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

\+ W.P.(C) 6787/2022 & CM APPL. 20626/2022

SANJEEV KUMAR .....Petitioner

Through: Ms. Kritika Matta, Ms. Bhumica Kundra, Advocates.

versus

HARDAYAL MUNICIPAL HERITAGE PUBLIC LIBRARY & ORS. .....Respondents

Through: Mr. Arjun Mahajan, SC for MCD with Mr. Apoorv Upmanyu, Mr. Harsh Vashisht, Advocates.
Mr. Yogesh Sharma, Counter clerk of R-1.

\+ W.P.(C) 10609/2022, CM APPL. 30728-30729/2022, CM APPL. 49239/2023 & CM APPL. 75403/2024

MUKESH SHARMA & ORS. .....Petitioners

Through: Ms. Kritika Matta, Ms. Bhumica Kundra, Advocates.

versus

HARDAYAL MUNICIPAL HERITAGE PUBLIC LIBRARY & ANR .....Respondents

Through: Mr. Arjun Mahajan, SC for MCD with Mr. Apoorv Upmanyu, Mr. Harsh Vashisht, Advocates.
Mr. Yogesh Sharma, Counter clerk of R-1.

\+ W.P.(C) 7459/2024 & CM APPL. 75401/2024

SONU SHARMA & ORS. .....Petitioners

Through: Ms. Kritika Matta, Ms. Bhumica Kundra, Advocates.

versus

HARDAYAL MUNICIPAL HERITAGE PUBLIC LIBRARY & ORS. .....Respondents

Through: Mr. Shivam Sachdeva, Additional Standing Counsel for MCD.
Mr. Yogesh Sharma, Counter clerk of R-1.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

<u>O R D E R</u>

% 15.01.2026

1. These petitions arise from a recurring grievance. The Petitioners were appointed as Librarian with Hardayal Municipal Heritage Public Library which is an autonomous body with 100% grant-in-aid from Delhi Municipal Committee. The consistent complaint has been that salaries are not released with any regularity, compelling repeated recourse to this Court.

2. In the present round, the Petitioners seek directions to Respondent No. 1 to release the outstanding salary arrears and to ensure regular monthly payment. In W.P.(C) 6787/2022 and W.P.(C) 10609/2022, arrears linked to the implementation of the 7th Central Pay Commission were also claimed.

3. The record reflects that Respondent No. 1 has, at different stages, expressed inability to release salaries on the ground that funds had not been received from MCD. This Court has already intervened on more than one occasion. In W.P.(C) 6787/2022 and W.P.(C) 10609/2022, by order dated 15th May, 2024, this Court directed MCD to release arrears of salaries for the

unpaid months from April, 2021 up to 31st May, 2024 within fifteen days and observed that procedural issues concerning the utilisation certificate could be attended to thereafter. The order reads as follows:

"1. In terms of the order dated 09.02.2024, Mr. Apoorv Upmanyu, learned counsel for respondent no.2/MCD submits that despite number of reminders sent to the respondent no.1/Hardayal Municipal Heritage Public Library, in respect of the directions passed by this Court, the said respondent no.1 responded only in the month of April 2024 with certain documents. The utilization certificate has been also furnished. However, according to learned counsel for MCD, the same has not been attested by the Chartered Accountant and as such cannot be considered to be an authenticated document.

2. Per Contra, Mr. Tushar Sannu, learned counsel for respondent no.1 submits that all letters were responded to by respondent no.1 and utilization certificate has also been furnished, however, there was never a requirement for the said utilization certificate to be attested by the Chartered Accountant. Furthermore, he submits that the financial situation of respondent no.1 is so grim that they are unable to engage the services of a Chartered Accountant for the said purposes.

3. Mr. Anuj Aggarwal, learned counsel for the Petitioners submits that the employees of respondent no.1 have received salaries only for 5 months from the month of April, 2021 till date which shows a pathetic trend in the Government department and its instrumentalities.

