



\$~57-65, 68-96, 98-119, 121-137,139-146, 148-161, 163 & 164, 166, 24 & 25

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 11480/2015
ASHOK KUMAR SHRIVASTAVAPetitioner
versus
COL SATSANGI'S KIRAN MEMORIAL PUBLIC SCHOOL AND
ANRRespondents

With

W.P.(C) 1957/2016, W.P.(C) 11137/2017, W.P.(C) 7402/2018,
W.P.(C) 9418/2018, W.P.(C) 11519/2019, W.P.(C) 10121/2018,
W.P.(C) 10221/2018, W.P.(C) 24/2019, W.P.(C) 803/2019, W.P.(C)
1420/2019, W.P.(C) 12184/2019, W.P.(C) 12185/2019, W.P.(C)
8843/2021, W.P.(C) 10979/2022, W.P.(C) 10984/2022, W.P.(C)
4199/2022, W.P.(C) 12918/2019, W.P.(C) 6333/2020, W.P.(C)
10754/2020, W.P.(C) 11952/2024, W.P.(C) 1434/2021, W.P.(C)
2899/2021, W.P.(C) 12198/2022, W.P.(C) 4563/2021, W.P.(C)
6883/2021, W.P.(C) 11619/2021, W.P.(C) 3592/2022, W.P.(C)
10152/2022, W.P.(C) 13270/2022, W.P.(C) 14599/2022, W.P.(C)
14929/2022, W.P.(C) 15614/2022, W.P.(C) 15865/2022, W.P.(C)
17738/2022, W.P.(C) 5565/2022, W.P.(C) 5587/2022, W.P.(C)
10557/2023, W.P.(C) 10904/2023, W.P.(C) 1120/2023, W.P.(C)
1124/2023, W.P.(C) 11276/2023, W.P.(C) 1161/2023, W.P.(C)
155/2023, W.P.(C) 1917/2023, W.P.(C) 2076/2023, W.P.(C)
2090/2023, W.P.(C) 2091/2023, W.P.(C) 2229/2023, W.P.(C)
4321/2023, W.P.(C) 4778/2023, W.P.(C) 4793/2023, W.P.(C)
5290/2023, W.P.(C) 5717/2023, W.P.(C) 5767/2023, W.P.(C)
5925/2023, W.P.(C) 6447/2023, W.P.(C) 6465/2023, W.P.(C)
6486/2023, W.P.(C) 6848/2023, W.P.(C) 710/2023, W.P.(C)
712/2023, W.P.(C) 732/2023, W.P.(C) 7349/2023, W.P.(C)
8686/2022, W.P.(C) 9203/2022, W.P.(C) 10850/2022, W.P.(C)
12428/2022, W.P.(C) 11225/2022, W.P.(C) 15131/2022, W.P.(C)
17246/2022, W.P.(C) 1727/2023, W.P.(C) 1774/2023, W.P.(C)
6285/2023, W.P.(C) 9362/2023, W.P.(C) 16533/2023, W.P.(C)
11274/2023, W.P.(C) 15355/2023, W.P.(C) 15359/2023, W.P.(C)
15360/2023, W.P.(C) 15411/2023, W.P.(C) 16478/2023, W.P.(C)
11494/2024, W.P.(C) 15376/2024, W.P.(C) 525/2024, W.P.(C)
4214/2024, W.P.(C) 4639/2024, W.P.(C) 13412/2024, W.P.(C)



14087/2024, W.P.(C) 14147/2024, W.P.(C) 13588/2024, W.P.(C) 3060/2025, W.P.(C) 10979/2025, W.P.(C) 12227/2025, W.P.(C) 13628/2025, W.P.(C) 15722/2025, W.P.(C) 17221/2025, W.P.(C) 17821/2025, W.P.(C) 18041/2025, W.P.(C) 18167/2025, W.P.(C) 19121/2025, W.P.(C) 2996/2026, W.P.(C) 13927/2022 & W.P.(C) 85/2023.

For Petitioners:

Mr. Kumar Utkarsh, Mr. Manoj Kumar and Ms. Ashva Khan, Advocates in Item No. 64.

Mr. Khagesh B. Jha, Ms. Shikha Sharma Bagga and Ms. Shivani, Advocates in Item 78,132 & 157.

Mr. Ashok Agarwal, Mr. Kumar Utkarsh, Mr. Manoj Kumar and Ms. Ashna Khan, Advocates.

Mr. Mayank Sharma, Advocate in Item No. 119.

Ms. Seema Singh, Advocate in Item No. 127.

Mr. Kartik Venu, Mr. R. Jude Rohit and Mr. Arjan Ajai Singh Chonker, Advocates in Item Nos. 139 to 145.

