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

+ **W.P.(C) 10169/2024**

SHIVAKANT SINGH

.....Petitioner

Through: Mr. Mohit Gaurav and Mohd. Yusuf,
Advocates.

versus

DEEP PUBLIC SCHOOL & ORS.

.....Respondents

Through: Mr. Yeeshu Jain, ASC with Ms. Sonu
Kumari, Mr. Rachit Gupta and Mr. Hitanshu
Mishra, Advocates for R-2 and R-3.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

% **25.07.2024**

CM APPL. 41754/2024 (Exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

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3. This writ petition has been preferred on behalf of the Petitioner under Article 226 of the Constitution of India seeking the following reliefs:

“a) issue a writ/order/direction in the nature of mandamus or any other appropriate writ, order, or direction in favor of Petitioner and against Respondent no.1 directing Respondent no. 1 to implement the recommendations of the Civil Service (Revised Pay) Rules, 2016 (7th pay commission) in case of the Petitioner w.e.f. 01.01.2016 and to revise his pay scales and benefits accordingly at par with his counterparts working in the schools of Delhi Government and to pay consequent arrears of wages and benefits along with interest @ 12% per annum; and/or

b) issue a writ/order/direction in the nature of mandamus or any other appropriate writ, order, or direction to declare the suspension of the Petitioner vide order dated 24.12.2018 issued Respondent no. 1 as illegal; and /or



c) issue a writ/order/direction in the nature of mandamus or any other appropriate writ, order, or direction in favor of Petitioner and against Respondent no.1 directing them to pay the regular salary in terms of the Seventh Pay Commission for the period of illegal suspension of the Petitioner (from 24.12.2018 to 08.02.2021), which was set aside by Respondent no. 1 vide a revocation letter dated 08.02.2021; and/or

d) issue a writ/order/direction in the nature of mandamus or any other appropriate writ, order or direction to Respondent nos. 2 & 3 to undertake all such steps and measures as required under DSER Act and Rules, 1973 to implement Central Civil Services (Revised Pay) Rules, 2016 and payment of arrears on Salary; and/or

e) issue any other writ/order/direction which this Hon'ble court may deem fit and proper in the circumstances of the case in the interest of Justice; and

f) allow the present writ petition with cost, in favor of Petitioner and against Respondent no.1.”

4. Petitioner was appointed as a Librarian on 04.07.1997 on probation by Respondent No. 1/School and was confirmed w.e.f. 04.07.1999 vide Office Order dated 07.08.2000. Directorate of Education/Respondent No.3 vide order dated 25.08.2017 directed all private unaided recognized schools of Delhi to implement Central Civil Services (Revised Pay) Rules, 2016 in accordance with Section 10(1) of the Delhi School Education Act, 1973 (hereinafter referred to as the ‘Act’) so as to bring the pay scales, allowances, medical facilities, pension etc. payable to the employees of these schools at par with employees of the corresponding status in schools run by the appropriate authority.

5. Grievances of the Petitioner are two-fold: (a) non-compliance of the order dated 25.08.2017 and consequential non-payment of revised pay scales and other benefits under the 7th CPC w.e.f. 01.01.2016 at par with his counterparts working in Delhi Government Schools; and (b) non-payment of complete allowance during the suspension period. Petitioner contends that



despite the direction issued by the Directorate of Education to implement the 7th CPC recommendations and revise the pay scales and several judgments of this Court holding that payment of revised salary and allowances under the Pay Commission's recommendations are statutory obligations, no steps have been taken by Respondent No.1 to pay the revised salary and allowances to the Petitioner. Insofar as the suspension is concerned, it is urged that Petitioner was illegally suspended on 24.12.2018 and although suspension was revoked on 08.02.2021 but all dues of the Petitioner towards enhanced subsistence allowance have not been paid.

6. Issue notice.

7. Mr. Yeeshu Jain, learned Additional Standing Counsel accepts notice on behalf of Respondents No. 2 and 3.

8. From a reading of the petition, it is clear that Petitioner seeks revised salary and allowances under 7th CPC and allowances allegedly payable for the suspension period. No order has been passed by the school till date spelling out the reasons for denial of the revised salary and allowances and the suspension allowance. Therefore, in my view, it would be appropriate at this stage to dispose of this petition with a direction to Respondent No.1 to treat this petition as a representation and take a decision on the grievances ventilated by the Petitioner. Needless to state the decision with respect to revision in salary and allowances under 7th CPC will be taken in light of Central Civil Services (Revised Pay) Rules, 2016, Section 10(1) of the Act and wealth of judicial precedents on the subject. Likewise, decision shall be taken on the suspension period keeping in view the relevant provisions and the law on the subject.



9. Decision shall be taken by the school within a period of six weeks from today and a reasoned and speaking order shall be passed, which shall be communicated to the Petitioner, who will be at liberty to take recourse to legal remedies, in case of any surviving grievance.
10. Petition stands disposed of.

JYOTI SINGH, J

JULY 25, 2024/jg/shivam