



- versus
MANJIT SINGH GK & ANR Respondents
- + **CONT.CAS(C) 112/2021**
HARSHARAN KAUR KALSI Petitioner
- versus
SH.UDIT PRAKASH RAI & ORS. Respondents
- + **CONT.CAS(C) 193/2021 & CM APPL. 58285/2023**
RAJNI NAIK Petitioners
- versus
S. MANJINDER SINGH SIRSA AND ORS Respondents
- + **CONT.CAS(C) 850/2023 & CM APPL. 32821/2023**
SH.SUKHAN SHAH Petitioner
- versus
MR.HIMANSHU GUPTA & ORS. Respondents
- + **CONT.CAS(C) 198/2021 & CM APPL. 42830/2023 & 42831/2023**
SIMRANJEET KAUR & ORS. Petitioners
- versus
MANJINDER SINGH SIRSA & ORS. Respondents
- + **CONT.CAS(C) 595/2021**
SMT JASWANT KAUR Petitioner
- versus
UDIT PARKASH RAI & ANR. Respondents
- + **CONT.CAS(C) 787/2021**
PARVEEN BEHL Petitioner
- versus
UDIT PRAKASH RAI Respondent
- + **CONT.CAS(C) 788/2021 & CM APPL. 30758/2023**
SATWANT KAUR SABHARWAL Petitioner
- versus
UDIT PARKASH RAI & ANR. Respondents



- JASWANT KAUR Petitioner
versus
HIMANSHU GUPTA & ORS. Respondents
- + **CONT.CAS(C) 347/2022**
SARABJIT KAUR BHATIA Petitioner
versus
HIMANSHU GUPTA AND ORS Respondents
- + **CONT.CAS(C) 348/2022**
DHARNI KANT JOSHI Petitioner
versus
HIMANSHU GUPTA AND ORS Respondents
- + **CONT.CAS(C) 423/2022**
GURVINDER KAUR Petitioner
versus
HIMANSHU GUPTA & ORS. Respondents
- + **CONT.CAS(C) 558/2022 & CM APPL. 30911/2023,
42828/2023, 42829/2023, 58735/2023 & 58736/2023**
PARVINDER KAUR AND ORS Petitioners
versus
HARMEET SINGH KALKA AND ORS Respondents
- + **CONT.CAS(C) 568/2022 & CM APPL. 42832-33/2023**
SURINDER SINGH AND ORS Petitioners
versus
HARMEET SINGH KALKA AND ORS Respondents
- + **CONT.CAS(C) 569/2022**
RITU MALHOTRA Petitioner
versus
SCHOOL MANAGEMENT OF GURU HARKRISHAN
PUBLIC SCHOOL, LONI ROAD & ORS. Respondents
- + **CONT.CAS(C) 574/2022 & CM APPL. 30882/2023**
MOHANJEET KAUR & ORS. Petitioners



- versus
HARMEET SINGH KALKA & ORS. Respondents
- + **CONT.CAS(C) 587/2022**
AMITA SAKSENA & ORS. Petitioners
- versus
HIMANSHU GUPTA & ORS. Respondents
- + **CONT.CAS(C) 591/2022 & CM APPL. 42826/2023,
42827/2023 & 55995/2023**
VANDANA AND ORS Petitioners
- versus
HARMEET SINGH KALKA AND ORS Respondents
- + **CONT.CAS(C) 636/2022 & CM APPL. 32282/2022**
PRAVEEN KAUR & ORS. Petitioners
- versus
HIMANSHU GUPTA & ORS. Respondents
- + **CONT.CAS(C) 765/2022 & CM APPL. 32454/2022,
12359/2023, 46681/2023 & 60693/2023**
GURU HARKRISHAN PUBLIC SCHOOL STAFF
WELFARE ASSOCIATION (REGD) Petitioner
- versus
HIMANSHU GUPTA & ORS. Respondents
- + **CONT.CAS(C) 766/2022**
KULJEET KAUR Petitioner
- versus
HARMEET SINGH KALKA AND ORS Respondents
- + **CONT.CAS(C) 774/2022**
REKHA VOHRA Petitioner
- versus
HARMEET SINGH KALKA AND ORS Respondents
- + **CONT.CAS(C) 776/2022**
JATINDER KAUR BHATIA Petitioner



