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

+ W.P.(C) 4415/2023, CM APPL. 28564/2023 & CM APPL. 19235/2025

AMRITA KAUL & ORS.

.....Petitioners

Through: Mr. Suman Malhotra, Advocates

versus

S.L. SURI DAV PUBLIC SR. SEC. SCHOOL
& ORS.

.....Respondents

Through: Mr. Udit Dwivedi, Advocate for School.

Mr. Yeeshu Jain, ASC with Ms. Jyoti Tyagi, Ms. Priya Shukla and Ms. Ishika Jain, Advocates for DoE.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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29.04.2025

1. By way of this petition, under Article 226 of the Constitution, the petitioners, who are employees of respondent No.1 – S.L. Suri DAV Public Sr. Sec. School [“the School”] seek directions for payment of salary and arrears in accordance with the recommendations of the 6th and 7th Central Pay Commission, relying upon Section 10 of the Delhi School Education Act, 1973.

2. Mr. Udit Dwivedi, learned counsel for the respondent – School, seeks an adjournment on the ground that Mr. Anurag Lakhotia, learned counsel, is unwell.



3. Mr. Suman Malhotra, learned counsel for the petitioner, submits that in an appeal filed by another DAV School [LPA 240/2025], in which also Mr. Lakhotia and Mr. Dwivedi were appearing, the judgment of the learned Single Judge dated 24.12.2024 in W.P.(C) 12419/2021 [*Lakshmi Sethi and Ors. v. Darbari Lal Dav Model School & Ors*] was challenged. The Division Bench has issued notice in the appeal on 16.04.2025, with the following observations:

“10. We note that the writ petition was filed by the respondents sometime in the year 2021, claiming retrospective benefits under the 7th CPC with effect from 01.01.2016, which have been granted by the learned Single Judge. Whether the Department of Education has or has not granted permission to the appellant to have a commensurate hike in the fees, and if so, its effect on the entitlement of the respondents, would have to be considered in this appeal.

11. Prima facie, however, we find that there are no reasons why the appellant should not have complied with its legal obligation under the 7th CPC to the respondent nos. 1 to 31, and other employees of the school.

12. Keeping in view of the above, as also the Order dated 02.01.2024 passed by the Supreme Court in Greenfields Public School (supra), we direct that upon the appellant clearing all the arrears of salary in terms of the Impugned Order to its employees, including the respondent nos. 1 to 31, with effect from at least the date of filing of the writ petitions by the respondent nos. 1 to 31, within a period of 12 weeks from today, and continued payment of such salaries and allowances to the respondent nos. 1 to 31 and other employees of the school in accordance with the 7th CPC during the pendency of the present appeal, there shall be a stay on the enforcement of the Impugned Judgment in so far as it directs such payment with effect from 01.01.2016 with interest, till further orders.”

4. I am, *prima-facie*, of the view that following the order of the Division Bench, a similar interim order is required to be passed in this case also. However, despite the matter being passed over to enable him to take instructions, Mr. Dwivedi seeks an adjournment.

5. List on 19.05.2025.



6. The authorised representative of the respondent – School shall remain personally present in Court on the next date of hearing, alongwith the necessary records.

PRATEEK JALAN, J

APRIL 29, 2025

SS/kb/