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

+ LPA 302/2022

**DELHI SIKH GURDWARA MANAGEMENT
COMMITTEE & ORS.**

..... Appellants

Through: Mr Kirti Uppal, Sr. Advocate with Mr
Abinash K. Mishra, Mr Jaspreet
Singh Rai and Mr Indrajeet Singh,
Advocates.

versus

RAVINDER KAUR BHATIA & ORS.

..... Respondents

Through: Ms. Nitika Bhutani, Adv. for R-
3/GNCTD.

Mr Yeeshu Jain, ASC with Ms Jyoti
Tyagi, Advocates for
respondent/DOE.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

30.05.2022

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The hearing has been conducted through hybrid mode (physical and virtual hearing).

CM APPL.21774/2022

1. For the reasons stated in the application, the delay of 40 days in filing the appeal is condoned.

2. The application is disposed off.

LPA 302/2022 & CM APPL.21772/2022

3. Service report qua notices issued to respondent nos.1 and 3 is awaited.

4. Issue notice. The learned counsel named above accepts notice on

behalf of the respondents.

5. The appellants have not been paid the Sixth Pay Commission outstanding amount for the past eight years or so.
6. The learned Senior Advocate for the appellants state that the appellants are paying the outstanding amounts along with interest, therefore, no prejudice is being caused to the respondent-teachers. This argument has only to be made to be rejected. A teacher or a workman expects full remuneration every month, their families and dependents have their own financial exigencies, which need to be met right away. In the hope that they will receive the monies later on, many have lost their lives in the past two years. Their desires and hopes have not been redeemed. An institution, which cannot pay its long outstanding salaries for years, which are statutorily due, draws attention to its financial stability and its right to continue as an employer.
7. It is for the State to look into the matter and ensure that the educational institutions, such as the appellant, comply with and conform to the strict norms of law.
8. The learned Senior Advocate for the appellants state that the appellants run educational institutions largely on the basis of contributions received through religious congregations and from other philanthropic organisations. He submits that the past two years have been rather difficult for the appellants, hence, there have been some delays in making the payments.
9. However, the payment which has to be first paid out relates to about 8 years ago, surely that is long time for the monies to be

arranged. Subsequent dues from 01.01.2016 apropos for the Seventh Pay Commission have not even commenced to be paid. The latter event led to upward revision and enhancement in the monthly remuneration of teachers between 25% to 30%. Why should teachers be denied this benefit for 8 years. Non-payment of their just dues is unfair to them.

10. In the first instance, the learned Senior Advocate for the appellants, states upon instructions, that the arrears of approximately 25% under the Sixth Pay Commission shall be cleared by 15.07.2022. Let the said arrears be paid in two equal instalments by 10.07.2022. The first installment shall be paid by 15.06.2022 and second installment by 10.07.2022, failing which the Chairman of the Management Committee/Governing Body of the appellant no.1 shall be present in the court on the next date.

11. All retirement benefits of retirees too, shall also be cleared by 10.07.2022

12. Issue notice to the unserved respondents through ordinary process, approved courier, Speed Post, SMS, WhatsApp, e-mail, Signal and other viable modes of electronic service, through counsel as well, returnable on 12.07.2022.

NAJMI WAZIRI, J

VIKAS MAHAJAN, J

MAY 30, 2022/dss/MK