- versus
HARMEET SINGH KALKA AND ORS Respondents
- + **CONT.CAS(C) 778/2022 & CM APPL. 32807/2022**
TARANBIR KAUR Petitioner
- versus
HARMEET SINGH KALKA AND ORS Respondents
- + **CONT.CAS(C) 1066/2022 & CM APPL. 22832/2023**
RAMESH CHANDRA SHARMA & ORS. Petitioners
- versus
HIMANSHU GUPTA Respondent
- + **CONT.CAS(C) 1072/2022**
NANKOO & ANR. Petitioners
- versus
HIMANSHU GUPTA Respondent
- + **CONT.CAS(C) 1096/2022**
DHARAMPAL & ANR. Petitioners
- versus
HIMANSHU GUPTA Respondent
- + **CONT.CAS(C) 1103/2022 & CM APPL. 16927/2023**
HARVINDER SINGH & ORS. Petitioners
- versus
HIMANSHU GUPTA Respondent
- + **CONT.CAS(C) 1120/2022**
RAMESH & ORS. Petitioners
- versus
HIMANSHU GUPTA Respondent
- + **CONT.CAS(C) 1147/2022**
VIJAY LAXMI & ORS. Petitioners
- versus
HIMANSHU GUPTA Respondent



- PARAMJEET SINGH & ORS. Petitioners
versus
HIMANSHU GUPTA & ORS. Respondents
- + **CONT.CAS(C) 617/2023 & CM APPL. 24004/2023**
HARBANS KAUR AHLUWALIA Petitioner
versus
SCHOOL MANAGEMENT OF GURU HARKRISHAN
PUBLIC SCHOOL INDIA GATE & ORS. Respondents
- + **CONT.CAS(C) 623/2023**
BALWANT SINGH PLAHA & ANR. Petitioners
versus
HIMANSHU GUPTA & ORS. Respondents
- + **CONT.CAS(C) 686/2023 & CM APPL. 26486/2023,
55558/2023**
MANDEEP KAUR AND ORS Petitioners
versus
HARMEET SINGH KALKA AND ORS Respondents
- + **CONT.CAS(C) 690/2023 & CM APPL. 53833/2023**
PUSHPINDER KAUR & ORS. Petitioners
versus
HARMEET SINGH KALKA & ORS. Respondents
- + **CONT.CAS(C) 788/2023 & CM APPL. 30758/2023**
CHARANJIT KAUR Petitioner
versus
HARMEET SINGH KALKA & ORS. Respondents
- + **CONT.CAS(C) 791/2023**
SUJATA ZADOO & ORS. Petitioners
versus
HIMANSHU GUPTA & ORS. Respondents
- + **CONT.CAS(C) 792/2023 & CM APPL. 30833/2023**
GINNI AHLUWALIA AND ORS Petitioners



- versus
HARMEET SINGH KALKA AND ORS Respondents
- + **CONT.CAS(C) 1018/2023**
SUDHA KATOCH & ANR. Petitioners
- versus
HIMANSHU GUPTA & ORS. Respondents
- + **CONT.CAS(C) 1019/2023**
AMARPREET KAUR RANA & ORS. Petitioners
- versus
HIMANSHU GUPTA & ORS. Respondents
- + **CONT.CAS(C) 1050/2023 & CM APPL. 49063/2023**
JASNEET KAUR & ORS. Petitioners
- versus
HIMANSHU GUPTA & ORS. Respondents
- + **CONT.CAS(C) 1160/2023**
MS.ANITA WALIA & ORS. Petitioners
- versus
HARMEET SINGH KALKA & ORS. Respondents
- + **CONT.CAS(C) 1168/2023**
PARMINDER KAUR & ANR. Petitioners
- versus
HARMEET SINGH KALKA & ORS. Respondents
- + **CONT.CAS(C) 1199/2023**
JATINDER KAUR KHANDPUR Petitioner
- versus
HARMEET SINGH KALKA & ORS. Respondents
- + **CONT.CAS(C) 1238/2023**
DALJEET KAUR BINDRA & ORS. Petitioners
- versus
HIMANSHU GUPTA & ORS. Respondents



For the respondents/contemnor

Mr.I.S.Alag, Sr. Adv. & Mr.Kirti Uppal, Sr. Adv. with Ms.Avneet Kaur, Mr.Abhinash K. Mishra & Mr.Gaurav Kr. Pandey, Advs. alongwith President and General Secretary of the DSGMC.

Mr.Naushad Ahmed Khan and Ms.Pragya Dubey, Advs. for DOE
Mrs.Avnish Ahlawat, Standing Counsel for GNCTD (Service) with Mrs.Tania Ahlawat, Mr.Nitesh Kumar Singh, Ms.Laavanya Kaushil, Ms.Aliza Alam, Mr.Mohnish Sehrawat, Advs.

Ms.Latika Chaudhary, Adv. for DOE

Mr.Yeeshu Jain, ASC, Ms.Jyoti Tyagi and Mr.Hitanshu Mishra, Advs. for DOE.

Mr.Sujeet Kumar Mishra & Mr.Utkarsh & Mr.Pankaj Balwan, Advs. for DOE

Mr.Gaurav Dhingra, Adv. for DOE.

