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

\+ W.P.(C) 6542/2022

RAJDEEP SINGH AND ORS .....Petitioners

Through: Mr. Anuj Aggarwal, Ms. Divya Aggarwal, Mr. Manas Verma, Mr. Pradeep Kumar, Mr. Avinash Kumar and Ms. Kritika Matta, Advocates.

versus

GOVERNMENT OF NCT OF DELHI AND ORS .....Respondents

Through: Mr. Rishikesh Kumar, Additional Standing Counsel with Ms. Sheenu Priya, Mr. Atik Gill and Mr. Vikas Saini, Advocates for GNCTD.

Mr. Gaurav Dhingra and Mr. Shashank Singh, Advocates for DOE.

Mr. Vivek Kumar Tandon, Ms. Mamta Tandon, Ms. Prerna Tandon, Mr. Harshit S. Gahlot and Mr. Mayank Tiwari, Advocates for R2 to R4.

CORAM:
HON'BLE MS. JUSTICE JYOTI SINGH

O R D E R

% **23.12.2024**

CM APPL. 70847/2024

1. This is an application filed on behalf of the Petitioners seeking early hearing of the writ petition.

2. For the reasons stated in the application, the same is allowed.

3. With the consent of the learned counsels appearing on behalf of the parties, the writ petition is taken for final hearing.

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4. This writ petition has been preferred on behalf of the Petitioners under Article 226 of the Constitution of India seeking a direction to the Respondents No.2 to 4/Lions Public School ('School') to revise the pay of the Petitioners applying the pay matrix as per recommendations of 7^{th} Central Pay Commission ('7^{th} CPC') and grant consequential arrears with interest.

5. Petitioners are regular TGTs/PGTs employed with the School *albeit* Petitioner No.2 was terminated on 29.03.2022 and the termination order has been challenged before the Delhi School Tribunal. Respondent No.1/Directorate of Education (DoE) issued an order on 17.10.2017 directing all private unaided recognised schools to implement 7^{th} CPC in accordance with Section 10(1) of Delhi School Education Act, 1973 ('1973 Act') and aggrieved by non-implementation of 7^{th} CPC as also order of DoE, Petitioners have approached this Court.

6. Mr. Anuj Aggarwal, learned counsel appearing on behalf of the Petitioners submits that pay and allowance of all employees of the School have been revised by the School implementing 7^{th} CPC, however, Petitioners have been deprived of the said pay revision only because they filed this writ petition. It is urged that it is no longer *res integra* that provisions of Section 10(1) of 1973 Act are binding on the School and the present case is covered on all four corners by several judgments of the Supreme Court and this Court and illustratively relies on the judgment of this Court in ***Mukesh Kumar Verma v. Lions Public School and Others, 2022 SCC OnLine Del 5129,*** more particularly, for the reason that it pertains to the same School.

7. Mr. Vivek Kr. Tandon, learned counsel appearing on behalf of the School fairly and candidly does not dispute that Petitioners are entitled to revision of pay under 7th CPC but submits that arrears were not paid on account of financial crunch the School was undergoing. On instructions, it is submitted that the arrears will be cleared by the School but since there is a dispute on the quantum of payments the matter be referred to DoE for working out the amounts outstanding to the Petitioners. Mr. Tandon also urges that the School be permitted to release the arrears in 6 equal instalments. Mr. Aggarwal, appearing for the Petitioners has no objection to this course of action.

8. Indisputably, the School cannot absolve itself of the liability to implement the recommendations of 7th CPC and as rightly pointed out by learned counsel for the Petitioners, this issue is no longer *res integra*. It is agreed on behalf of the School that Petitioners are entitled to pay revision under 7th CPC and the dispute is in a narrow compass with regard to the calculations of the amounts outstanding towards the Petitioners due to revision in their salaries and emoluments. As agreed, DoE will be the appropriate authority to enter into the exercise of calculation of the quantum of arrears.

9. Accordingly, this writ petition is disposed of holding that Petitioners are entitled to pay revisions as per the pay matrix under 7th CPC with effect from 01.01.2016. Director of Education is directed to nominate the Deputy Director of the concerned zone to carry out the exercise of working out the arrears due to the Petitioners on pay revision. For this purpose, the concerned officer so nominated will hold a meeting between the representative of the Petitioners and the School and call for their respective

calculations. Date, time and venue for the personal hearing shall be intimated to the concerned parties, in writing, well in advance. For the purpose of calculation, if necessary, assistance can be taken of a Chartered Accountant, for which the expenses will be borne by the School. After hearing the parties, a report shall be furnished to the respective sides indicating the amounts due to the Petitioners. School shall release the arrears in terms of the report submitted by the Deputy Director concerned.

10. It is directed that the entire exercise shall be completed by the concerned officer within a period of eight weeks from the date of receipt of this order. The amounts so calculated will be disbursed by the School to the Petitioners in six equal instalments beginning from the date of the report. Needless to state that if in the meantime any of the Petitioners have retired, the retiral benefits will be released on the basis of the revised pay. Insofar as Petitioner No.2 is concerned, at this stage, arrears will be released upto the date of her termination and subject to the outcome of the challenge to the termination order for further arrears. In case of any surviving grievance, it would be open to the Petitioners and the School to take recourse to appropriate legal action.

11. Court appreciates the efforts made by Mr. Vivek Tandon in bringing about an early closure to the present writ petition.

JYOTI SINGH, J

DECEMBER 23, 2024/*jg*