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

+ W.P.(C) 8922/2017 and CM No.36502/2017

% Date of decision : 17th January, 2018

ADHYAPAK SHAKTI MANCH, DELHI Petitioner

Through : Mr. Ranjit Sharma, Adv.

versus

GOVT OF N.C.T. DELHI AND ANR. Respondents

Through : Ms. Manika Tripathi Pandey
and Mr. Ashutosh Kaushik,
Adv.

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MR. JUSTICE C.HARI SHANKAR

JUDGMENT (ORAL)

GITA MITTAL, ACTING CHIEF JUSTICE

1. This writ petition has been filed by a registered body of Teachers in Delhi, in public interest, complaining that trained graduate teachers (TGTs) under the Directorate of Education are entitled to minimum pay of Rs.17,140/- per month in terms of the Pay Fixation Rules, 2008. However, the respondents are interpreting the rules to mean that only teachers who were appointed on or after 1st January, 2006 are entitled to this minimum pay. So far as the teachers who were appointed prior to 1st January, 2006 are concerned, their pay was fixed on implementation of the VIth Central Pay Commission by multiplying their basic pay as on 1st January, 2006 with 1.86 plus the grade pay which came to less than Rs.17,140/-.

2. The writ petitioner has pointed out that by an order dated 4th

April, 2016 passed in O.A.Nos.2835/2011 and 3217/2014, the Principal Bench of the Central Administrative Tribunal granted the minimum pay of Rs.17,140/- to trained graduate teachers as on 1st January, 2006. The challenge to this order by the Directorate of Education, by way of **WP(C)No.2634/2017 Government of NCT of Delhi & Anr v. Somvir Rana & Ors.**, was dismissed by a Division Bench of this Court by an order passed on 23rd March, 2017. It may be noted that while so deciding, the court had noted its prior judgment dated 4th November, 2016 passed in **WP(C)No.8058/2015, Union of India vs. Malbika Deb Gupta.**

3. The judgment passed by the Division Bench of this court was assailed by the Government of NCT of Delhi before the Supreme Court of India by way of SLP Diary No.23663/2017, **Government of NCT of Delhi & Anr. vs. Somvir Rana TGT (Eng) & Ors.** This challenge was rejected by the Supreme Court of India by the order dated 01.09.2017 directing as follows :

“Delay condoned.

We find that there are several matters in which the aggrieved employees have been going to the Tribunal, then to the High Court and thereafter those matters are brought before this court at the instance of the Union of India/NCT of Delhi.

One the question, in principle, has been settled, it is only appropriate on the part of the Government of India to issue a Circular so that it will save the time of the court and the Administrative Departments apart from avoiding unnecessary and avoidable expenditure.

The present situation is that the stepping up is available only to those who have approached the court. But since the issue has otherwise become final, we direct

the Government of India to immediately look into the matter and issue appropriate orders for granting the pay-scale so that people need not unnecessarily travel either to the Tribunal or the High Court or this Court.

With the above observations and directions, the special leave petitions are dismissed.”

(Emphasis supplied)

4. The present appeal has been necessitated for the reason that despite the clear directions by the Supreme Court of India, the Directorate of Education of the Government of NCT of Delhi is not making available the benefit of the adjudication by the Central Administrative Tribunal, the Division Bench of this court and the Supreme Court available to all identically placed trained graduate teachers (TGTs).

5. Ms. Manika Tripathi Pandey, ld. counsel for the respondents, on instructions, submits that the benefits of the said order, have been made available to 24 teachers who had approached this court.

6. Ld. counsel for the petitioner clarifies that it was only the teachers who were party in the litigation along with **Somvir Rana**, who have been granted the benefits of the order passed.

7. Be that as it may, it cannot be denied that a clear principle was laid down by the Central Administrative Tribunal, which was accepted by this court and affirmed by the Supreme Court of India. The respondents are bound to give the benefit thereof to all similarly placed teachers irrespective of whether they were appointed before or after 1st January, 2006.

8. By the order dated 01.09.2017, the Supreme Court had issued specific directions to the Government of India which must be

complied with. In fact, the denial of the benefits to the similarly placed teachers is not only unfair and unjust, but results in unnecessary and unwarranted litigation. The respondents actually were required to comply with orders not only *qua* the parties to the cases but also *qua* others similarly situated, which would have prevented invoking of the jurisdiction of this court by way of the present writ petition.

9. It is trite that refusal to follow well settled principles of law is contumacious and renders such person liable for appropriate action under the Contempt of Courts Act.

10. In view of the above, it is directed that the respondents shall ensure that the benefits of the order dated 23rd March, 2017 in ***WP(C)No.2634/2017 Government of NCT of Delhi & Anr v. Somvir Rana & Ors.*** and confirmed by the Supreme Court of India by its order dated 1st September, 2017 is granted to all trained graduate teachers (TGTs) who were appointed prior to 1st January, 2006 by fixing their pay at Rs.17,140/- on that date. Such orders shall be passed within a period of three months from today and arrears in terms thereof shall be released positively within a further period of three months thereafter.

11. This writ petition is allowed in the above terms.

ACTING CHIEF JUSTICE

C.HARI SHANKAR, J

JANUARY 17, 2018/mk