as, the plea raised by the petitioner institution regarding its liability to pay interest is concerned, this Court in the case of Management Committee, Rajasthan Mahila Parishad (supra), inter alia, came to the following conclusion:-

"In view of the above, no case is made out by the petitioner Institution for interference in the direction issued by the Tribunal for payment of interest on the amount of gratuity payable to the respondents.

So far as the direction of the Tribunal regarding payment of interest on the amount of leave encashment and arrears of salary based on revised pay scales is concerned, the said issue is already settled by the Division Bench in the case of Managing Committee, Bhartiya Shiksha Prachar Samiti (supra), wherein, the appeal filed by the Managing Committee was allowed in part by holding the appellant Institution therein liable to pay the statutory interest on gratuity, however, amount of interest on leave encashment dues was denied by the Division Bench.

The Hon'ble Supreme Court in the case of D.D.Tewari (supra) held that where there is undue delay in payment of retiral benefits to the employees, they are entitled to grant of interest and in the case of Jai Narain Vyas University (supra) this Court on account of statutory provisions held that interest was payable.

A perusal of the record clearly indicates that insofar as the amount of leave encashment and payment of arrears of salary based on revised pay scales are concerned, the same was delayed on account of petitioner not receiving the amount of grant-in-aid from the respondent State. Besides the above, the amount of arrears of salary based on revised pay scales cannot be termed as retiral benefit.

As already noticed hereinbefore, in the case of Managing Committee, Bhartiya Shiksha Prachar Samiti (supra), the Division Bench partly allowed the



appeal of the Managing Committee holding that for grant of interest on leave encashment, the Tribunal had no power. The judgment cited by the counsel for the respondents No.1 does not deal with the power of the Tribunal to award interest, which is a jurisdictional aspect and as the Division Bench has held in the case of Managing Committee Bhartiya Shiksha Prachar Samiti (supra) that the Tribunal does not have jurisdiction, therefore, irrespective of the submissions made by counsel for the respondent No.1, the respondents No.1 are not entitled to payment of interest on the amount of leave encashment as well as arrears of salary based on revised pay scales.

In view of the above discussion, the writ petitions filed by the petitioner Institution are partly allowed. The orders dated 3/11/2015 passed by the Tribunal are set aside to the extent it provides for payment of interest on leave encashment dues as well as arrears of salary based on revised pay scales, however, the direction to the extent of payment of interest on the amount of gratuity is upheld. The amount of gratuity as well as interest thereon shall be paid to the respondents No.1 by the petitioner Institution within a period of three months. The amount, if any, deposited by the petitioner Institution with the Executing Court pursuant to the directions issued by the Tribunal be adjusted in the amount payable to the respondents No.1".

Against the above order, in the case of Mohan Giri Goswami (supra), the Division Bench, inter alia, came to the following conclusion:-

"16. It is in the backdrop of the aforesaid facts that the claim of the teachers for grant of interest on delayed payment of enhanced salary and leave encashment has to be considered.

17. We note that as regards gratuity the aided institutions have agreed to pay interest @ 6% per



annum for the period payment of gratuity was delayed.

18. The facts noted hereinabove clearly bring out that the aided institutions did their best to ensure timely payment to its employees. They fought tooth and nail with the State to obtain the grant-in-aid. The litigious facts aforementioned show that repeatedly the State obstructed the claim by these institutions. Thus, the aided institutions cannot be saddled with any liability to pay interest on the delayed payments qua the enhanced salary and leave encashment. If at all the liability would be that of the State. But there is no direction in any decision for the State to pay interest on the belated disbursement of the grant-in-aid.

19. In that view of the matter, the learned Single Judge has correctly held that on enhanced salary and leave encashment no interest is payable for the period of delay by the respondent-institutions.

20. The law in the two decisions cited by learned counsel for the appellants would apply when the employer is solely responsible for the delayed payment.

21. In the instant case, the employer took all possible measures to ensure that the State releases the grant-in-aid within time and from that money enhanced salary as per the Revised Pay Scales Rules could be disbursed as also the amount due on encashment of the leave which had accumulated in the leave account of the teachers.

22. The three appeals are accordingly dismissed".

(emphasis supplied)

In view of the above legal position, the direction of the Tribunal, ordering for payment of interest on the entire amount by the petitioner institution cannot be sustained. As laid down in the case of Mohan Giri Goswami (supra), the petitioner institution is not liable for payment of interest except on the amount of gratuity.



Coming to the submissions made by learned counsel for the petitioner and teachers/employees regarding wrong exoneration of the State from payment of amount of interest, the Tribunal, for apparently no reason and despite noticing the judgment in *State of Rajasthan Vs. The Management Committee, Shri Bhagwan Das Todi College : D.B. Civil Special Appeal Writ No. 663/2015*, decided on 6.11.2015 at Jaipur Bench, wherein the Division Bench had specifically laid the responsibility on the State to disburse the amount to the extent of grant-in-aid to the institution, has not directed the State to make payment of the amount of interest without discussion and indicating any reason.

A coordinate Bench of this Court in the case of Management Committee of Shri Swetamber Jain Secondary School (supra), while accepting a similar plea of the institution, inter alia, directed as under:-

“(i) The State Government shall pay the amounts due to private respondents as per the “due drawn” statements received from the petitioner school proportionate to the approved grant-in-aid to it on sanctioned posts within five weeks from the date of receipt of a certified copy of this order. Interest as directed by the Tribunal shall be paid by the State Government on the aforesaid amounts.”

