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

+ CONT.CAS(C) 157/2024

SEEMA ANIL KAPOOR

..... Petitioner

Through: Mr. Sermon Rawat, Ms. Aastha
Vishwakarma, Mr. Vikas Rathee,
Advocates (M:9873935601)

versus

CL BHALLA DAYANAND MODEL SCHOOL
& ORS.

..... Respondents

Through: Mr. Anurage and Mr. Dwivedi,
Advocates for R-1 & 2
Mr. Naushad Ahmed Khan, Advocate
and Ms. Supriya Malik, Mr. Akshit,
Advocates for R-4 & 5.

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+ CONT.CAS(C) 158/2024

SUNAINA CHOPRA

..... Petitioner

Through: Mr. Sermon Rawat, Ms. Aastha
Vishwakarma, Mr. Vikas Rathee,
Advocates (M:9873935601)

versus

CL BHALLA DAYANAND MODEL SCHOOL
& ORS.

..... Respondents

Through: Mr. Anurage and Mr. Dwivedi,
Advocates for R-1 & 2
Mr. Naushad Ahmed Khan, Advocate
for R-4 & 5.

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DHARAM PAL YADAV

..... Petitioner

Through: Mr. Sermon Rawat, Ms. Aastha
Vishwakarma, Mr. Vikas Rathee,
Advocates (M:9873935601)

versus

CL BHALLA DAYANAND MODEL SCHOOL
& ORS.

..... Respondents

Through: Mr. Anurage and Mr. Dwivedi,
Advocates for R-1 & 2
Mr. Yeeshu Jain, ASC with Ms. Jyoti
Tyagi, Ms. Manisha, Mr. Hitanshu
Mishra, Advocates for DOE
(M:9811394417)
Mr. Naushad Ahmed Khan, Advocate
for R-4 & 5.

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ANURADHA GUPTA

..... Petitioner

Through: Mr. Sermon Rawat, Ms. Aastha
Vishwakarma, Mr. Vikas Rathee,
Advocates (M:9873935601)

versus

CL BHALLA DAYANAND MODEL SCHOOL
& ORS.

..... Respondents

Through: Mr. Anurage and Mr. Dwivedi,
Advocates for R-1 & 2
Mrs. Avnish Ahlawat, SC, GNCTD
with Mr. NK Singh, Ms. Laavanya
Kaushik, Ms. Aliza Alam and Mr.
Mohnish Sehrawat, Advocates for R-
4 & 5.

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SUNITA GUPTA

..... Petitioner

Through: Mr. Sermon Rawat, Ms. Aastha
Vishwakarma, Mr. Vikas Rathee,
Advocates (M:9873935601)

versus

CL BHALLA DAYANAND MODEL SCHOOL
& ORS.

..... Respondents

Through: Mr. Anurage and Mr. Dwivedi,
Advocates for R-1 & 2
Ms. Latika Choudhary, Panel
Counsel, GNCTD for R-4 & 5.

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+ CONT.CAS(C) 162/2024

ANJALI SOLANKI

..... Petitioner

Through: Mr. Sermon Rawat, Ms. Aastha
Vishwakarma, Mr. Vikas Rathee,
Advocates (M:9873935601)

versus

CL BHALLA DAYANAND MODEL SCHOOL
& ORS.

..... Respondents

Through: Mr. Anurage and Mr. Dwivedi,
Advocates for R-1 & 2
Mrs. Avnish Ahlawat, SC, GNCTD
with Mr. NK Singh, Ms. Laavanya
Kaushik, Ms. Aliza Alam and Mr.
Mohnish Sehrawat, Advocates for R-
4 & 5.

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+ CONT.CAS(C) 163/2024 & CM APPL. 27430/2024



RITULA BHALLA

..... Petitioner

Through: Mr. Sermon Rawat, Ms. Aastha
Vishwakarma, Mr. Vikas Rathee,
Advocates (M:9873935601)

versus

CL BHALLA DAYANAND MODEL SCHOOL
& ORS.

