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

(i) + **W.P.(C) 9512/2015 & CM APPLN.22360/2015**

AMIT KUMAR MALIK Petitioner

Through: Mr. J.S. Lamba, Mr. Ahmad
Shahrooz and Mr. Rajesh Kumar,
Advocates

versus

GURU HARKRISHAN PUBLIC SCHOOL & ORS ...Respondents

Through: Mr. Jasmeet Singh, Advocates for
respondents No.1 and 2
Ms. Niti Jain, Advocate for Mr.
Anuj Aggarwal, ASC for GNCTD

(ii) + **W.P.(C) 9517/2015 & CM APPLN.22406/2015**

SANJAY KUMAR Petitioner

Through: Mr. J.S. Lamba, Mr. Ahmad
Shahrooz and Mr. Rajesh Kumar,
Advocates

versus

GURU HARKRISHAN PUBLIC SCHOOL & ORS ...Respondents

Through: Mr. Jasmeet Singh, Advocates for
respondents No.1 and 2
Ms. Niti Jain, Advocate for Mr.
Anuj Aggarwal, ASC for GNCTD

(iii) + **W.P.(C) 9519/2015 & CM APPLN.22408/2015**

BUNTY CHAUDHARY Petitioner

Through: Mr. J.S. Lamba, Mr. Ahmad
Shahrooz and Mr. Rajesh Kumar,
Advocates

versus

GURU HARKRISHAN PUBLIC SCHOOL & ORS ...Respondents

W.Ps.(C) 9512, 9517, 9519, 9525 & 9528 of 2015

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Through: Mr. Jasmeet Singh, Advocates for
respondents No.1 and 2
Mr. Devesh Singh, Advocate for
respondent No.3

(iv) + **W.P.(C) 9525/2015 & CM APPLN.22417/2015**

AMIT KUMAR Petitioner

Through: Mr. J.S. Lamba, Mr. Ahmad
Shahrooz and Mr. Rajesh Kumar,
Advocates

versus

GURU HARKRISHAN PUBLIC SCHOOL & ORS ...Respondents

Through: Mr. Jasmeet Singh, Advocates for
respondents No.1 and 2
Mr. Devesh Singh, Advocate for
respondent No.3

(v) + **W.P.(C) 9528/2015 & CM APPLN.22420/2015**

MAMTA CHAUDHARY Petitioner

Through: Mr. J.S. Lamba, Mr. Ahmad
Shahrooz and Mr. Rajesh Kumar,
Advocates

versus

GURU HARKRISHAN PUBLIC SCHOOL & ORS ...Respondents

Through: Mr. Jasmeet Singh, Advocates for
respondents No.1 and 2
Ms. Niti Jain, Advocate for Mr.
Anuj Aggarwal, ASC for GNCTD

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

06.10.2015

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In the above captioned five petitions, the challenge is to the

impugned order of 3rd July, 2015 (*Annexure P-1*) in which respondent-School has observed that petitioners are not entitled to any back wages as the same has been set aside by this Court and on the principle of "*No Work and No Pay*" petitioners do not deserve to be given the back wages.

Since the challenge to the impugned order (*Annexure P-1*) is on identical grounds in the above captioned five petitions, therefore, with the consent of learned counsel for the parties these petitions were heard together and by this common order, they are being disposed of.

It is pointed out by learned counsel for respondent-School that in paragraphs No.11 & 15 of the impugned order, petitioners have been called upon to give a declaration by way of affidavit to the effect that they were not gainfully employed for the period, the back wages are being claimed.

Learned counsel for petitioners submits that there is no difficulty in giving the said declaration by way of affidavit by petitioners, but paragraphs No.9 and 10 of the impugned order deserve to be set aside because it was premature on the part of respondent-School to have observed that petitioners are not entitled to any back wages on the principle of "*No Work and No Pay*".

Upon hearing and on perusal of the impugned order and *Rule 121 of the Delhi School Education Rules, 1973*, this Court finds that the observations made in paragraphs No.9 and 10 of the impugned order are uncalled for as respondent-School is expected to make up its mind only after the declaration so called for, is received.

In view of the aforesaid, these five petitions are disposed of while making it clear that while taking no notice of the observations made in

paragraphs No. 9 and 10 in the impugned order, respondent-School shall decide petitioners' claim for back wages after obtaining the requisite declaration/affidavit within a period of twelve weeks. In case respondent-School decides not to give full back wages to petitioners, then the reasons for doing so, shall be provided by respondent-School to petitioners within a period of a week after the decision is taken.

With the above directions, the above captioned five petitions and the applications are disposed of.

Copy of this order be given *dasti* to both the sides.


(SUNIL GAUR)
JUDGE

OCTOBER 06, 2015

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