

# Rajeev Kumar Dhingra vs Managing Committee Sri Sathya Sai Vidya ... on 8 February, 2022

**Author: Yogesh Khanna**

**Bench: Yogesh Khanna**

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\* IN THE HIGH COURT OF DELHI AT NEW DELHI  
+ W.P.(C) 2362/2022  
RAJEEV KUMAR DHINGRA

Through : Ms.Indrani Ghosh, Advocate

versus

MANAGING COMMITTEE SRI SATHYA SAI VIDYA VIHAR &  
ANR.

Through : Mr. V. Balaji, Panel Advocate  
Ms Neha Singh, Advocate  
Mr.Rizwan with Ms.Lakshmi  
and Ms.Ankita Gaba, Advocate  
Respondent No. 2/D0E.

CORAM:  
HON'BLE MR. JUSTICE YOGESH KHANNA  
ORDER

% 08.02.2022

1. The hearing has been conducted through Video Conferencing.

2. This petition is filed with following prayers :

(a) Pass a writ, order or direction in the nature of declaration declaring that the Respondent school was bound to pay the arrears of 6 CPC dues from 01/01/2006 after proper pay fixation regarding which the Hon'ble Court in WP(C) 929/2019 was misled by a false affidavit dt. 23/11/2019 of the school, revealed in July-Aug 2021 when Respondent school tried to re-

fix salaries as per 7th CPC at a lower level taking advantage of their false affidavit, regarding 6 CPC pay fixation;

(b) Pass a writ, order or direction in the nature of mandamus commanding the Respondent school to pay the arrears of 6% CPC due from 01/01/2006 regarding which the Hon'ble Court was deliberately misled through a false affidavit filed by the school in WP(C) 929/2019, revealed only in

July-Aug 2021 when the Respondent school tried not re-fix salaries as per 7 CPC by taking advantage of their false affidavit, regarding 6 CPC pay fixation, filed in WP(C) 929/2019;

(c) Pass a writ, order or direction in the nature of mandamus commanding the Respondent No.2 to take action against the Respondent school for not abiding by the provisions of the Act & Rules which is a precondition for any recognised school to continue to be recognised under Rule 50 of the Rules.

3. It is the submission of learned counsel for the petitioner that they earlier filed writ petitions (civil) No. 928/2019, 929/2019, 932/2019 and 956/2019 directing the respondent-school to pay the salaries as per the recommendations of 6th and 7th Central Pay Commission at par with their contemporaries in the Government and Government aided schools invoking provisions of Section 10(1) of the Delhi School Education Act, 1973.

4. The directions were sought against the Director of Education also.

5. The petitions were decided by a common order dated 06.05.2021 holding as follows :

39. Accordingly, the writ petitions deserve to be allowed. The School is directed to re-fix the salaries and other emoluments of the Petitioners applying the revised pay matrix under 7th CPC, in accordance with the order of the DOE dated 19.08.2016 and the Circular dated 17.10.2017, whereby the CCS (Revised Pay) Rules, 2016 were adopted. Petitioners shall be entitled to arrears with effect from 01.01.2016, the date from which the recommendations of 7th Pay Commission have been given effect. The School shall carry out the exercise of refixing the revised salaries and emoluments of the Petitioners within a period of four weeks from today and the payments shall be made accordingly hereinafter.

40. Ordinarily, this Court would have fixed a short time-frame for release of arrears, however, keeping into account the fact that the School is run by a Charitable Trust and the unprecedented effect of the Pandemic Covid-19, the School is given a time-frame of six months to clear the arrears. For the same reason, this Court is not awarding interest on payment of arrears.

41. The writ petitions are allowed and disposed of, along with the pending applications.

6. It is the submission of learned counsel for the petitioner that six month's time was given to the school to refix their salaries and other emoluments of the petitioners applying the revised pay matrix under the 7 th CPC in accordance with order of DoE and circular etc.

7. The school sought extension but the same was refused.

8. Thereafter the contempt petition was also filed to refix the salaries. It is submitted that though the petitioners got their salaries but later they found the arrears which were being given to them were

not as per the recommendations of the 6th and 7th Pay Commission.

9. It is stated as per the formula for fixing of basic pay as on 01.01.2006 would have fixed the minimum basic pay for TGTs at Rs.12,540/- but the school wrongly fixed it at Rs.11,532/-, therefore, the difference occurred w.e.f. 01.01.2006.

10. It is stated the complaint in this regard was made to the DoE but no action has been taken as yet.

11. Learned counsel for DoE appears on advance notice and it is submitted that they are in receipt of complaint dated 28.12.2021 filed by the petitioners herein qua fixation of arrears as per the recommendations of CPC. It is stated they would analyse the matter and would pass an speaking order after giving an opportunity of being heard to the petitioner as well the school prior to deciding the representation. They shall file an affidavit in this regard with due calculations within 12 weeks from today.

12. Since none has appeared on behalf of school, let notice be issued to the school/respondent No.1 by all modes/e-mail and whatsapp returnable before the Registrar on 20.07.2022

13. Copy of this order be sent to the respondent No.1 so that they may appear before the DoE and may assist DoE in terms of para No.11 above.

14. Upon completion of pleadings, the matter be listed before this Court.

YOGESH KHANNA, J.

FEBRUARY 08, 2022 VLD