..... Respondents

Through: Mr. Anurage and Mr. Dwivedi,
Advocates for R-1 & 2
Mrs. Avnish Ahlawat, SC, GNCTD
with Mr. NK Singh, Ms. Laavanya
Kaushik, Ms. Aliza Alam and Mr.
Mohnish Sehrawat, Advocates for R-
4 & 5.

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+ CONT.CAS(C) 164/2024

INDU JOSHI

..... Petitioner

Through: Mr. Sermon Rawat, Ms. Aastha
Vishwakarma, Mr. Vikas Rathee,
Advocates (M:9873935601)

versus

CL BHALLA DAYANAND MODEL SCHOOL
& ORS.

..... Respondents

Through: Mr. Anurage and Mr. Dwivedi,
Advocates for R-1 & 2

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+ CONT.CAS(C) 165/2024

ASHA MEHNDIRATTA

..... Petitioner

Through: Mr. Sermon Rawat, Ms. Aastha
Vishwakarma, Mr. Vikas Rathee,



Advocates (M:9873935601)

versus

CL BHALLA DAYANAND MODEL SCHOOL
& ORS.

..... Respondents

Through: Mr. Anurage and Mr. Dwivedi,
Advocates for R-1 & 2
Ms. Latika Choudhary, Panel
Counsel, GNCTD for R-4 & 5.

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+ CONT.CAS(C) 166/2024

MEENAKSHI SHARMA

..... Petitioner

Through: Mr. Sermon Rawat, Ms. Aastha
Vishwakarma, Mr. Vikas Rathee,
Advocates (M:9873935601)

versus

CL BHALLA DAYANAND MODEL SCHOOL
& ORS.

..... Respondents

Through: Mr. Anurage and Mr. Dwivedi,
Advocates for R-1 & 2
Mr. Gaurav Dhingra, Advocate for
DOE/GNCTD
Mr. Naushad Ahmed Khan, Advocate
for R-4 & 5.

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GOURI CHOPRA

..... Petitioner

Through: Mr. Sermon Rawat, Ms. Aastha
Vishwakarma, Mr. Vikas Rathee,
Advocates (M:9873935601)

versus



CL BHALLA DAYANAND MODEL SCHOOL
& ORS.

..... Respondents

Through: Mr. Anurage and Mr. Dwivedi,
Advocates for R-1 & 2
Mr. Yeeshu Jain, ASC with Ms. Jyoti
Tyagi, Ms. Manisha, Mr. Hitanshu
Mishra, Advocates for DOE
(M:9811394417)
Mr. Naushad Ahmed Khan, Advocate
for R-4 & 5.

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+ CONT.CAS(C) 168/2024

MADHU GUPTA

..... Petitioner

Through: Mr. Sermon Rawat, Ms. Aastha
Vishwakarma, Mr. Vikas Rathee,
Advocates (M:9873935601)

versus

CL BHALLA DAYANAND MODEL SCHOOL
& ORS.

..... Respondents

Through: Mr. Anurage and Mr. Dwivedi,
Advocates for R-1 & 2
Mr. Gaurav Dhingra, Advocate for
DOE/GNCTD
Mr. Naushad Ahmed Khan, Advocate
for R-4 & 5.

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+ CONT.CAS(C) 169/2024

SUMEDHA SHARMA

..... Petitioner

Through: Mr. Sermon Rawat, Ms. Aastha
Vishwakarma, Mr. Vikas Rathee,
Advocates (M:9873935601)



versus

CL BHALLA DAYANAND MODEL SCHOOL
& ORS.

..... Respondent

Through: Mr. Anurage and Mr. Dwivedi,
Advocates for R-1 & 2
Mrs. Avnish Ahlawat, SC, GNCTD
with Mr. NK Singh, Ms. Laavanya
Kaushik, Ms. Aliza Alam and Mr.
Mohnish Sehrawat, Advocates for R-
4 & 5.

