



2025:DHC:11558-DB



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

Date of decision: 15.12.2025

+ W.P.(C) 9954/2022
HARISH VATS & ORS.

.....Petitioners

Through: Mr. Varun Mudgil, Mr. Rakesh Kumar, Ms. Garima Anand, Mr. Ansh Sharma and Ms. Eti Kushwaha, Advocates.

versus

UNION OF INDIA & ANR.

.....Respondents

Through: Mr. Vedansh Anand, SPC with Mr. Kush Garg, Advocate for UOI.
Mrs. Avnish Ahlawat, SC with Mr. Nitesh Kumar Singh, Ms. Aliza Alam and Mr. Mohnish Sehrawat, Advs. for DoE.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA
HON'BLE MS. JUSTICE MADHU JAIN

NAVIN CHAWLA, J. (ORAL)

1. This petition has been filed by the petitioners, praying for the following reliefs:

“a) Issue an appropriate writ, order or direction in the nature of Certiorari to quash the impugned Order Dated 09/03/2022, in the matter of Harish Vats & Ors. Vs Department



of Expenditure & Anr., passed by Ld. Central Administrative Tribunal, PB, New Delhi in O.A/497/2022; &/or

b) Issue an appropriate writ, order, or direction to the Respondent No.2 to declare that the impugned action on the part of Govt. of NCT of Delhi, Respondent No.2 herein, in not paying the proper Dearness Allowances to the Petitioners, who are working as Part-Time Vocational Teachers as payable to their regular counter parts/Post Graduate Teachers (PGT's), is illegal, arbitrary, unjustified and is in violation of A.14 & 21 of the Constitution of India; &/or

*c) Issue an appropriate writ, order, or direction to the Respondent No.2 to Declare that the Petitioners are entitled to increase in DA twice a year in consonance with the increase in DA as given to the regular PGTs retrospectively w.e.f. January 2013 till date and, accordingly, direct the Respondent No.2 to continue to pay appropriate DA on the principles of equal pay for equal work, in accordance with law and as per the Judgment of the Hon'ble Supreme Court in **State of Punjab & Ors. Vs. Jagjit Singh & Ors. (2017) 1 SCC 148; &***

d) Issue an appropriate writ, order, or direction to the Respondent No.2 to pay the arrears of salary to the Petitioners on account of revision in DA along with interest @ 18% per annum thereupon; &

e) Pass such order or further order(s) including order in respect of costs of the petition as may be deemed fit and proper in the facts and circumstances of the present case.”

2. The learned counsel for the petitioners confines his relief only to the due implementation of Notification No. F.DE-45/(847)/VE/2008/615-29 dated 25.07.2013, which reads as follows:

*“ Government of National Capital Territory of Delhi
Directorate of Education: Vocational Education Branch*



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Plot No.5, Jhandewalan, Karol Bagh, New Delhi-110005

No. F.DE-45/(847)/VE/2008/615-29

Dated: 25.07.2013

NOTIFICATION

In exercise of the powers conferred by proviso to Article 309 of the Constitution read with Govt. of India, Ministry of Home Affairs Notification No. 27/50-lim(l), dated 13.07.1959, the Lt. Governor of the National Capital Territory of Delhi is pleased to notify the decision of Council of Ministers regarding the enhancement of the remuneration which was approved by the Govt. of NCT of Delhi vide Cabinet Note in para 18 of the Cabinet Decision- No. 2005 dated 09.04.2013, conveyed by Order No. F.3/2/20 13-GAD/CN/Pt. File-l-1702- 1714. dated 11.04.2013 issued by the General Administrative Department, Govt. of NCT of Delhi, subject to the following conditions: -

S.No.	Category	Existing Remuneration upto 01.05.2013	Enhanced Remuneration w.e.f. 02.05.2013
1.	631 Part Time Vocational Teachers on contract basis who are qualified as per the RR's of the PGT (Vocational) as notified in the year 1995.	Rs. 13,160/- p.m.	Rs. 23,265/- p.m. (9300+4800+ DA. 65% due on 01.01.2012)
2.	117 Part Time Vocational Teachers on contract basis who are not qualified as per RR's of the PGT (Vocational) as notified in the year 1995.	Rs. 11,140/- p.m.	Rs. 11,140/- p.m.

1. The consolidated Remuneration per month being paid to the Part Time Vocational Teachers deployed in the Govt. schools of the Directorate of Education, Govt. of NCT of Delhi, is hereby revised/enhanced as under for the Academic year i.e. 2013-14.
2. Increase in Dearness allowance will be given once in a year based on increase in Dearness Allowance.
3. The Vocational Part Time Teachers will be entitled to get Eight Casual Leaves during the complete academic year.
By order in the name of the Lt. Governor of National Capital Territories of Delhi.

Sd/-
(Neelam Verma)
Addl.DE(Voc.)”

Signature Not Verified

Signed By:RENUKA W.P.(C) 9954/2022
NEGI
Signing Date:18.12.2025
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4. This Court, in its order dated 23.01.2024, noted that there is an anomaly in the manner in which the Dearness Allowance announced by the Central Government is being paid to the petitioners. We quote from the order as under:-

“1. Pursuant to the last order, the Officiating Director of Education is present in Court and submits that the Dearness Allowance (DA) which is announced by the Central Government for its employees every year once in January and again in July is not taken into consideration for fixing the remuneration to the petitioners. This he claims is because the sanction for the petitioners’ re-engagement is obtained from the Hon’ble Lieutenant Governor in December or January, which is prior to the announcement of the DA by the Central Government. He, however, submits that this DA is taken into consideration for determining the remuneration which is to be paid in the next financial year.