(emphasis supplied)

Feeling aggrieved of the direction to pay interest, the State approached the Division Bench, wherein the Division Bench in the case of Director, Secondary Education (supra), inter alia, noticing the submissions in this regard, came to the following conclusion:-

“It has been submitted on behalf of appellants that the order of learned Single Judge to the extent of directions relating to payment of interest by the State Government is arbitrary, unjustified and against



the Rules, and is liable to be quashed and set aside to the extent of directions to the State Government to pay interest as directed by the learned Tribunal. It has also been submitted that provisions of Rules of 1993 clearly state that aided institutions shall pay the amount payable to the employees and shall apply for reimbursement to the State Government to the extent of admissible grant-in-aid. The State Government in no manner is under any obligation to pay interest on such amount. The State Government cannot be made liable for payment of interest for no fault on its part. It has also been submitted that the learned Single Judge has also misinterpreted the observations and directions given in the case of State of Rajasthan v. The Management Committee Sh. Bhagwan Das Todi College (supra).

It has been vehemently argued on behalf of respondents that the order of the learned Single Judge is perfectly in accordance with applicable Rules and Law as laid down by this Court.

We have perused the record of the case as well as impugned order dated 08.02.2017 passed by the learned Single Judge. A perusal of the impugned order reveals that during the course of arguments it was admitted on the part of State Government that :-

“the State Government was obliged to pay the employees of the petitioner school working on sanctioned posts as per the due drawn statement submitted by the petitioner school and the amount due to the extent of percentage under the approved grant-in-aid.”

It was also admitted on the part of the State that :-

“the due drawn statements sent by the petitioner school had been received by the State Government and on requisite verification, payment due as per the directions of the court in State of Rajasthan Vs. The Management Committee Sh. Bhagwan Das Todi College (supra) and





Managing Committee Vs. Shri P. K. Goyal (supra), would be made to the private respondents within four weeks."

Thus, during the course of arguments in writ petitions it was admitted on behalf of the State that "due drawn" statements had been submitted by the petitioner schools to the State Government. Hence, it also becomes clear that even after submission of "due drawn" statements by the petitioner schools, no payment was made by the appellant State. The petitioner schools were rather subjected to execution proceedings in respect of the amounts payable by the State Government to an extent of approved grant-in-aid for sanctioned posts on which private respondents were engaged by the petitioner schools.

In Mohan Giri Goswami v. Managing Committee, Raj. Mahila Par. & Ors [D.B. Spl. Appl. Writ No. 178/2017], and two other appeals, decided on 08.03.2018, following observations have been made by this court: -

18. The facts noted hereinabove clearly bring out that the aided institutions did their best to ensure timely payment to its employees. They fought tooth and nail with the State to obtain the grant-in-aid. The litigious facts aforementioned show that repeatedly the State obstructed the claim by these institutions. Thus, the aided institutions cannot be saddled with any liability to pay interest on the delayed payments qua the enhanced salary and leave encashment. If at all the liability would be that of the State. But there is no direction in any decision for the State to pay interest on the belated disbursement of the grant-in-aid.

The facts of this case also reveal that the petitioner schools as required, did send the due drawn statement to the State, yet no payment was made to petitioner schools and the petitioner schools were facing execution petitions filed by private



respondents following the judgments dated 27.11.2012, 10.12.2012, 17.03.2015 and 07.04.2015 passed by the Tribunal.

Rule 15 of Rules of 1993 reads as under :-

Payment of Recurring Grant.- (1) Payment of grant-in-aid may be sanctioned by the Director of Education regularly to the institution already on the grant-in-aid list within the budget provision in the current financial year.

(2) xxxx xxxx xxxx xxx

Thus, the argument of learned counsel for appellant that State is only required to reimburse the payment which has already been made by the institution to the employees, has no applicability in this matter. Therefore, for this delayed payment of the amount, the petitioner schools (aided institutions) cannot be saddled with the liability to pay interest.

In view of above, the order of learned Single Judge directing the State Government to pay interest on the aforesaid amounts, does not suffer from vice of illegality and we are of the considered opinion that the order passed by learned Single Judge does not call for any interference.

No ground for interference is made out and the appeals are accordingly dismissed."

(emphasis supplied)

From the above, it would be seen that Division Bench, after thoroughly considering the aspect of direction to pay interest came to the conclusion that the order passed by the learned Single Judge did not call for any interference.

In view of the above fact situation, the State alone is responsible to make payment of interest on the amount other than that of gratuity payable to the teachers/employees.

Consequently, the writ petitions filed by the petitioner are allowed to the extent that other than the amount of gratuity



payable to the respondents-teachers/employees, the petitioner institution shall not be responsible for payment of interest and to that extent directions given by the Tribunal in the impugned judgments shall stand set aside and in 4 cases, where execution proceedings are pending before the Executing Court, the petitioner institution shall not be proceeded against to the above extent.

It is further directed that the interest as directed by the Tribunal shall be paid by the State on the amount other than the amount of gratuity within a period of eight weeks and the respondents-teachers/employees would be free to proceed against the State for payment of the amount of interest in terms of the above directions.

(ARUN BHANSALI),J

12-sumer/-