Mr.V.Balaji & Mr.Nizamuddin, Advs. for DOE

Mr.Pankaj Balwan, Mr.Gaurav Prakash & Mr.Utkarsh, Advs. for DOE.

Mr.Anupam Srivastava, ASC, GNCTD.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

J U D G M E N T

1. These petitions have been filed complaining of the wilful and deliberate non-compliance by the respondents of the judgment and order dated 16.11.2021 passed by this Court *inter alia* in WP(C) 3746/2020 titled *Shikha Sharma v. Guru Harkrishan Public School & Ors.*

2. By the judgment dated 16.11.2021, a learned Single Judge of this Court allowed the batch of petitions filed by the teachers and the staff of the Guru Harkrishan Public School (hereinafter referred to as 'GHPS'), directing as under:-



“25. Accordingly, these writ petitions need to be allowed and the respondent/ DSGMC / GBPS Society/ GBPS are directed to, re-fix the salaries and other emoluments of the petitioners under 6th and 7th CPC in accordance with the rules. It is made clear that the DSGMC / GHPS Society shall ensure the compliance of the orders passed by this Court. I take note of the submission made by Mr. Misra that neither DSGMC nor the GHPS Society in any case have any statutory liability under the provisions of the DSE Act / Rules to grant the benefits of the 6th and 7th CPC but the fact remains that the DSGMC was being represented by their functionaries in these proceedings and even the undertakings were given on behalf of DSGMC in the proceedings before this Court and as such cannot absolve itself, from ensuring that the benefits of the 6th and 7th CPC are given to the petitioners. This direction is in the facts of the cases more specifically where the claim of the petitioners is with regard to the grant of the benefit under the 6th and 7th CPC and connected issues. The petitioners shall also be entitled to arrears of pay in view or fixation of their pay under the 6th and 7th CPC, upto the date of payment subject to adjustment of salary already paid.

26. The arrears thereof under the 6th CPC shall be paid to the petitioners with interest at the rate of 6% per annum. The arrears of 7th CPC shall not carry any interest. The fixation of pay and arrears shall be made / paid within a period of six months from today. All retiral benefits shall also be fixed and released to the petitioners, who have retired from their service within six months from today. As an immediate assistance, the respondents / DSGMC / GHPS Society / GHPS shall release an amount of Rs 5 Lacs to each of the retirees within one month, subject to adjustment at the time of full payment. It is made clear that the failure to pay the amounts within six months as directed above shall entail payment of a higher interest of 9% per annum on the



arrears of both 6th and 7th CPC and retiral benefits.

27. On the issue of grant of transport allowance / dearness allowance, the DoE in consultation of the GHPS in which petitioners, who sought such relief are working shall pass order, by considering the orders in the cases being CONT.CAS.(C) 46/2016 dated January 09, 2017 and in W.P.(C) 2132/2011 dated March 06, 2013 and instructions, if any, and convey the decision to those petitioners, within 10 weeks from today. Similarly, the claim of some petitioners for MACP in W.P.(C) 6407/2018, W.P.(C) 11152/2019 and W.P.(C) 12006/2019 shall be decided by the DoE in consultation with the GHPS in which the petitioners, who sought such relief are employed and convey the same to those petitioners, within 10 weeks from today. If the benefits are payable, the same shall be released to the petitioners within six months thereafter.”

3. The Department of Education (in short, ‘DoE’), in compliance with the above judgment, passed an order dated 25.10.2022, directing the Governing Body of GHPS, to pay the Travel Allowance as also the Dearness Allowance (in short, ‘DA’) as per the 6th and 7th Pay Commission (in short, ‘CPC’). I may quote from the order as under:-

“Now therefore, keeping in view of the above and in compliance of Order passed by the Hon'ble High Court, Delhi in 93/2022 titled as "Governing Body of Guru Harkrishan Public School New Delhi Society & Anr. Versus Harvinder Kaur Jaggi and Ors.", all the schools run by managing committee of Governing Body of Guru Harkrishan Public School are hereby directed to ensure the following:

(i) Salary of its employees shall include T.A. as per the Sixth and Seventh Pay Commission as implemented in respect of employees of Govt.