4. Having regard to the penurious and distressed financial condition of the Petitioners who have to survive with a salary of 5 months in a period from April, 2021 till April, 2024, which is 3 long years, this Court pained to even imagine how they would have survived for so many months without salary.

5. The issue of furnishing of utilization certificate attested by a Chartered Accountant can be done even at a later stage. As of now, this Court cannot countenance a situation where the employees of an Instrumentality of respondent no.2 are left to starve on the roads.

6. The High Courts in India are Superior Courts of record. They have original and appellate jurisdiction. They have inherent and plenary powers. Unless expressly or impliedly barred, and subject to the appellate or discretionary jurisdiction of the Supreme Court, the High Courts have unlimited jurisdiction, including the jurisdiction to determine their own powers. The aforesaid observations can be fortified with the enlightening observation of the nine-Judge Bench of the Supreme Court in Naresh Shridhar Mirajkar vs. State of Maharashtra reported as AIR 1967 SC 1.

7. In that view of the matter, this Court exercises plenary powers directing respondent no.2 to release arrears of salaries of the Petitioners *for the time being for the unpaid months from April, 2021 uptil 31.05.2024. The respondent no.1 shall immediately upon receipt of funds, first pay all the arrears of salaries of Petitioners and other employees and only thereafter engage the services of a Competent Chartered Accountant and get all the requisite documents attested in accordance with law and provide the same to Municipal Corporation of Delhi. The Municipal Corporation of Delhi, may thereafter, consider the said documents and proceed in accordance with law.*

8. The arrears of salaries to the Petitioners shall be released within 15 days from today, failing which the senior officers of the MCD as also the respondent no.1 shall be present in person to personally answer for such delay, if at all.

9. The officers of both the Instrumentalities are expected to coordinate with each other and in any case hold a meeting on the date and time as convenient to them.

10. List for compliance on 29.10.2024."

4. In W.P.(C) 7459/2024, by order dated 22nd May, 2024, notice was issued and the Respondents were directed to take note of the order dated 15th May, 2024 and to endeavour release of salary arrears in that petition as well.

5. Since compliance did not follow, contempt petitions were filed. By order dated 18th December, 2024, the Additional Deputy Commissioner, MCD, assured this Court that the outstanding arrears of pay and allowances would be released on or before 15th April, 2025 (including emoluments up to 31st March, 2025). That assurance was taken on record with liberty to revive contempt in the event of non-compliance:

"CONT.CAS(C) 1691/2024, CONT.CAS(C) 1692/2024 and CONT.CAS(C) 1738/2024

1. Mr. Navin Kumar, Additional Deputy Commissioner, MCD is present in Court and assures the Court that outstanding arrears of pay and allowances of the Petitioners shall be released on or before 15.04.2025, which will include emoluments upto 31.03.2025. The assurance and undertaking given by Mr. Kumar is taken on record and he has been explained the consequences of not abiding with the assurance given.

2. At this stage, Mr. Navin Kumar submits that despite requests, Respondent No.1/Hardayal Municipal Heritage Public Library has not furnished the details of the employees to whom the salaries have to be paid and therefore, a direction be issued to Respondent No.1 to furnish

the details without any delay so that necessary action can be taken by MCD.
3. Accordingly, it is directed that MCD shall requisition the required details from Respondent No.1 for processing the release of salaries and emoluments of the Petitioners and on receipt of the requisition, Respondent No.1 shall furnish the necessary details including the complete particulars of the Petitioners and the period for which they have been employed. This exercise shall be completed within four weeks from the date of receipt of this order and thereafter, as assured, MCD will release the money so that salaries can be disbursed to the Petitioners on or before 15.04.2025.
4. In view of the assurance given by MCD, contempt petitions are disposed of with liberty to the Petitioners to revive the petitions in case of any non-compliance.
W.P.(C) 6787/2022, W.P.(C) 10609/2022, W.P.(C) 9972/2022 and W.P.(C) 7459/2024
5. List on 02.04.2025."

6. It is now stated, and is not disputed, that salaries up to 31st March, 2025 have been released. The surviving grievance is that salaries from April, 2025 onwards have again not been paid with regularity, leading to yet another request for directions.

