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

+ **CONT.CAS(C) 414/2021 & CM APPL. 27126/2021**

BIBHA JOSHI SHARMA Petitioner

Through: Ms. Indrani Ghosh, Advocate.

versus

REKHA AGGARWAL & ANR. Respondents

Through: Mr. Anurag Lakhotia, Advocate.

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+ **CONT.CAS(C) 430/2021**

POONAM SHARMA Petitioner

Through: Ms. Indrani Ghosh, Advocate.

versus

REKHA AGGARWAL & ANR. Respondents

Through: Mr. Anurag Lakhotia, Advocate.

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+ **CONT.CAS(C) 443/2021 & CM APPL. 42202/2021**

RAJEEV KUMAR DHINGRA Petitioner

Through: Ms. Indrani Ghosh, Advocate.

versus

REKHA AGGARWAL & ANR. Respondents

Through: Mr. Anurag Lakhotia, Advocate.

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+ **CONT.CAS(C) 45/2022**

KUTTAMPARAMPATH SUDHA NAIR Petitioner



Through: Ms. Indrani Ghosh, Advocate.

versus

REKHA AGGARWAL & ANR.

..... Respondents

Through: Mr. Anurag Lakhotia, Advocate.

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

08.02.2024

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1. The present petitions have been filed alleging non-compliance of the judgment dated 6th May, 2021 passed in *W.P.(C) 956/2019*, *W.P.(C) 928/2019*, *W.P.(C) 932/2019* and *W.P.(C) 929/2019*. By way of the aforesaid judgment, the respondent-school was directed to re-fix the salaries and other emoluments of the petitioners by applying the revised pay matrix under the 7th Central Pay Commission ("CPC") in accordance with the order dated 19th August, 2016 and circular dated 17th October, 2017 of the Directorate of Education ("DOE"). However, since re-fixation of the salaries was not done by the respondent-school, therefore, the present contempt petitions came to be filed.
2. Per contra, learned counsel appearing for the respondent- school submits that the salary of the petitioners have already been re-fixed as per 7th CPC and all arrears due and payable under the 7th CPC have also been released to the petitioners.
3. However, learned counsel appearing for the petitioners submits that the writ petitions had been filed by the petitioners seeking payment of all the dues which are payable under Section 10(1) of the Delhi School Education Act, 1973.



4. She further submits that by way of the judgment dated 6th May, 2021, the writ petitions of the petitioners were allowed. Therefore, she submits that the petitioners are not only entitled for payment of dues under the 7th CPC, but are also entitled to the dues which include bonus and other pay and allowances in terms of Section 10(1) of the Delhi School Education Act, 1973. Thus, she submits that an application for clarification of the judgment dated 6th May, 2021 has already been filed and is now listed on 23rd February, 2024.

5. I have heard learned counsels for the parties and have perused the record.

6. Perusal of the judgment dated 6th May, 2021 passed in the aforesaid writ petitions shows that there were directions to the respondents to re-fix the salaries and other emoluments of the petitioners by applying the revised pay matrix under the 7th CPC. The directions passed in the judgment dated 6th May, 2021 are reproduced as under:

“xxx xxx xxx

39. Accordingly, the writ petitions deserve to be allowed. The School is directed to re-fix the salaries and other emoluments of the Petitioners applying the revised pay matrix under 7th CPC, in accordance with the order of the DOE dated 19.08.2016 and the Circular dated 17.10.2017, whereby the CCS (Revised Pay) Rules, 2016 were adopted. Petitioners shall be entitled to arrears with effect from 01.01.2016, the date from which the recommendations of 7th Pay Commission have been given effect. The School shall carry out the exercise of refixing the revised salaries and emoluments of the Petitioners within a period of four weeks from today and the payments shall be made accordingly hereinafter.

40. Ordinarily, this Court would have fixed a short time-frame for release of arrears, however, keeping into account the fact that the School is run by a Charitable Trust and the unprecedented effect of the Pandemic Covid-19, the School is given a time-frame of six months to clear the arrears. For the same reason, this Court is not awarding interest on payment of arrears.



xxx xxx xxx”

7. This Court notes that it is the case of the respondents that the salaries of the petitioners have already been re-fixed in terms of the recommendations of the 7th CPC and all arrears have already been paid to the petitioners. As regards the other emoluments including bonus, etc. which the petitioners are claiming, in that regard a clarification application on behalf of the petitioners, is already pending before the writ Court.
8. In view thereof, no further orders can be passed by the Court in the present proceedings. Accordingly, the present petitions are disposed of.
9. However, liberty is granted to the petitioners to revive the contempt petitions in case any clarification is given by the writ Court with respect to the emoluments and allowances to be paid to the petitioners; and if further directions, as may be given by the writ court, are not complied with by the respondents.
10. With the aforesaid directions, the present petitions are disposed of.

MINI PUSHKARNA, J

FEBRUARY 8, 2024

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