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

+ W.P.(C) 9030/2024 & CM APP No. 36969/2024

THOMAS POOVATHOLICKAL KURIANPetitioner

Through: Mr. Mangesh Naik, Advocate.

versus

DIRECTOR OF EDUCATION & ORS.Respondents

Through: Ms.Latika Choudhury, Advocate for
DoE.

Mr. A.K. Mishra, Advocate for R-2 to R-4.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

% **12.07.2024**

1. Present writ petition has been preferred on behalf of the Petitioner under Articles 226 and 227 of the Constitution of India seeking the following reliefs:-

“(a) Issue a Writ of Mandamus or any other appropriate Writ(s), Order or Direction calling upon the Respondents No. 2 to 4 to forthwith pay to the Petitioners the arrears of earned salaries (Rs.15,55,869- Rupees Fifteen Lacs, fifty five Thousand, Eight Hundred & Sixty Nine Only)inclusive of the 6th CPC residual arrears. The claims are in consonance with the Judgment/Order dated 16-11-2021- Lead Case -W.P.(C) 3746/2020 of this Honb'le Court, and Section 10(1) of the Delhi School Education Act, 1973, as also in accordance with the recommendations of 7th Central Pay Commission, effective from January 2016, along with pendent lite interest @9% p.a. (b) Issue a Writ of Mandamus or any other appropriate Writ, Order or Direction directing the Respondent No. 1 to supervise and implement the payment of dues of the Retiree Petitioners, with Section 10(1) of the Delhi School Education Act, 1973 as also in accordance with the recommendations of 7th Central Pay Commission; and”

2. Petitioner was appointed as Multi Tasking Staff (MTS) with Respondent No.2/Guru Harkrishan Public School w.e.f. 03.01.1994 and



resigned on 16.06.2021, owing to a road accident. The grievance of the Petitioner is that he is entitled to the benefits of the 6th CPC and 7th CPC at par with employees of corresponding status in schools run by appropriate Authority under Section 10(1) of Delhi School Education Act, 1973 and in this context relies on the judgments of this Court in ***Kuttamparampath Sudha Nair v. Managing Committee Sri Sathya Sai Vidya Vihar and Another, 2021 SCC OnLine Del 2511*** and ***Shikha Sharma v. Guru Harkrishan Public School & Ors., 2021 SCC OnLine Del 5011***.

3. Mr. A.K. Mishra, learned counsel appearing on behalf of Respondents No. 2 to 4, on instructions, submits that answering Respondents do not dispute the entitlement of the Petitioner for pay revision under 6th CPC and 7th CPC as his case is squarely covered by the judgments relied on. He, however, submits that insofar as arrears under 6th CPC are concerned, the same have been released to the Petitioner and the only issue that remains is with respect to Travelling Allowance and the same shall be paid in accordance with the judgment in ***Shikha Sharma (supra)*** in consonance with 6th CPC recommendations. Insofar as pay revision under 7th CPC is concerned, Mr. Mishra urges that in Contempt Petition No. 131/2022 along with a batch of petitions, the Court has appointed a Forensic Auditor and some other directions are being passed and depending upon the outcome of the proceedings, payments shall be released to the Petitioner. Learned counsel has no objection to this course of action.

4. Writ petition is accordingly disposed of directing Respondents No.2 to 4 to consider the case of the Petitioner for payment of Travelling Allowance in accordance with directions issued by the Court in ***Shikha Sharma (supra)***, within a period of four months from today. Arrears of



salary and allowances under 7th CPC shall be considered and paid as per the directions issued in the batch of petitions, as aforementioned. Pending application also stand disposed of.

JYOTI SINGH, J

JULY 12, 2024/shivam/DU