2. Having considered the aforesaid submissions, it is evident that due to the procedure adopted by the respondents, the benefit of the DA announced by the Central Government is given to the petitioners after a delay of more than fifteen months and therefore, the petitioners receive remuneration without taking into account the DA announced during the period of their engagement. This DA is, however, taken into consideration for calculating the remuneration of the petitioners for the next financial year. It is thus evident that the respondents are depriving the petitioners from their due entitlement to DA for almost fifteen months despite the categorical cabinet decision to extend the benefit of DA to them. We, therefore, have no doubt in our minds that the respondents are not paying their rightful dues to the petitioners by adopting this methodology.”



5. The respondent thereafter filed an additional affidavit dated 14.02.2024, explaining the manner in which the Dearness Allowance is being released to the petitioners. For the sake of convenience, we reproduce the relevant extracts therefrom as follows:

“11. That it is pertinent to mention that answering respondent is following the directions of Cabinet Decision No. 2005 dated 09/04/2013 conveyed by the Secretary to the Cabinet on 11/04/2013 and paying the Dearness Allowance as applicable at the time of submitting the proposal for the approval of Hon'ble LG on the rate of Dearness Allowance applicable on last year of December month. For the financial year 01/04/2023 to 31/03/2024, the DA of December 2022 i.e. 38% has been approved and accordingly total remuneration payable is Rs. 65688/- to Qualified PTVTs and Rs. 61962/- to Non-Qualified PTVTs.

12. That it may also be pointed out that although the consolidated remuneration is paid after adding DA. Vide memo dated 20.01.2017 issued by the Finance (Accounts) Department GNCTD under the signatures of Special Secretary Finance it has been reiterated that as per CCS (Revised Pay) Rules, 2016 remuneration of persons engaged on contract basis/whose contract is renewed on or after 16.08.2016, the DA is added so as to ensure that the remuneration payable to the person engaged on contract basis is on uniform rate. This rate shall remain same till the expiry of the contract period. However, such consolidated remuneration can be revised by adding revised DA at each occasion of fresh contract. Copy of the OM is annexed as Annexure CM-8 (Page No.98-102) From the above it is evident that as per the policy of the Government and the cabinet decision the Petitioners are being paid remuneration by adding DA every year after the contract is



over and renewed.”

6. The learned counsel for the petitioners submits that the increase in Dearness Allowance is granted twice a year by the Central Government, that is, in January and July of a calendar year. He submits that merely because the file seeking sanction from the Hon'ble Lieutenant Governor for the continuation of the contractual employment of the petitioners for the next financial year is initiated in December of the preceding year, the petitioners are denied the increase in Dearness Allowance that takes effect in January of the subsequent year, even though their contractual employment is extended from April of the subsequent year. He submits that this does not amount to due implementation of the notification dated 25.07.2013.

7. On the other hand, the learned counsel for the respondents submits that the case of the petitioners was based on parity with regularly appointed TGT (Vocational). She submits that these posts were abolished in the year 2021 and, therefore, the claim of parity no longer subsists. She further submits that the petitioners' claim for regularization has also been dismissed and, therefore, the present petition has no merit and deserves to be dismissed.

8. We have considered the submissions made by the learned counsels for the parties.

9. From the above and on a bare perusal of the notification dated 25.07.2013, it is evident that a decision was taken to grant an increase in Dearness Allowance “once in a year, based on the increase in Dearness Allowance,” to the petitioners, who are appointed as Part-



Time Vocational Teachers on a contractual basis as PGT (Vocational). The contractual engagement of the petitioners is from April of a given year till March of the subsequent year.

10. It is also not in dispute that the Central Government announces increase in Dearness Allowance in January and July of a calendar year.

11. Therefore, merely because the respondents initiate the file seeking approval of the Hon'ble LG for extension of the contractual term of the petitioners in December of the preceding year, the petitioners are denied the Dearness Allowance increase announced in January of the subsequent year, even though their contractual period commences from April of the subsequent year. This, in our view, does not amount to due implementation of the notification dated 25.07.2013, which entitles them to be granted one increase in Dearness Allowance in a year.

12. The claim of the petitioners is neither based on parity with regularly appointed PGT (Vocational) nor on regularization, but on due implementation of the notification dated 25.07.2013, in which we find merit. Therefore, the objection raised by the learned counsel for the respondents is without substance.

13. Accordingly, the present petition is disposed of with a direction that the respondents shall grant Dearness Allowance as applicable as on April of a given year when the contracts of the petitioners are extended.

14. In view of the financial implications, if this decision was to be implemented retrospectively, we decline to grant retrospective effect



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to the present judgment. The benefit of the present judgment shall, therefore, be applied prospectively, that is, with effect from 01.01.2026, however, for the persons whose services were extended with effect from 01.04.2025.

15. The petition is disposed of in the above terms.

NAVIN CHAWLA, J

MADHU JAIN, J

DECEMBER 15, 2025/SH/rm/DG