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+ CONT.CAS(C) 170/2024

BK AWASTHI

..... Petitioner

Through: Mr. Anurage and Mr. Dwivedi,
Advocates for R-1 & 2
Mr. Sermon Rawat, Ms. Aastha
Vishwakarma, Mr. Vikas Rathee,
Advocates (M:9873935601)
Ms. Latika Choudhary, Panel
Counsel, GNCTD for R-4 & 5.

versus

CL BHALLA DAYANAND MODEL SCHOOL
& ORS.

..... Respondents

Through: Mr. Anurage and Mr. Dwivedi,
Advocates for R-1 & 2
Mr. Naushad Ahmed Khan, Advocate
for R-4 & 5.
Ms. Latika Chaudhary, Advocate

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+ CONT.CAS(C) 296/2024

HARSH TAKKAR SINDHWANI

..... Petitioner



Through: Mr. Sermon Rawat, Ms. Aastha
Vishwakarma, Mr. Vikas Rathee,
Advocates (M:9873935601)

versus

CL BHALLA DAYANAND MODEL SCHOOL
& ORS.

..... Respondents

Through: Mr. Anurage and Mr. Dwivedi,
Advocates for R-1 & 2
Ms. Latika Choudhary, Panel
Counsel, GNCTD for R-4 & 5.

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+ CONT.CAS(C) 297/2024

CHARU GROVER

..... Petitioner

Through: Mr. Sermon Rawat, Ms. Aastha
Vishwakarma, Mr. Vikas Rathee,
Advocates (M:9873935601)
Mrs. Avnish Ahlawat, SC, GNCTD
with Mr. NK Singh, Ms. Laavanya
Kaushik, Ms. Aliza Alam and Mr.
Mohnish Sehrawat, Advocates for R-
4 & 5.

versus

CL BHALLA DAYANAND MODEL SCHOOL
& ORS.

..... Respondents

Through: Mr. Anurage and Mr. Dwivedi,
Advocates for R-1 & 2
Mr. Naushad Ahmed Khan, Advocate
for R-4 & 5.

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+ CONT.CAS(C) 298/2024

VANDANA JETLEY

..... Petitioner



Through: Mr. Sermon Rawat, Ms. Aastha
Vishwakarma, Mr. Vikas Rathee,
Advocates (M:9873935601)

versus

CL BHALLA DAYANAND MODEL SCHOOL
& ORS.

..... Respondents

Through: Mr. Anurage and Mr. Dwivedi,
Advocates for R-1 & 2
Mr. Naushad Ahmed Khan, Advocate
for R-4 & 5.

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+ CONT.CAS(C) 299/2024

NALINI KAUL

..... Petitioner

Through: Mr. Sermon Rawat, Ms. Aastha
Vishwakarma, Mr. Vikas Rathee,
Advocates (M:9873935601)

versus

CL BHALLA DAYANAND MODEL SCHOOL
& ORS.

..... Respondents

Through: Mr. Anurage and Mr. Dwivedi,
Advocates for R-1 & 2
Mrs. Avnish Ahlawat, SC, GNCTD
with Mr. NK Singh, Ms. Laavanya
Kaushik, Ms. Aliza Alam and Mr.
Mohnish Sehrawat, Advocates for R-
4 & 5.

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Date of Decision: 8th May, 2024

CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA

J U D G M E N T

MINI PUSHKARNA, J: (ORAL)