7. Mr. Arjun Mahajan, Standing Counsel for MCD, submits that the grant-in-aid is released on an annual basis. The amounts towards salaries are disbursed to Respondent No. 1 upon receipt of requisitions, and that Respondent No. 1 decides the manner in which the grant-in-aid is utilised.

8. As regards the 7th Central Pay Commission component, Respondent No. 1 states in their counter affidavit that the 7th CPC was implemented only with effect from 1st March, 2019, and therefore no arrears are payable prior thereto. The implementation date of 1st March, 2019 is not in dispute. In view of this position, the controversy on 7th CPC arrears does not survive beyond ensuring that salaries are released at the implemented scale and are not withheld.

9. Salary is not a matter of grace. Where an employee is required to work, timely payment of wages is the most basic incident of public employment. A prolonged or recurring failure to pay salary strikes at dignity and subsistence. Courts have consistently recognised that deprivation of livelihood, without authority of law, engages the protection of Article 21. A public body cannot normalise a regime where employees are made to function under continuing uncertainty as to whether the next month's salary will be paid.

10. The explanation that funds have not moved from one public authority to another does not answer the Petitioners' grievance. Administrative friction between instrumentalities cannot be allowed to translate into a sustained denial of wages. The Supreme Court has repeatedly cautioned that "lack of funds" is not a defence to avoid performance of public duties. ***Municipal Council, Ratlam v. Vardichan & Ors.***[1] is instructive on this point. Once a public duty exists, fiscal or procedural constraints may shape the manner of compliance, but cannot justify non-compliance to the prejudice of citizens.

11. Here, Respondent No. 1 is an autonomous body funded through grant-in-aid. MCD states that it releases amounts on requisition and expects utilisation documentation. Respondent No. 1, on the other hand, attributes delay to MCD. This inter se positioning cannot be permitted to re-create, year after year, the same human consequence, namely, employees working without regular pay.

12. It also requires emphasis that the orders dated 15th May, 2024 and 18th December, 2024 were intended to break this cycle. Compliance was secured

up to 31st March, 2025. The recurrence of arrears immediately thereafter indicates that a clearer operational protocol is required, backed by accountability, so that salary disbursal does not depend on repeated court directions.

Directions

13. In view of the above, and since the only surviving grievance is non-release of salaries on a regular basis, the following directions are issued:

(i) Respondent No. 1 shall, within ten days from today, furnish to MCD a month-wise statement of unpaid salary from April, 2025 onwards, with employee-wise particulars.

(ii) MCD shall, within four weeks of receipt of the complete statement as above, release to Respondent No. 1 the funds earmarked for payment of salary arrears from April, 2025 onwards up to the month immediately preceding the release. The release shall be treated as salary-specific grant and shall not be diverted to any other head.

(iii) Respondent No. 1 shall disburse salaries to the Petitioners within seven working days of receipt of the salary-specific funds from MCD, and shall file a short compliance affidavit exhibiting proof of disbursal.

(iv) For prospective monthly payments, the following protocol shall be followed until further orders or until an institutional arrangement is framed by the Respondents:

(a) Respondent No. 1 shall raise a requisition for the next month's salary in a timely manner of each month, supported by a simple employee-wise salary sheet.

(b) MCD shall process the requisition and release the salary component

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[1] (1980) 4 SCC 162.

on or before the 7th day of the succeeding month.

(c) Respondent No. 1 shall ensure that salary is credited to the employees on or before the 10th day of the month.

(v) Respondent No. 1 shall furnish all pending utilisation certificates, including those required by MCD for processing grant-in-aid, within six weeks.

14. It is clarified that if there is default in compliance with the timelines in paragraph 13, the officer responsible for such default in each Respondent organisation shall be personally accountable, and the Petitioners shall be at liberty to initiate contempt, in addition to such other remedies as may be available in law.

15. In view of the above directions, the petitions, along with pending applications, if any, are disposed of.

SANJEEV NARULA, J

JANUARY 15, 2026/ab