Mr. Karan Chaudhary, Ms. Ridhima Malhotra and Mr. Harsh Chaudhary, Advocates in Item No. 155 & 159.

Mr. Rakesh Kumar Dudeja and Mr. M. C. Kalkal, Advocates in Item No. 166.

Mr. Rajat Aneja and Ms. Anamika Bag, Advocates in Items 81, 82.

Mr. Kamal Mehta, Advocate for P-6 in item 86.

Mr. Ravin Rao, Mr. Pallav Gupta, Mr. Akshit Sawal, Mr. Ayan Sharma and Ms. Palak, Advocates in Item 87.

Mr. Nikhilesh Kumar, Advocate in Items 116 to 118.

Mr. Vivek Kumar Tandon, Ms. Laxmi Gupta and Ms. Pooja Giri, Advocates for School in item 125.

Mr. Ajai Kumar, Mr. A.R. Pandey and Mr. Raghu Nath, Advocates in Item 134.

Ms. Astha Gupta, Advocate in Item 158.

Mr. Karan Suneja, Advocate.

Mr. J.S. Bedi, Tarunjeet Singh Jolly, Advocates in item no. 89.



For Respondents: Mr. Kishan Rawat, Mr. Rajan Narain, Advocates for R-1 in items no. 57 & 58.
Mr. Gaurav Dhingra and Mr. Shashank Singh, Advocates for DoE in Item Nos. 57, 58, 64, 69, 70, 71, 73, 75, 84, 86, 87, 88, 90, 111, 125, 127, 130, 137, 141, 146, 155 & 157.
Mr. Pramod Gupta, Ms. Yogita, Ms. Anushka Soni and Ms. Ishita Pandey, Advocates for R-1 in Item Nos. 79, 92, 101, 150, 151 & 152, for R-2 and R-3 in Item No. 59, for R-3 and R-4 in Item No. 87.
Mr. Rajesh Mohan Sinha, Mr. Prateek Mohan Sinha, Ms. Namita Sinha, Ms. Nandini Harsh and Mr. Krishnendu Das, Advocates for R-1 in Item Nos. 61, 62 & 84.
Mr. Kumar Utkarsh, Mr. Manoj Kumar and Ms. Ashva Khan, Advocates for R-2 in Item No. 63.
Mr. Namit Suri, Ms. Tanya Sharma, Mr. Rameezuddin Raja and Ms. Pepakayala Geetanjali, Advocates for R-1 in Item Nos. 80, 81 & 82.
Mr. Kamal Bansal and Mr. Pracheen Raj, Advocates for R-3 and R-4 in Item No. 134.
Mr. Sujeet Kumar Mishra and Mr. Harsh Kumar, Advocates for Respondent/DOE.
Dr. Meenakshi Kalra, Ms. Anjali Chaudhary, Ms. Sakshi Gupta, Mr. Mayank Dhiyania and Ms. Kanchan Abrol, Advocates for R-1 in Items 77,83,86.
Mr. Nimish Chib and Mr. Udesch Puri, Advocates for School.
Mr. Akshit Sachdeva, Mr. Arun Kumar and Mr. Rohan Sehrawat, Advocate School.
Mr. Samdarshi Sanjay, Ms. Monika Sharma and Mr. Ashish Kumar Sharma, Advocates.
Mr. Naushad Ahmed Khan and Ms. Kanika Malik, Advocate for DOE.
Mr. Romy Chacko, Senior Advocate with Mr. Joe Sebastian and Mr. Sachin Singh Dala, Advocates



for School.

Mr. Anurag Lakhota, Advocate in items no. 25, 65, 102, 108, 121, 123, 126.

Mr. Rajesh Gupta and Mr. Harpreet Singh, Advocates for R-1 in Items 110,115,124.

Mr. K.B. Shankar, Advocate for R-2, 3.

Mr. Jay Savla, Senior Advocate with Mr. Rajpal Singh, Advocate for R-1 in Item 133.

Mr. Siddharth Aroira, Advocate for Mr. Anubhav Gupta, Panel Counsel for GNCTD in Item 137.

Mr. Pritish Sabharwal, SC for JMI with Mr. Sanjeet Kumar, Ms. Shweta Singh and Mr. Shiv Chore, Advocate in Items 158.

Ms. Dilsidak Kaur, Advocate for R-3, 4.

Ms. Kritika Sachdeva, Advocate for School in Item 156.

Mr. Vijay Seth and Mr. Nitin Gupta, Advocate for R-2 in Item 158.

Mr. Yeeshu Jain ASC with Ms. Jyoti Tyagi, Ms. Vishruti Pandey and Mr. Sachin Garg, Advocates for DOE.