1. The present petitions have been filed alleging willful disobedience of the judgment dated 04th May, 2023 passed in *W.P.(C) No. 4542/2021* and other connected matters, which were disposed of by the aforesaid common judgment.
2. By judgment dated 04th May, 2023, the court had issued clear directions to the respondents/Schools/Society as well as the petitioners to furnish their respective calculations of amounts owed under the 6th and 7th Central Pay Commission (“CPC”) to the Director of Education (“DOE”). The DOE was directed to examine these calculations and prepare a final report after hearing both the parties. Thereafter, upon receipt of the final report, 20% of the amount as calculated by the DOE, was directed to be released to the petitioners by the respondent/Society within a period of one week. The remaining outstanding amount was directed to be paid in six equal installments within a period of 12 months.
3. Learned counsel appearing for the petitioners submits that the present petitions have been filed, since the calculations, which have been given by the DOE, do not provide the balance amount for the period between 01st April, 2021 to 30th September, 2023, separately.
4. He further submits that clear directions in the judgment dated 04th May, 2023, have still not been complied by the respondents.
5. Per contra, learned counsel appearing for the respondent/ Management Committee has handed over a copy of the order dated 01st May, 2024 passed by a Coordinate Bench of this Court in *W.P.(C) 6132/2024*, to submit that the calculations given by the DOE, were not proper, as it did not consider the representation of the Management



Committee with respect to various issues raised by them as regards the calculation of dues payable to the petitioners.

6. Learned counsel appearing for the respondent/Management Committee submits that the said respondents have raised objections with respect to the calculations of the DOE, on two grounds. Firstly, the DOE has calculated the amounts payable to the petitioners for the period, when the petitioners had not actually discharged their duties. Secondly, the DOE has made calculations without taking into account the fact that part of the arrears of 6th CPC have already been paid by the Management Committee to the petitioners. He further submits that there are other objections by the Management Committee, which are included in the representation dated 22nd December, 2023, which were not taken into account by the DOE, at the time of finalizing the calculations towards dues payable to the petitioners.

7. Learned counsel for the respondent/ Management Committee submits that 20% of the amount, as per the calculation made by the Management Committee, has already been released to the petitioners in terms of judgment dated 04th May, 2024.

8. On the other hand, learned counsels appearing for the DOE, submit that the DOE will have to carry out a fresh assessment after considering the representation of the Management Committee, in terms of the order dated 01st May, 2024 passed in *W.P.(C) No. 6132/2024*.

9. Responding to the aforesaid submissions, learned counsel for the petitioners submits that the aforesaid order dated 01st May, 2024 was obtained by the Management Committee, behind the back of the petitioners. He submits that the petitioners were never impleaded in the said petition and thus, were never heard, even though, the petitioners were a necessary party.



10. He further submits that the judgment dated 04th May, 2023 passed in *W.P.(C) No. 4542/2021* and other connected matters, has already attained finality and the respondents are bound to comply with the same.

11. Learned counsel appearing for the petitioners further disputes the fact that 20% of the amount was released to the petitioners by the respondent/ Management Committee.

12. Learned counsel appearing for the petitioners also submits that similar objections, with respect to the petitioners not being entitled for the payment of salary for the period when they had not discharged their duty, was taken by the Management Committee at the time of hearing in *W.P.(C) No. 4542/2021*. However, the said objections of the Management Committee were not entertained by this Court. He thus, submits that the said objections cannot be raised by the Management Committee at this belated stage.

13. He further submits that detailed comprehensive exercise has already been done by the DOE, as per which the Management Committee is liable to pay an amount of ₹ 5,51,53,744/- to the petitioners. He, thus, submits that in the intervening period, the Management Committee is liable to pay to the petitioners, as per the calculations made by the DOE.

14. He submits that in the interim, there is no impediment for the respondent/ Management Committee to release amounts to the petitioners in terms of the calculations already made by the DOE.