School subject to:

- a) Transport Allowance shall not be admissible to the employees who have been provided free transport facility by the school.*
 - b) The employees who have not been provided the transport facility by the school are entitled for the Transport Allowance.*
 - c) The employees who are paying for commuting to their place of duty to the school for using its transport facility may be allowed the payment of Transport Allowance.*
- (ii) Salary of its employees shall include D.A as per the Sixth and Seventh Pay Commission as implemented in respect of employees of Govt. School.”*

4. The judgment dated 16.11.2022 was also challenged by way of Letters Patent Appeals, including in LPA No. 45/2022. The said batch of appeals was disposed of by the Division Bench of this Court vide its order dated 24.02.2023, recording the submission of the learned senior counsels for the GHPS and the Delhi Sikh Gurdwara Management Committee (hereinafter referred to as the ‘DSGMC’) that the payments as per the 6th CPC have already been made and as far as payments as per the recommendation of the 7th CPC are concerned, they would be submitting a schedule for processing the payments due in respect of the 7th CPC recommendation before the Single Judge where the present petitions are pending. I may quote from the order as under:-

- “1. Learned Sr. Counsels for the Appellants have categorically stated before this Court that they have accepted the judgment delivered by the Learned Single Judge and payments as per the 6th Pay Commission have already been made.*
- 2. The other side has opposed the submission*



that the payments under the 6th Pay Commission have already been made.

3. Learned Sr. Counsels for the Appellant further stated that so far as the payments as per the recommendations of the 7th Pay Commission are concerned, they be granted a liberty to submit their pleas before the Contempt Court, and that they shall be submitting a schedule for processing payment due in respect of the 7th Pay Commission recommendation.

4. The aforesaid prayer was also opposed by the other side.

5. In light of the aforesaid, as Learned Senior Counsels appearing in the matters have made a categorical statement that they will be complying with the judgement delivered by the Learned Single Judge, no further orders are required to be passed in the present LPAs.

6. Accordingly, all the LPAs stand disposed of.

7. The other connected Contempt Petitions which are arising out of interlocutory orders passed in the LPAs also stand disposed of with a liberty to file fresh Contempt Petition in case need arises in future before the Learned Single Judge.”

5. I have quoted the above order in detail as now it is apparent that the submissions made by the learned senior counsels for the DSGMC and GHPS (ND) Society were incorrect. Dues even as per the 6th CPC are yet to be paid. The learned senior counsel for the DSGMC and GHPS (ND) Society have contended before this Court that the above statement was confined only to the staff and the teachers who had filed the petitions which were disposed of by the judgment dated 16.11.2021. This Court, however, finds no such distinction being made amongst the petitioners and the non-petitioners, either in the judgment dated 16.11.2021 or in the order dated 24.02.2023 referred



hereinabove. I must, therefore, conclude that the statement made on behalf of DSGMC and GHPS (ND) Society before the Division Bench of this Court was false and incorrect.

6. When these contempt petitions were listed before this Court on 10.05.2023, the respondents- DSGMC and GHPS (ND) Society again gave an undertaking that all dues, arrears and salaries, to all the employees, irrespective of the fact whether they have filed a contempt petition or approached the court in the writ petition, will be cleared. This order is rather important to highlight the repeated contemptuous conduct of the respondents, and is therefore, reproduced hereinbelow in full:-

“1. The learned counsel for the Respondent has placed on record 37 (28 + 9) affidavits under two separate indexes, both dated 03.05.2023.

1.1. He states that these 37 affidavits pertain to twelve (12) schools, which are under the management of Delhi Sikh Gurudwara Management Committee ('DSGMC'). He states that these affidavits have been affirmed by the authorised signatories, of each of these twelve (12) schools, who operate the bank accounts of the said schools.

1.2. He states that in the said affidavits of undertaking given to this Court, the deponents have undertaken to unconditionally comply with the directions issued by the Court for payment of all dues, arrears and salaries, which are a subject matter of compliance in the present proceedings.

1.3. He states that in fact Mr. Harmeet Singh, whose affidavit is filed at serial no. 22 in the first index and Mr. Jagdeep Singh, whose affidavit is filed at serial no. 1 in the second index, are in addition the President and General Secretary of DSGMC respectively.



Schools and DSGMC will be clearing the arrears, dues and salaries of all its employees, irrespective of the fact that whether they have filed a contempt petition or approached the Court in the writ petition.

4. He states that with respect to the salaries for the month of March and April, 2023, which continue to remain outstanding, he will take instructions before the next date of hearing, for regularising the same by making the entire payment within the month of May, 2023.”

7. On 01.06.2023, this Court, recording the finding that the respondents are in deliberate default of the judgment dated 16.11.2021, issued show cause notice of contempt to Mr. Harmeet Singh Kalka, President, and Mr. Jagdeep Singh Khalon, General Secretary of DSGMC, as well as in their position as the Chairperson of GHPS, Tilak Nagar and GHPS-Dhakka Dhirpur respectively. By the said order, this Court further directed the DoE to take a decision whether the DoE wants the appointment of an Administrator or de-recognise the schools. The order reads as under:-

“1. The subject matter of these petitions is the wilful non-compliance of the judgments issued by this Court directing the Respondents, schools to clear the arrears of 6th Central Pay Commission ('CPC'), 7th CPC, Transport Allowance, ('TA'), Dearness Allowance ('DA'), Modified Assured Career Progression Scheme ('MACP') and retiral benefits to be paid to the retired employees. In addition to arrears, the Respondents are statutorily required to pay salary to the Petitioners as per 7th CPC.

