

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Date of Order: February 01, 2018

+ **W.P.(C) 3708/2016**

MS RANJU SHARMA & ORS Petitioners
Through: Dr. M.Y. Khan, Advocate

Versus

THE DIRECTORATE OF EDUCATION & ORS Respondents
Through: Ms. Prabhasahay Kaur, Advocate
for respondent No.1
Mr. Atul Bandhu, Advocate for respondent No.2

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
ORAL

1. Petitioners are the teaching staff of respondent-School, who seek implementation of order of 29th October, 2013 (*Annexure P-1*), passed in W.P.(C) 6804/2013 *Sangeeta Singh & Ors. Vs. Lt. Governor of Delhi & Ors.* Vide aforesaid order of 29th October, 2013 (*Annexure P-1*), it was directed that if any action is to be taken against the employees of respondent-School, including the teachers, then respondent-School shall take action in terms of *Delhi School Education Act and Rules, 1973*. Regarding payment of salary in terms of Sixth Central Pay Commission, it was directed that Circular of 11th February, 2009 issued by respondent-Directorate of Education be complied with by respondent-School. However, liberty was granted to respondent-School to put its stand before respondent-Directorate of Education, if so permitted.

2. Petitioners in paragraph No.2 of the writ petition have categorically asserted that recommendation of Sixth Central Pay Commission, as applicable from 1st January, 2006, have not been implemented in its true letter and spirit. In the corresponding paragraph of counter affidavit filed by respondent-School, it is asserted that petitioners have admitted that they are receiving the salary in terms of the Sixth Central Pay Commission. In the rejoinder filed by petitioners, it is blandly stated that the averments in paragraph No.2 of counter affidavit filed by respondent-School is false and frivolous.

3. Attention of this Court is drawn by petitioners' counsel to paragraph No. C of preliminary objections in the rejoinder to counter affidavit of respondents No.2 to 4, which reveals that petitioners are attributing misconception to the Bench which had passed order in the contempt petition. It is nowhere stated in this paragraph or elsewhere that any such statement was not made by petitioners in CCP No.126/2014 that petitioners are getting salary under the Sixth Central Pay Commission. Petitioners have contemptuously stated in the aforesaid paragraph No.C that the contempt petition was not legally disposed of by the Court. To say the least, it is contemptuous to say so, that too, when no steps were taken to seek review of order of 20th January, 2015 in CCP No. 126/2014.

4. At this stage, petitioners' counsel tenders unconditional apology for the ill drafted rejoinder and submits that all what was required to be said is that petitioners had not instructed their counsel to give such a statement in contempt proceedings.

5. Since the order of 20th January, 2015 in the contempt case gives liberty to petitioners to file a substantive writ in respect of Circular of 11th

February, 2009, which required the private schools to make payment in terms of Sixth Central Pay Commission, therefore, this petition needs to be disposed of with permission to petitioners to make a concise Representation to respondent-School to highlight as to how the salaries disbursed to petitioners are not in conformity with the Sixth Central Pay Commission recommendations. Such a course is being adopted for the reason that averments made in the writ petition are vague in the sense that in paragraph No.2 of the writ petition, it is asserted that the recommendations of Sixth Central Pay Commission have not been adhered to in true letter and spirit. How it has not been adhered to, has not been spelt out in the writ petition. The averments in the counter affidavit filed are equally fake, therefore, respondent-School is directed to pass a speaking order on petitioners' Representation within twelve weeks, if it is received within two weeks from today. The fate of the Representations be made known to petitioners within two weeks thereafter, so that petitioners may avail of the remedy, as available in law, if need be.

With aforesaid directions, this petition is disposed of.

Dasti.

SUNIL GAUR
(JUDGE)

FEBRUARY 01, 2018

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