15. Having heard learned counsels for the parties, this Court notes that the present contempt petitions have been filed alleging non-compliance of the judgment dated 04th May, 2023, relevant portions of which, read as under:

“xxx xxx xxx

7. *It is accordingly directed as under:*



(A) Petitioners and the School/Society shall furnish their respective calculations of the amounts due to the Petitioners on account of pay revisions under 6th and 7th CPC, to the Director of Education, within a period of ten days from today;

(B) On receipt of the calculations, the Director of Education will examine the calculations and for which purpose it is open to the Directorate to engage a Chartered Accountant or an Auditor. Before rendering a final report on the amounts due to the Petitioners, an opportunity of presenting their respective case will be given to both the parties;

(C) The report containing the final calculations shall be furnished to the Petitioners and School/Society and on receipt of the report, the School/Society shall release 20% of the amounts due within a period of one week. The remaining outstanding amounts shall be disbursed to the Petitioners within 12 months thereafter in six equal installments. The cost incurred for engaging the Chartered Accountant/Auditor shall be borne by the Society;

(D) It is open to the Director of Education to call for necessary records from the School/Society for the purpose of examining the amounts due and arriving at final calculations and needless to state that the School/Society shall render full cooperation in the matter;

(E) The entire exercise of arriving at the final calculations and rendering the report will be completed by the Director of Education within a period of eight weeks from the date of receipt of the respective calculations from the Petitioners and the School/Society.

8. As agreed, an affidavit of undertaking to the aforesaid effect, sworn by Shri Ajay Suri, General Secretary of the Society shall be filed on behalf of the School/Society in this Court, within a period of ten days from today.

9. With these observations and directions, the writ petitions are disposed of along with the pending applications, granting liberty to the Petitioners to take recourse to appropriate remedies in law, in case of any surviving grievance(s)."

16. Reading of the aforesaid judgment manifests that there were clear directions to the petitioners as well as Management Committee, to furnish their respective calculations of the amounts which are due to the petitioners on account of the recommendations of the Pay Commission under 6th and 7th



CPC, to the DOE. On receipt of said calculations, the DOE was to examine the calculations submitted by the respective parties. Subsequently, pursuant thereto, the DOE was directed to carry out the exercise of arriving at the final calculations with respect to the amounts payable to the petitioners.

17. This Court notes that pursuant to the directions as contained in the aforesaid judgment, a detailed exercise was carried out by the DOE, as per which the total amount calculated by the DOE, as payable to the petitioners, is to the tune of ₹ 5,51,53,744/-.

18. This Court also notes that the aforesaid calculation has been challenged by the petitioners in the present contempt petitions. The order dated 01st February, 2024 passed by this Court, in this regard, reads as under:

“xxx xxx xxx

4. *The present contempt petitions have been filed alleging willful disobedience of the judgment dated 4th May, 2023 passed by this Court in W.P.(C) 4542/2021 and other connected matters, which were disposed of by the aforesaid common judgment dated 4th May, 2023.*

5. **It is submitted that although respondent nos. 4 and 5 have provided the balance payable/arrears for the period till 31st March, 2021, however, till date respondent nos. 4 and 5 have deliberately not calculated the balance amount for the period between 1st April, 2021 to 30th September, 2023.**

6. **Thus, it is submitted that the respondents have left this aspect ambiguous, so that respondent nos. 1 to 3 can take benefit of the same.**

7. **It is submitted that there is no reason or justification for not giving the calculation of the balance payment of the above stated period.**

8. *Learned counsel appearing for the petitioners has handed over a table of calculations to show that separate calculations have been*



made for the period from 1st January, 2006 to 31st March, 2021 and separate calculations are reflected in the table for the period from 1st April, 2021 to 30th September, 2023.

9. Learned counsel for the petitioners further submits that the respondent DAV College Managing Committee was required to release 20% of the amounts due within a period of one week and the remaining outstanding amount was required to be disbursed to the petitioners within twelve months thereafter, in six equal installments.

10. However, till date, DAV College Managing Committee has not disbursed the said amounts as directed by this Court.

xxx xxx xxx”

(Emphasis Supplied)

19. Thus, it is evident that the final calculations have been challenged by the petitioners.

20. This Court also takes note of the order dated 01st May, 2024 passed by a Coordinate Bench of this Court in *W.P.(C) No.6132/2024* wherein the following directions have been passed:

“1. After hearing Mr. Lakhotia, learned counsel appearing for the petitioner, it is deemed appropriate to direct the Directorate of Education to reconsider the representation dated 22.12.2023 submitted by the petitioner-society in respect of calculation of arrears of the 6th and 7th Central Pay Commission which was hitherto before directed by this Court vide the order dated 04.05.2023 in W.P.(C) 4542/2021 and other connected matters.

