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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 8312/2025**
KENDRIYA VIDYALAYA SANGATHAN THROUGH ITS
COMMISSIONER

.....Petitioner

Through: Mr.U.N. Singh & Mr.Himanshu
Singh, Advs

versus

SMT. HARPREET KAUR, AGED-54 YEARS, GROUP- C &
ORS.

.....Respondents

Through: Mr.R.V. Sinha, Mr.A.S. Singh
& Ms.Shriya Sharma, Advs

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA
HON'BLE MS. JUSTICE RENU BHATNAGAR

ORDER
08.07.2025

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CAV 229/2025

1. As the learned counsel for the respondent has entered appearance, the caveat stands discharged.

W.P.(C) 8312/2025 & CM APPL. 36132/2025

2. This petition has been filed challenging the order dated 15.01.2025 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi, in R.A. No. 89/2024 in O.A. 4227/2018 titled ***Union of India & Ors. v. Ms.Harpreet Kaur & Ors.*** The petitioner also challenges the order dated 16.05.2023 passed in the above O.A.

3. By the order dated 16.05.2023, the learned Tribunal had



allowed the petition filed by the respondents herein, with the following directions:-

“18. Against the observations narrated above and for ensuring adherence to the principle of parity, the O.A. stands Allowed. Impugned order dated 19.02.2018 (Annexure A-1) is quashed and set aside. The applicants (Hindi Translator, Senior Hindi Translator and Hindi Officer (Assistant Director)) are entitled for extension of revised pay scales from the date of their appointments on notional basis and actually w.e.f. 11.02.2003. The competent authority amongst respondents shall issue appropriate orders for grant of revised pay scales of Rs.5500-9000, Rs.6500-10500 and Rs.7500-12000 to the Hindi Translator, Senior Hindi Translator and Hindi Officer (Assistant Director) respectively from the date of their appointments on notional basis and actually w.e.f. 11.02.2003 and take steps for re-fixation of their salary/pension and emoluments accordingly. The applicants shall be awarded all consequential benefits, including the arrears of difference of pay and allowances. These directions shall be complied with within a period of six months from the date of receipt of a certified copy of this order. No order as to costs.”

4. The petitioner filed a review application, which has been dismissed by the Impugned Order dated 15.01.2025.

5. The learned counsel for the petitioner submits that the respondents had earlier also filed an O.A. before the learned Tribunal, being O.A. No. 3/2014, which was disposed of by the learned Tribunal by its order dated 26.10.2017, recording the submission of the counsel appearing for the petitioner herein that the DoPT OM No. Ab-14017/46/2011-Estt.(RR) dated 19.09.2013, prescribing for the



Model Recruitment Rules and the revised pay scale to be adopted, would be given prospective effect with effect from 28.01.2014. The respondents never challenged this order, and in compliance with the said order, by an O.M. dated 19.02.2018, the DoPT OM dated 19.09.2013 was adopted by the petitioner with effect from 28.01.2014.

6. He submits that the respondents were, therefore, estopped from challenging the OM dated 19.02.2018, and consequently, the learned Tribunal has erred in granting relief to the respondents in the Impugned Orders.

7. Issue notice.

8. Notice is accepted by Mr.R.V. Sinha, learned counsel on behalf of the respondents.

9. He submits that the above is a new plea taken by the petitioner, which was not urged before the learned Tribunal in the O.A. He further submits that the learned Tribunal has relied upon various judgments granting similar relief to the applicants.

10. We have considered the submissions made by the learned counsels for the parties.

11. Keeping in view the Order dated 26.10.2017 of the learned Tribunal passed in O.A. No. 3/2014, *prima facie*, a second O.A. for seeking retrospective operation of the DoPT OM dated 19.09.2018 may not have been maintainable before the learned Tribunal.

12. Let a counter affidavit be filed within a period of three weeks. Rejoinder thereto, if any, be filed within a period of three weeks thereafter.

13. List on 15th October, 2025.



14. The learned counsel for the respondents submits that, in the meantime, he would not seek enforcement of the Impugned Order without the permission of this Court.

NAVIN CHAWLA, J

RENU BHATNAGAR, J

JULY 8, 2025/rv/VS

Click here to check corrigendum, if any