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

+ **W.P.(C) 1441/2015**

SIYA RAM RAI & ANR Petitioners

Through: Ms. Ashwarya Sinha, Mr. Alok
Singh, Ms. Priyanka Sinha and Ms.
Athira G. Nair, Advocates

versus

NAVYUG SCHOOL EDUCATION SOCIETY & ANR

..... Respondents

Through: Mr. Tushar Sannu, ASC, NDMC for
R-1
Mr. Nirvikar Verma, Asst. Standing
Counsel for R-2.

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

ORDER

% **05.04.2019**

Vide the present petition, the petitioner seeks direction thereby directing the respondent No. 1 to fix the basic pay of the petitioner at ₹. 13,350/- with effect from 01.01.2006 in accordance with the provisions of the CCS (Revised Pay) Rules, 2008 and the Circular dated 14.11.2014 issued by the Kendriya Vidyalaya Sangathan.

Learned counsel appearing on behalf of respondent No. 2 has produced office order dated 08.03.2019 issued by Deputy Director, Navyug School Educational Society, Hanuman Road, New Delhi whereby it is stated as under:-

“With the approval of the Competent Authority NDMC/NSES O.M.No. 8-23/2017-EIIIA dated 28th September, 2018 issued by Govt. of India Ministry of Finance Department of Expenditure regarding re-fixation of pay in respect of eligible officials under section-II Part-A of the First

Schedule of Revised Pay Rules 2008 effective from 01.01.2006 is adopted and implemented for NSES employees. The operative part of the above referred O.M. is given as under:

“Accordingly, the President is pleased to decide that in respect of those posts where entry pay for direct recruits appointed on or after 01.01.2006, as per Section II of Part A of the First Schedule of CCS(RP) Rules, 2008, becomes applicable by virtue of the provision of the element of direct recruitment in the relevant recruitment rules, the pay of Central government employees who were appointed to such posts prior to 01.01.2006 and whose pay, as fixed in the revised pay structure under Rule 7 thereof as on 01.01.2006 turns out to be lower than the prescribed entry pay for direct recruits of that post, shall not be less than such entry pay w.e.f. 01.01.2006. Likewise, the pay of Central Government employees who were appointed to such posts by way of promotion on or after 01.01.2006 and whose pay, as fixed under Rule 13 of CCS (RP) Rules, 2008, happens to be lower than the said entry pay, shall also not be less than such entry pay from the date of their promotion taking place on or after 01.01.2006.

In the light of the above decision, all heads of Schools are requested to fix the pay of eligible staff working under them w.e.f. 01.01.2006 on prescribed Performa and referred the cases to NSES Head Quarter for checking the same by the Accounts Officer NSES.”

In view of the order dated 08.03.2019, nothing survives in the present petition, the same is, accordingly, disposed of.

I hereby made it clear that if the petitioner is still aggrieved by the order dated 08.03.2019, the liberty is granted to the petitioner to challenge the same before the appropriate Forum.

I is hereby clarified that the order dated 08.03.2019, shall be complied with within six weeks from today.

Order *dasti*.

SURESH KUMAR KAIT, J

APRIL 05, 2019/rhc