2. The Respondents states that they have accepted the judgments of this Court and admit their liability to make payment of arrears to the Petitioners and current payment as per 7th CPC.



Petitioners (even at the old rate), in a timely fashion. The salaries are behind time and coercive measures are being taken against the Petitioners for maintaining these proceedings.

7. Upon analysis of the aforesaid facts, this Court is of the opinion that the Respondents are wilfully neither implementing the 7th CPC, disobeying the judgments of this Court and impeding the contempt proceedings by seeking adjournment on pleas which they have no intention of complying with.

8. The Petitioners are teachers/employees in the 12 schools, commonly known as Guru Harkishan Public School ('GHPS'). The said schools are under the management of Delhi Sikh Gurudwara Management Committee. ('DSGMC'). The Respondents during the hearing dated 10.05.2023 and 19.05.2023 while seeking extension of time to compute the arrears and implement the 7th CPC prospectively undertook to place on record the affidavit of undertaking of the President of DSGMC and the Secretary of DSGMC that all the arrears of the Petitioners will be paid.

9. However, after being called upon to place on record the affidavit of undertaking on behalf of DSGMC, the President and Secretary have not come forward to file the affidavits. Instead since 19.05.2023 procedural compliances have been cited as the reason for non-filing of the affidavits. It is therefore, clear to this Court that the adjournment sought on 04.05.2023, 10.05.2023 and 19.05.2023 was only with the object of stalling these proceedings. A copy of the instructions for the hearing dated 01.06.2023 as handed over by the counsel for the Respondents reads as under:-

"1. The Salary for the period upto 30.04.2023 has been cleared and transferred to all the staffs of all the 12 GHP School.

2. The school shall try to keep paying the salary of the staffs but no specific date can be committed for clearing the



may be required upto the finalisation of the calculations.

4. On all the issues, the affidavits have already been filed by the schools which will be complied with. All the staffs shall be treated uniformly on the issue of clearing their dues irrespective of the fact as to whether they have filed any case or not.”

(Emphasis supplied)

10. The content of the instructions as is evident is completely vague, noncommittal and fails to inspire any confidence in this Court that the Respondents or DSGMC have any intention to comply with the statutory obligations to implement 7th CPC or pay arrears and comply with the judgments of this Court.

11. The CONT.CAS(C) 131/2022 is the lead matter as all affidavits of the authorized signatories of the Respondents, school have been filed in this case. The Respondents have placed on record an affidavit dated 03.05.2023, under the cover of an index in which they have made some proposals for complying with the judgments, which are a subject matter of compliance. However, in view of the non-committal and indefinite nature of the proposals, the learned counsel for the Petitioner states that the said proposals are not acceptable to them and they seek enforcement of the judgments in letter and spirit.

12. In response, the learned counsel for the Respondents state that due to the paucity of funds, they are unable to comply with the judgment of this Court. It is trite law that Respondents cannot evade their responsibility and liability of paying monthly salary to the Petitioners on account of paucity of funds; especially since the Respondents continue to hold positions of authority and influence.

13. The Respondents despite the directions issued vide orders dated 10.05.2023 and 19.05.2023 have not been able to file the affidavits of Mr. Harmeet Singh Kalka,



DSGMC in filing its affidavit, this Court is of the opinion that the Respondents are in wilful disobedience of the judgments and are stalling these proceedings to coerce the Petitioners to waive their rights to receive arrears. This Court deems it appropriate to now proceed with the contempt proceedings and issue show cause notice of contempt to Mr. Harmeet Singh Kalka, President and Mr. Jagdeep Singh Khalon, General Secretary of DSGMC and as well in their position as the Chairperson of GHPS, Tilak Nagar and GHPS- Dhakka Dhirpur respectively.

18. In this view of the matter Mr. Harmeet Singh Kalka and Mr. Jagdeep Singh Khalon are directed to remain present in Court on the next date of hearing for accepting the charges of contempt.

19. At this stage, the learned counsel for the Respondent states that in case Respondents comply with the judgments they may be given liberty to approach the Court for appropriate orders.

20. Needless to state that in case the Respondent will comply with the judgments of this Court, the present proceedings will be discharged.

8. Aggrieved of the above order, an appeal, being Cont. App.(C) 39/2023, titled ***Sh. Sarabjit Singh Virk & Ors. v. Mrs. Tejinder Pal Gujral & Anr.***, was filed. On 01.08.2023, the said appeal was disposed of by the Division Bench of this Court, passing the following order:-

“1. Learned Senior Counsel for the appellant submits that schedule of payment has already been proposed before the learned Single Judge and has been placed before the learned Single Judge for consideration.