Mr. Avnish Ahlawat, Standing Counsel for GNCTD with Mrs. Tania Ahlawat, Mr. Nitesh Kumar Singh, Ms. Aliza Alam, Mr. Mohnish Sehrawat, Advocates in items no. 57, 62, 78, 79, 81, 83, 86, 105, 122, 124.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

13.05.2026

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1. This batch of writ petitions concerns claims by employees of recognised private schools for implementation of the recommendations of the 6th Central Pay Commission¹ and/or the 7th Central Pay Commission. The Petitioners include serving as well as retired teaching and non-teaching

¹ "CPC"



employees. In several matters, the claim is for implementation of the 7th CPC with effect from 1st January, 2016. In some matters, the Petitioners also seek benefits referable to the 6th CPC with effect from 1st January, 2006, together with arrears, consequential revision of retiral dues and interest.

2. Written submissions have also been filed. The parties have placed on record their proposed issues, which indicate the range of questions that may arise for final adjudication. These include maintainability of writ petitions against private unaided recognised schools, delay and laches, waiver or full and final settlement, applicability and reach of Section 10 of the Delhi School Education Act, 1973,² entitlement of non-teaching staff, claims of retired employees, nature of appointment and qualification of employees, ACP/MACP benefits, financial capacity of schools, fee enhancement, arrears, interest, and the mode of verification of computations.

3. The batch covers different schools, different categories of employees and different periods of service. The schools have raised defences which require careful consideration at the stage of final hearing.

4. At the same time, the Court does not consider it appropriate to deny the employees any interim arrangement merely because the final adjudication would require a detailed examination. The present order is, therefore, intended to provide an interim relief as the final relief particularly in relation to arrears and interest over long periods, may have wider consequences. That is precisely why the matter requires verified figures and financial disclosures. However, that by itself cannot justify continuation of current salaries on an unrevised pay structure pending final adjudication of the batch.



5. The statutory provisions cannot be ignored at this stage. Section 10 of the DSE Act requires that the scales of pay and allowances of employees of a recognised private school shall not be less than those of employees of corresponding status in schools run by the appropriate authority. The provision embodies a statutory standard of parity.

6. The principal resistance of the schools, at this stage, rests on financial difficulty. It is urged that fee enhancement has either not been permitted or has not been permitted to the extent necessary to absorb the liability arising from implementation of the Pay Commission recommendations. It is submitted that fee is the principal source of income of the schools and that, in the absence of permission to increase fee, the schools cannot be compelled to meet the burden of revised salaries and arrears. Some schools also rely upon orders directing that no coercive action be taken against them.

7. A plea of financial difficulty, when raised across a large batch of matters, must be tested on data and not on assertion. The Court must know the actual fund position of each school, the extent of the additional monthly outgo, the arrears claimed, the reserves available, the fee enhancement sought and permitted, if any, and the expenditure pattern of the institution. Without that exercise, the Court would be proceeding either on apprehension or on broad assurances, neither of which is satisfactory in a matter of this scale.

8. There is, however, a clear distinction between the liability to pay current revised salary and the liability to immediately discharge the entire past arrears. Current salary concerns the subsisting service condition of an employee. Arrears, particularly those stretching back to 1st January, 2006 or

² “DSE Act”



1st January, 2016, may raise additional questions of delay, laches, computation, interest, financial capacity and equitable moulding of relief.

9. The order dated 10th November, 2025 passed by the Division Bench in *LPA No. 240/2025*, arising from the proceedings concerning Darbari Lal DAV Model School, offers guidance for an interim solution. The school in that matter had raised the same essential plea: that fee enhancement had not been permitted and that implementation of the 7th CPC would impose a substantial financial burden. The Division Bench reiterated the consistent view of this Court that fee enhancement and pay revision operate in distinct fields and did not treat the financial plea as a ground to defer implementation altogether. At the same time, recognising the “larger repercussions” involved, it struck a balance by directing re-fixation of pay and payment of revised salary from 1st December, 2025, while keeping arrears for the period from 1st January, 2016 to 30th November, 2025 in abeyance.

10. This Court has also, in a connected matter in *W.P.(C) No. 6117/2024*, concerning another school under the DAV management, passed similar interim directions, having regard to the order of the Division Bench and the parity of circumstances placed before it.

11. The objection of delay and laches is kept open. It may assume significance when the Court considers arrears, especially in matters where the claim is founded on 6th CPC and travels back to 1st January, 2006. The Supreme Court in *Union of India v. Tarsem Singh*,³ recognised that, even where a belated service claim is founded on a continuing wrong, the consequential relief relating to arrears would normally be restricted to a



period preceding the institution of proceedings. That principle may have to be examined when the question of arrears is considered. Equally, where the claim rests on a statutory pay parity provision and the alleged short payment continues to affect present salary or retiral computation, delay cannot, at the interim stage, become a reason to perpetuate an unrevised pay structure.

