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

+ W.P.(C) 9501/2024
SH VINAY KUMAR

.....Petitioner

Through: Mr. Nitin Goel, Advocate.

versus

GURU NANAK PUBLIC SCHOOL AND ORSRespondents

Through: Mr. Naginder Benipal, Mr. Ankit Siwach, Mr. Udit Vaghela, Mr. Jaskaran Singh, Mr. Arjun Bliyan, Mr. Sarthak Sethi, Advocates for R-1.

Mr. Mohit Kumar Daraad, Mr. Keshav Pawar, Ms. Manya Kaushik, Advocates for R-4.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **14.10.2025**

CM APPL. 64610/2025 (for early hearing)

This application seeking early hearing of the writ petition filed by the petitioner.

For the reasons stated, the application is allowed, and the writ petition is taken on Board.

W.P.(C) 9501/2024

1. By way of this writ petition under Article 226 of the Constitution, the petitioner, who was employed as a member of the non-teaching staff of respondent No. 1 – Guru Nanak Public School [“the School”] from 01.08.1987 until 30.04.2024, challenges the order dated 30.04.2024, by



which he was retired from service. It is contended that the retirement was premature, as the petitioner was only 58 years old at the time, whereas he was entitled to continue in service until attaining the age of 60 years.

2. In addition to challenging the retirement, the petitioner seeks consequential relief in the form of back wages, and further prays for the benefits of the recommendations of the 6th and 7th Central Pay Commission [“CPC”] with effect from 01.01.2016.

3. Mr. Nitin Goel, learned counsel for the petitioner, submits that the petitioner intends to approach the Delhi School Tribunal [“the Tribunal”] under Section 8(3) of the Delhi School Education Act, 1973, to challenge the order of retirement, which the petitioner assails as premature.

4. The petitioner is permitted to file such an appeal, and if filed within four weeks from today, the Tribunal is requested not to reject it on the ground of limitation or delay. It is clarified that this Court has not expressed any opinion on the merits of the dispute.

5. The only other contention raised in this writ petition concerns the implementation of the 6th and 7th CPC recommendations for the period up to 30.04.2024, during which the petitioner admittedly served in the School. The petitioner claims payment of the balance salary and other emoluments in accordance with the CPC recommendations through a legal notice dated 04.06.2024 and representation dated 19.06.2024 submitted to the School. In this regard, reference is made to paragraphs 13 to 18 of the writ petition and grounds 2 and 3. The relevant prayers, (B), (D), and (G), are set out as follows:

“B. Pass an order or directions in favor of the Petitioner and against the Respondent No.1 to pay Full last drawn salary to the Petitioner from the month of impugned order dated 30/4/2024 till 31/12/2025 (the month the Petitioner is



supposed to reach at the age of superannuation/retirement on attaining age of 60 years).

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D. Issue an appropriate writ, order or directions thereby directing the respondent No.1/ school to implement the 7th CPC recommendations as directed by the Respondent No.3 vide order dated 17.10.2017 w.e.f 1.1.2016 and pay the arrears of salary, arrears of allowances and other benefits including arrears of DA in terms of 7th CPC and in terms of section 10 of the Delhi School Education Act 1973 with all the consequential benefits along with interest at the rate of 24 percent PA thereupon till payment to the Petitioner.

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G. Issue an appropriate writ, order or directions thereby directing the respondent No.1/ school to pay the arrears of DA of the 6th CPC with interest at the rate of 24 percent PA w.e.f 1.1.2006 till payment to the Petitioner.”

6. The counter affidavit, was initially directed to be filed on 12.07.2024, but has only been filed on 20.09.2025, and not been brought on record. Learned counsel for the School handed over a copy in Court, which is taken on record.

7. The affidavit does not dispute the petitioner’s entitlement to salary and other emoluments under the CPC, and the only issue pertains to the age of his retirement.

8. Since the petitioner has been relegated to seek remedies before the Tribunal regarding his retirement, his monetary claims are, at present, restricted to the period up to 30.04.2024, when he was served with the impugned retirement order. For this period, the School has not disputed his entitlement to pay and allowances in accordance with the CPC.

9. In view of the above, the writ petition is disposed of with a direction to the School to compute the balance amounts due to the petitioner under the 6th and 7th CPC upto 30.04.2024, and remit the admitted amounts alongwith a computation within three months from today. A copy of the computation also be filed with the concerned Deputy



Director, Directorate of Education [“DoE”]. In the event the petitioner has any grievance regarding the computation, he will first approach the Deputy Director, DoE, who may reconcile the amounts after providing both parties an opportunity to make representations. The rights and remedies of the parties with regard to the computation of amounts are reserved.

PRATEEK JALAN, J

OCTOBER 14, 2025

“Bhupi/sd”/