

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

Date of Order: May 02, 2018

+ **CONT.CAS(C) 797/2017**

LAKHVINDER KAURPetitioner

Through: Mr. Atul Kumar and Mr.
Abhimanyu Sharma, Advocates

Versus

SAUMYA GUPTA & ORSRespondents

Through: Ms. Prabhsahay Kaur,
Advocate for respondent-GNCTD
& DOE
Mr. Jasmeet Singh and Mr. Aditya
Madaan, Advocates for
respondents No.2 & 3.

+ **CONT.CAS(C) 798/2017**

RAVINDER SINGH SACHDEVPetitioner

Through: Mr. Chetan Anand, Mr. Akash
Srivastava and Mr. Vinod Chauhan
Advocates

Versus

SAUMYA GUPTA & ORSRespondents

Through: Ms. Prabhsahay Kaur, Advocate
for respondent-GNCTD & DOE
Mr. Jasmeet Singh and Mr. Aditya
Madaan, Advocates for
respondents No.2 & 3

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

1. With the consent of learned counsel for the parties, the above-captioned petitions have been heard together and are being disposed of by this common order.

2. Compliance of order of 28th April, 2017 is sought in this petition. Vide aforesaid order, it was directed that service benefits for the period of three years prior to filing of the writ petition and prospectively thereafter, shall accrue to petitioners. A compliance report has been filed by respondents stating that the arrears have been granted to petitioners w.e.f. 19th April, 2014. Learned counsel for respondents No.2 & 3 submits that these petitions were filed on 19th April, 2017 and so, compliance of order of 28th April, 2017 has been made.

3. Learned counsel for petitioners submit that the benefits payable to petitioners as reflected in Annexure P-2 have not been granted. Attention of this Court is drawn to order of Division Bench of this Court in EFA (OS) No. 7/2014 titled *Shambhu Nath Das & Ors. vs. Directors of Education, Govt. of NCT of Delhi (Annexure P-5)* to seek effective compliance.

4. Learned counsel for the respondent-School refutes the aforesaid stand taken on behalf of petitioners and maintains that the compliance of order of 28th April, 2017 has been made.

5. Upon hearing and on perusal of order of 28th April, 2017, I find that the benefit of VIth Pay Commission Recommendations' has been restricted to a period of three years prior to filing of the writ petition. Merely because the writ petitions have been allowed vide aforesaid order of 28th April, 2017, it would not mean that the writ petitions have been allowed as prayed for. While taking note of the observations of Co-ordinate Bench of this Court in paragraph 2 of the order of 28th April,

2017, the writ petitions have been disposed of. Whether the re-fixation of the salary has been done after extending benefit of VIth Pay Commission Recommendation, to a period of three years prior to filing of the writ petition or not, is an aspect which cannot be gone into in the contempt proceedings.

6. In the light of the aforesaid, it appears that the compliance of order of 28th April, 2017 has been substantially made.

7. To set at rest the lingering grievance of petitioners, it is deemed appropriate to permit petitioners to make Representations to the respondent-*Directorate of Education* in respect of the compliance report submitted on behalf of respondent nos. 2 and 3, within a period of two weeks. If such a Representation is received, then the Director of Education shall ensure that the benefit of recommendations of VIth Pay Commission from the period of three years prior to the filing of the writ petition is accordingly granted to petitioners and re-fixation of their pay is accordingly done. The fate of Representation be conveyed to the petitioners within a period of six weeks so that petitioners may file a fresh writ petition, if any discrepancy is found in the compliance report.

8. With the aforesaid liberty, these petitions are disposed of.

(SUNIL GAUR)
JUDGE

MAY 02, 2018
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