

(2023) 03 DEL CK 0062

In the Delhi High Court

Case No : Civil Writ Petition No. 2923 Of 2023

Lt Mr Dev Dutt Sharma Through Ms Sadhna Sharma W/O Lt Mr Dev Dutt Sharma APPELLANT

Vs

Managing Society National Public School And Ors. RESPONDENT

Date of Decision : 10-03-2023

Acts Referred:

Delhi School Education Act, 1973 — Section 10

Citation : (2023) 03 DEL CK 0062

Hon'ble Judges : Jyoti Singh, J

Bench : Single Bench

Advocate : Gaurav Bharadwaj, Pranut Sharma, Manish Narang, Yeeshu Jain, Jyoti Tyagi, Manisha

Final Decision : Disposed Of

Judgement

Jyoti Singh, J

C.M. APPL. 11378/2023 (exemption)

1. Allowed, subject to all just exceptions.

2. Application stands disposed of.

W.P.(C) 2923/2023

3. Present writ petition has been filed seeking the following reliefs:-

"a) Writ of mandamus or any other writ/order and/or direction/directions of like nature, thereby, directing respondents no. 1 to 3 to release / pay arrears pertaining to salary, DA and other such benefits / allowances of the petitioner according to 7th Pay Commission Scheme which is applicable to the case of the petitioner after duly calculating the arrears along with interest @ 18% p.a. till the date of realisation of the afore said.

b) Pass any other or further order/s which this hon'ble court may deem fit and

proper in the interest of justice.”

4. Petitioner’s late husband Sh. Dev Dutt Sharma was working as Physical Education Teacher in National Public School/Respondent No. 1 to 3 for over 30 years. Unfortunately, Late Sh. Sharma met with an accident on 10.08.2022 and died due to fatal injuries sustained in the accident. Petitioner’s husband was a sole bread earner in the family and all his legal heirs were dependent on him.

5. The grievance of the Petitioner ventilated in the present writ petition is non-grant of benefits of pay revision under 7th Pay Commission (CPC). It is submitted that Directorate of Education/Respondents No. 4 and 5 issued Circulars from time to time directing the Schools, both aided and unaided, to re-fix the salaries and allowances of their employees in accordance with pay revision under 7th CPC Recommendations and also for release of arrears w.e.f 01.01.2016. It is submitted that after the death of Petitioner’s husband, her Son has been repeatedly writing to the School for releasing the arrears of salary and allowances of Petitioner’s husband, however, there has been no response.

6. It is contended by the counsel for the Petitioner that grant of benefits of pay revisions under the Central Pay Commissions’ Recommendations and consequent fixation of pay scales etc. of employees of recognized private Schools at par with employees of corresponding status in Schools run by Appropriate Authority, by virtue of provisions of Section 10 of Delhi School Education Act, 1973 (hereinafter referred to as the ‘Act’) is no longer res integra. Reliance is placed on the judgments of this Court in Shikha Sharma v. Guru Harkrishan Public School and Others, 2021 SCC OnLine Del 5011 and Kuttamparampath Sudha Nair v. Managing Committee, Sri Sathya Sai Vidya Vihar and Another, 2021 SCC OnLine Del 2511.

7. Issue notice.

8. Mr. Manish Narang, learned counsel accepts notice on behalf of Respondents No.1, 2 and 3.

9. Mr. Yeeshu Jain, learned Additional Standing Counsel accepts notice on behalf of Respondents No.4 and 5.

10. Learned counsel appearing on behalf of Respondents No.1 to 3, on advance copy of the writ petition, fairly states that the outstanding dues payable to the deceased husband of the Petitioner shall be calculated and disbursed to the Petitioner within a period of four weeks from today. It is however submitted that the School may require some information/documents from the Petitioner and if any information/document is sought, Petitioner should cooperate and furnish the required details, to enable the School to release the outstanding dues at the earliest.

11. Writ petition is accordingly allowed recording the assurance given on behalf of Respondents No.1 to 3 that all outstanding dues payable to the Petitioner’s husband on account of pay revision under 7th CPC shall be released within four

weeks from today.

12. Needless to state that the calculations of the amounts disbursed to the Petitioner shall also be furnished to her to enable her to ascertain if anything further remains to be paid. In case the Petitioner finds that any balance amounts are payable, she is at liberty to approach the School Management in this regard and in case of any surviving grievance, Petitioner may take recourse to remedies available to her, in accordance with law.

13. Writ petition is disposed of in the aforesaid terms.