2. Learned Senior Counsel for the appellant seeks leave to withdraw the appeal.



Accordingly, the appeal is dismissed as withdrawn.

3. Consequently, interim order dated 12.07.2023 is vacated and the Directorate of Education is directed to place its decision in terms of para 15 of the impugned order before the learned Single Judge on the next date of hearing.

15. In this view of the admitted inability of the Respondent schools to pay the salaries of its employees, the DoE is directed to take appropriate decision, whether the DoE wants the appointment of an Administrator or derecognise the schools, within a period of four (4) weeks from today and give immediate effect to the said orders.

5. Needless to state that it would be open to the parties to avail of such remedy as may be available in law, if aggrieved by the deceased of the Directorate of Education.

6. Order dasti under signatures of the Court Master.”

9. I must herein note that in the said Schedule given before the Division Bench of this Court in the appeals, the respondents had stated that they would start paying the prospective salary as per the 7th CPC from September 2023. They also gave a Schedule wherein they offered to clear the dues of the 6th CPC, without any interest, in a phased manner, and that too, till November 2027. Clearly, the respondents were merely playing with this Court and the petitioners. There was never an intent to comply with the judgment dated 16.11.2021 of this Court, as now it is admitted that the respondents have not started paying the salary to the teaching and non-teaching



staff as per the 7th CPC and the said Schedule has been withdrawn by the respondents, blaming the petitioners for not accepting the same.

10. Exasperated with the continuous contemptuous conduct of the respondents, this Court, vide its order dated 21.08.2023, directed the respondents to at least start paying the current dues to the employees of the schools as per the 7th CPC. Even this order has not been complied by the respondents. Instead, an affidavit dated 21.11.2023 of Ms.Mandeep Kaur, Honorary Secretary of GHPS (ND) Society was filed. In her affidavit, she admits that the total principal amount (without interest) outstanding to be paid as arrears of salary since 01.01.2006 and as on 30.06.2023, is Rs.311,39,89,672/- (including 6th and 7th CPC).

11. While passing the blame for non-payment of dues on the previous Management and on the fact that none of the schools have been able to charge fees that can be said to be commensurate with the salary payable to the staff in accordance with the CPC entitlement, she tried to give a different statistical spin to the whole issue, by projecting the monthly deficit under different scenarios, which have been summarized by her as under:-

"p. That in view of the aforesaid data, it is clear that none of the school are even able to pay the salary at the current rate of 154% DA as per Sixth CPC and in this regard the total deficits of amounts of all the schools can be given as per the following details for all the 12 GHPS Schools which have been paid by including expenditures and payments to contractual staffs:-

<i>S.No.</i>	<i>Monthly Payments</i>	<i>Monthly</i>
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		Deficits (Rs.)
1.	<i>If paid at the rate of 154% DA at 6th CPC.</i>	4,04,96,639
2.	<i>If paid at the rate of 230% DA at 6th CPC.</i>	6,44,00,042
3.	<i>If paid at the rate of 46% DA at 7th CPC.</i>	8,86,27,115

12. She further states that DSGMC has been contributing to the schools for clearance of the arrears and for meeting other expenses, however, is facing its own financial crunch, which she explains as under:-

“w. The management of the schools and DSGMC are having the two sources only i.e. Donations to DSGMC and Fee received from the schools. The recent trend of the sources of funds of DSGMC and it’s liabilities are as under:-

S.No	Average Monthly Fund Flow pattern	Amount (in Rs.)
1.	<i>Donations to DSGMC during last 12 months (upto June-July 2023)</i>	<i>13 Crore approx.</i>
	<i>Expenditures of DSGMC during last 12 months (upto June-July approx.2023)</i>	<i>10.38 Crore approx.</i>
	<i>Donations made by Delhi Sikh Gurudwara Management Committee to schools and institutions created under Section 24 of the Delhi Sikh Gurudwara Act, 1971 (upto June-July 2023)</i>	<i>3.38 Crore approx.</i>
2.	<i>Total pending dues of Bills of DSGMC which could not be paid due. to the payments being</i>	<i>24.03 Crores (as on 30th July 2023)</i>



	<i>made to schools.</i>	
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13. Before advertng to the above defence of the respondents, series of orders that have been passed in the course of time and in relation to the dispute in question, deserve reference.