12. The same approach is appropriate for retired employees. Merely because an employee has retired, the computation cannot be excluded from consideration. If pay fixation was required to be revised during service, it may have a bearing on last drawn pay and consequential retiral dues. At this stage, however, the Court is not directing immediate payment of all differential retiral benefits or arrears. It is directing computation, so that the entitlement, if ultimately upheld, is not left to speculation.

13. The interim arrangement must, therefore, hold the balance on three fronts. Serving employees cannot be left to draw current salary on an unrevised structure when the claim for revision rests on a statutory footing. Retired employees also cannot be kept outside the exercise altogether, since pay revision, if ultimately found payable, may bear directly on their last drawn pay and retiral dues. At the same time, the schools cannot be asked, at this stage, to bear the entire retrospective liability without verified computations, disclosure of their financial position, and consideration of the objections which they have raised.

14. Accordingly, the following interim directions are issued:

(i) Each concerned school shall undertake a pay-fixation and computation exercise in respect of each Petitioner/employee before this Court, in accordance with the applicable Pay Commission

³ (2008) 8 SCC 652.



recommendations.

(ii) Where implementation of the 7th CPC is claimed, the pay shall be re-fixed notionally with effect from 1st January, 2016. For this purpose, wherever the 6th CPC had not been implemented, or where the 6th CPC pay position is necessary to determine 7th CPC fixation, the school shall first compute the notional pay admissible under the 6th CPC from 1st January, 2006 up to 31st December, 2015. This exercise is necessary only to ensure that the 7th CPC pay is worked out on the correct base.

(iii) This direction is confined to computation at this stage and shall remain subject to all objections of the concerned school, including maintainability, delay, laches, waiver, eligibility, nature of appointment, qualification and any other objection available in law.

(iv) On the basis of the aforesaid fixation, serving employees shall be paid current salary on the applicable revised pay structure with effect from 1st December, 2025, or from such other date as may have been directed or agreed between the parties independently in the individual case, if any.

(v) Arrears arising from such re-fixation for the period prior to 1st December, 2025, including any differential amount referable to the 6th CPC computation, shall not be disbursed at this stage and shall remain subject to final adjudication or further orders in these petitions.

(vi) In the case of retired employees, the concerned school shall compute the revised pay fixation and consequential retiral benefits, including gratuity and leave encashment, wherever claimed and applicable as per the above directions. Actual disbursement of arrears or differential retiral dues shall remain subject to further orders.

(vii) The question of interest, if any, is also kept open.



15. Since the batch involves a large number of schools and employees, the Court considers it necessary that the next stage proceed on verified figures. Each concerned school shall, within eight weeks, file a computation statement in respect of each Petitioner/employee. The statement shall indicate:

- (a) the post held by the employee;
- (b) whether the employee is serving or retired;
- (c) the date of appointment and, where applicable, the date of retirement, resignation or cessation of service;
- (d) the pay presently drawn or last drawn;
- (e) the pay admissible upon implementation of the 6th CPC, wherever independently claimed or necessary for correct 7th CPC fixation;
- (f) the pay admissible upon implementation of the 7th CPC;
- (g) the differential amount, if any, for the period prior to 1st December, 2025;
- (h) the amount payable from 1st December, 2025 onwards on the revised pay structure, wherever applicable;
- (i) the arrears claimed separately under the 6th CPC and the 7th CPC, wherever such distinction arises;
- (j) the differential retiral dues, wherever applicable; and
- (k) the objections of the school, if any, to the computation in respect of the concerned employee.

16. The computation statement shall be supported by an affidavit of the Principal/Manager of the concerned school. A copy shall be supplied to counsel for the concerned Petitioners.

17. The Petitioners may file their response to the computation within



three weeks thereafter. If any computation is disputed, the objection shall identify the precise head of dispute. General objections shall not suffice.

18. Since paucity of funds has been urged as a principal ground of resistance, each concerned school shall also file an affidavit disclosing its financial position. The affidavit shall annex the audited financial statements for the last three financial years and shall disclose, at minimum, the following particulars:

- (i) annual fee income;
- (ii) salary expenditure;
- (iii) reserves, surplus and fixed deposits;
- (iv) statutory liabilities;
- (v) fee enhancement sought and fee enhancement permitted, if any;
- (vi) capital expenditure incurred during the last three financial years;
- (vii) funds available in school accounts and, wherever relevant, funds of the society used for or relating to the school; and
- (viii) the estimated monthly additional outgo on account of payment of current salary on the revised pay structure.

19. The financial disclosure directed above is intended to enable the Court to assess the plea of financial difficulty in a structured manner. It shall not be understood as acceptance of the contention that implementation of the statutory pay structure is dependent upon prior permission to enhance fee.

20. List on 05th November, 2026.

SANJEEV NARULA, J

MAY 13, 2026/ab