

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

+ **W.P.(C) No. 1359/2015**

% **17th January, 2017**

DHARAM VIR & ORS. Petitioners

Through: Mr. Naveen Kumar Raheja, Advocate
for P-6.

versus

BGS INTERNATIONAL PUBLIC SCHOOL & ANR. Respondents

Through: Mr. Prarthana Samrath, Advocate for
R-1.

Ms. Isha Khanna, Advocate for R-2.

CORAM:
HON'BLE MR. JUSTICE VALMIKI J.MEHTA

To be referred to the Reporter or not?

VALMIKI J. MEHTA, J (ORAL)

1. This writ petition will be the writ petition only qua erstwhile petitioner nos. 2 to 7 in view of original petitioner no. 1 being deleted from the array of parties vide order dated 11.2.2015.

2. By this writ petition, the erstwhile petitioner Nos. 2 to 7 who are admittedly employees of respondent no. 1/school, such persons working as Drivers, seek the relief of being granted monetary emoluments in terms of the Sixth Pay Commission report. The Sixth Pay Commission report has

been made applicable to the schools in Delhi by virtue of order of the Director of Education dated 11.2.2009. In terms of Section 10 of the Delhi School Education Act, 1973 employees of private schools in Delhi ought to receive all monetary emoluments equal to those being paid to similarly placed employees in government schools.

3. In view of the above, the petitioners are entitled to reliefs of being paid their salaries in terms of the Sixth Pay Commission report as made applicable to schools as per the order of the Director of Education dated 11.2.2009. However, the reliefs which will be granted to the petitioners will only be prospective from three years prior to filing of the writ petition and till the date petitioners' services were terminated in terms of the letters of respondent no. 1/school dated 27.5.2015.

4. Since the issue in the present case involves calculation of benefits on account of services rendered by the petitioner nos. 2 to 7 with the respondent no. 1/school, and which aspect of calculation can best be looked into by the Directorate of Education or its nominee, accordingly, parties will appear before the Directorate of Education on 21st February, 2017 at 3:00 p.m. and the Directorate of Education or his nominee will thereafter pass a speaking order after hearing the parties as to the amount which would be payable to the petitioners under different heads.

5. The aforesaid order is passed without prejudice to the rights of the petitioner nos. 2 to 7 challenging their orders of dismissal from services and in case petitioners are directed to be reinstated in services, petitioners will also get monetary benefits pursuant to the order of their reinstatement in services when such an order is so passed and becomes final as against respondent no. 1/school.

6. Respondent no. 1/school will be entitled to adjustments of the amounts that the respondent no. 1/school has already paid to the petitioners.

VALMIKI J. MEHTA, J

JANUARY 17, 2017

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