14. Much before the judgment dated 16.11.2021, the issue of payment of salary as per the 6th CPC was disposed of by a Division Bench of this Court vide its order dated 22.05.2015 passed in EFA (OS) 7/2014, titled ***Shambhu Nath Das & Ors v. Directors of Education, Govt of NCT & Ors.***, recording the undertaking of the GHPS (ND) Society as also DSGMC to clear all arrears of 6th CPC in all 12 schools in five instalments ending on 31.10.2016. The Division Bench of this Court, in fact, accepted the apology of the respondents and discharged them of the notice of contempt. The order is important and is reproduced hereinbelow:-

“1. Pursuant to the orders dated 30th April, 2015 and 19th May, 2015, two affidavits, dated 21st May, 2015 one by Shri Manjit Singh GK and another by Shri Manjinder S. Sirsa, President and Secretary of Delhi Sikh Gurudwara Managing Committee respectively, on identical terms have been filed before us. In these affidavits, the deponents have submitted that they have the highest regard for the majesty and dignity of the court and that they shall ensure that no action on their part would lower the same. The deponents also do not dispute the liability of the Guru Harkrishan Public School (New Delhi) Society to clear all dues in terms of the Sixth Pay Commission and have tendered undertakings to do so. We extract hereunder paras 3 to 5 of these affidavits containing the commitment on the part of the deponents to make good the dues under the Sixth Pay Commission to the



teachers of all schools being maintained by the Delhi Sikh Gurudwara Managing Committee:

“3. That Guru Harkrishan Public School (New Delhi) Society shall clear/settle all the arrears of Sixth Pay Commission in all its twelve Schools in five equal instalments as under:-

- i) 30.07.2015.*
- ii) 31.10.2015.*
- iii) 31.01.2016*
- iv) 30.06.2016.*
- v) 31.10.2016.*

4. In addition, the Guru Harkrishan Public School (New Delhi) Society shall make a corpus fund of Rs.2.5 crores which will be kept for utilization of the staff of any of the twelve Guru Harkrishan Public School for their emergent needs. A committee comprising of Mr. Rajiv Tyagi, Advocate, Mr. Jasmeet Singh, Advocate and a nominee of DSGMC will scrutinize the need of the applicant and direct disbursement of the amounts from this fund subject to the maximum available amount standing to the credit of that employee on account of arrears of Sixth Pay Commission.

5. That Guru Harkrishan Public School (New Delhi) Society and the DSGMC shall remain bound by their undertaking as given above.”

(Emphasis by us)

2. We accept the undertakings given by Shri Manjit Singh GK and Shri Manjinder S. Sirsa given in their affidavits and they shall remain bound by the terms thereof. The Guru Harkrishan Public School (New Delhi) Society as well as the Delhi Sikh Gurudwara Managing Committee shall also remain bound by the undertakings given by these deponents on their behalf.

3. It has been submitted by Ms. Pratibha M. Singh, learned senior counsel appearing on



7. However, before parting with the case, we record our appreciation to the gesture finally emerging from the respondent nos.2 to 4 in their proposal to make payments to not only the appellants but to all teachers to whom amounts are payable under the Sixth Pay Commission. 8. In view of the above, it is directed as follows :

(i) The undertakings given by Shri Manjit Singh GK and Shri Manjinder S. Sirsa, President and Secretary of Delhi Sikh Gurudwara Managing Committee respectively, who are present in court, for themselves as well as on behalf of the respondent nos.2 to 4 are accepted. These deponents as well as the respondent nos.2 to 4 shall remain bound by the same. The respondents shall ensure compliance with the undertakings including those specifically given in paras 3 and 4 of the affidavits.

(ii) The unqualified and unconditional apology tendered by the noticees in para 7 of their affidavits is accepted. The contempt notice stands discharged.

(iii) In view of the above proposal and undertakings given by Shri Manjit Singh G.K. and Shri M.S. Sirsa, it is submitted by Mr. Rajiv Tyagi, learned counsel for the appellants that he shall not press CCP No.187/2013. The appropriate steps for withdrawal of CCP No.187/2013 shall be taken by the appellants.

(iv) In case of any dispute with regard to the quantification of the amounts, liberty is given to the individual teachers to submit a representation in this regard to the Committee in terms of para 4 of the undertakings which Committee shall examine the same. Acceptance of any payment by the teachers shall be without prejudice to the concerned teacher to invoke any legal remedy, if necessary, in case of a dispute with regard to quantification or otherwise.

The present appeal is disposed of in the above terms. The matter shall be listed for reporting compliance on 16th November, 2015.”



15. The respondents failed to comply with the above order and sought an extension of time to comply with the same. However, the same was refused by the Division Bench of this Court vide its order dated 16.08.2016, observing as under:-

“We are not inclined to grant any extension of time. The applicants /respondents must pay the arrears to its teachers / employees in terms of the consent order dated 22.05.2015. It is for the applicant society to raise funds and ensure that the solemn promise which they had made is adhere to and complied with. It should not be broken.

The applicants have stated that they are charitable organization, which requires funds for philanthropic purposes. This is, no doubt, appreciable, but the applicant society and the management must first ensure that their employees / teachers are paid as per law and they should not deviate from the statement made by them in the Court of Law on 22.05.2015.