2. Mr. Jain, learned ASC, GNCTD appears for the Directorate of Education and submits that the said exercise will be carried out.

3. The Competent Authority of Directorate of Education-respondent shall convey the date, time and venue of such meeting for consideration of the said representation to the petitioner-society in advance. The said exercise of verification and consideration of the representation be carried out within eight weeks.

4. Needless to state that petitioner shall also be given an opportunity of hearing.



5. The resulting order/assessment/verification be furnished to the petitioner within one week thereafter.

6. In view of the above, the present writ petition is disposed of with no order as to costs.

7. Pending applications also stands disposed of.”

21. Reading of the aforesaid order, makes it evident that even the respondent/Management Committee is aggrieved by the final calculations done by the DOE and had challenged the same by way of the aforesaid writ petition.

22. By way of order dated 01st May, 2024, the Coordinate Bench of this Court, has already directed the DOE to consider the representation of the Management Committee dated 22nd December, 2023, with respect to the various objections, regarding the final calculations of the DOE. The DOE has been directed to grant hearing to the representatives of the Management Committee before finalizing the objections of the Management Committee, as given in the representation dated 22nd December, 2023, and thereafter pass resulting order/assessment/verification.

23. Perusal of the aforesaid facts and circumstances, clearly demonstrate that the final calculations of the DOE, done pursuant to the directions as contained in the judgment dated 04th May, 2023, have been challenged not only by petitioners, but also the respondent-Management Committee. This Court also takes note of the fact that by order dated 01st May, 2024, directions have already been issued to the DOE to consider the representation of the Management Committee and give a fresh assessment/verification of its calculations accordingly. Thus, it is palpable that in the absence of final calculations by the DOE, no directions can be



given at this stage to the respondent-Management Committee to release amounts to the petitioners in terms of the judgment dated 04th May, 2023.

24. At this stage, learned counsel appearing for the petitioners submits that since the order dated 01st May, 2024 was passed without the presence of the petitioners, it is imperative that the petitioners are also granted an opportunity of hearing before the DOE, so that the objections with respect to the calculation done by the DOE and also other objections, that may be raised by the respondent-Management Committee, may also be addressed by the petitioners before the DOE.

25. Accordingly, considering the aforesaid facts and circumstances, it is directed, that the petitioners, as well as duly authorized representatives of the petitioners, shall also be granted liberty to appear before the DOE at the time of considering the representation dated 22nd December, 2023 of the respondent-Management Committee. The DOE shall grant equivalent liberty and opportunity to the petitioners to raise their objections with respect to the calculations of the DOE, including their objections to the issues that are sought to be raised by the respondent-Management Committee.

26. It is further directed that the aforesaid exercise of assessment/verification of their calculations, be completed by the DOE within a period of eight weeks, in terms of order dated 01st May, 2024 passed in *W.P.(C) 6132/2024*. Needless to state, rights and contentions of all the parties are left open, which shall be decided by the DOE after hearing the respective parties.

27. Accordingly, it is directed that after completion of the exercise by the DOE of fresh assessment/verification of their calculations, the respondent-Management Committee shall comply with all the directions as given in the



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judgment dated 04th May, 2023 passed in *W.P.(C) No. 4542/2021* and other connected matters, including the release of 20% of the calculated amount, as decided by the DOE, within one week of finalization by the DOE.

28. In view of the aforesaid, no further orders are required to be passed in the present petitions.

29. However, the liberty is granted to the petitioners to revive the present petitions, in case of any non-compliance, by the respondents.

30. Accordingly, the present petitions are disposed of in the aforesaid terms.

MINI PUSHKARNA, J

MAY 8, 2024/ss