The application is accordingly dismissed.”

16. The respondents carried the matter to the Supreme Court, however, withdrew their Special Leave Petition, being SLP (C) 34749/2016, on 19.07.2017.

17. In the present batch of petitions, on 10.05.2023, this Court again recorded the undertaking of the respondents to unconditionally comply with the directions issued by the Court for payment of all dues, arrears and salaries. The learned counsel for DSGMC also stated that he shall be filing affidavits of Mr.Harmeet Singh Kalka in his capacity as the President of DSGMC and of Mr.Jagdeep Singh Kahlon in his capacity as the General Secretary of DSGMC, undertaking to



unconditionally comply with the judgment. The order has been quoted hereinabove.

18. The DSGMC, it appears had some second thoughts about the affidavits, and the following submissions were recorded on their behalf by this Court on 19.05.2023:-

“1. Mr. Gurmehar Sistani, the learned counsel for the Respondent states that his instructing counsel Mr. Abhinash Mishra is unwell and therefore, the matter may be put up on 01.06.2023, for further instructions.

1.1. He states that with respect to the affidavits to be filed by the President and General Secretary of Delhi Sikh Gurudwara Management Committee ('DSGMC'), the DSGMC has initiated steps for calling a meeting of the Executive Committee to seek their formal approval to enable them to file the said affidavits.

1.2. He states that the date on which the Executive Committee meeting is called and its agenda will be placed before this Court on the next date of hearing. He states the delay in filing the affidavit is only with the view to obtain approvals.

1.3. He states that the President and General Secretary have already filed their affidavits in their capacity as the representative of the School.

1.4. He states that with respect to the compliance of the directions for payment of salaries for the month of March and April, 2023; the salaries at 'old rate' have been cleared for the months of March and April, 2023 for the branches at Hargovind Enclave, Loni Road and Vasant Vihar.

1.5. He states with respect to the remaining nine (9) Schools, the salaries for the month for March have been cleared at the 'old rate' and the salaries for the month of April will be cleared on or before 31.05.2023.

1.6. He states that he will seek instructions



before the next date of hearing with respect to payment of salaries for the month of May, 2023, June, 2023 and onwards...”

19. The Court finally ran out of its patience and vide order dated 01.06.2023, held the respondents to be *prima facie* guilty of contempt and also directed the DoE to take a decision on appointing an Administrator or de-recognize the school. The order has been quoted hereinabove.

20. I am informed that in compliance with the above order dated 01.06.2023, the DoE has issued a notice to the schools and the GHPS (ND) Society to Show Cause as to why the schools should not be de-recognized. The DoE, however, expressed its inability to take over the Management of the schools.

21. It is important to note that aggrieved of the above order, the respondents carried the same in an appeal wherein, on 12.07.2023, the Division Bench of this Court in CONT.APP (C) 39/2023 passed the following orders:-

“1. Learned senior counsel for the appellants under instructions submits that appellants shall do the comprehensive calculation of dues payable to the staff and teachers and also furnish a proposed schedule for discharge of the said liability within a period of two weeks from today.

2. Issue notice. Notice is accepted by learned counsel appearing for respondent No.2. Notice shall issue to respondent No.1 in addition through counsel, who appears for respondent No.1 before the learned single Judge.

3. Learned senior counsel for the appellants under instructions submits that though the impugned order has been passed in a batch of matters, however, appeal has been filed in one



as the same was the lead matter. Petitioners are directed to serve the petitioners in other connected petitions through counsel.

4. Learned senior counsel for the petitioners further submits that petitioners are aggrieved direction by the single Judge to the Directorate of Education to take a decision with regard to either appointing an administrator or derecognising the school. Learned senior counsel submits that derecognition of the school would not serve any purpose and would cause hardship not only to the petitioners but also to the teachers and students.

5. Learned counsel appearing for respondent No.2, Directorate of Education submits that procedure of appointment of an administrator or derecognition requires following of the principles of natural justice and issuance of a show cause notice, which will take some time.

6. List on 01.08.2023.

7. In the meantime, till the next date of hearing, Director of Education is directed to defer any further proceedings in terms of the direction issued by the impugned order.”

22. As noted hereinabove, the above appeal was later on withdrawn by the respondents on 01.08.2023.

23. When the matter came up before this Court, this Court by its order dated 21.08.2023 again recorded the statement of the learned counsel for the respondents that the payments of arrears under the 6th CPC have been made to the petitioners. As far as 7th CPC was concerned, this Court had directed that at least the current dues should be paid by the respondents to the petitioners and to other employees in a similar situation, in accordance with the 7th CPC. Even this order was not complied with.



While there is no doubt that various philanthropic and charitable causes are being discharged by the community and its leaders, at the same time, it should be kept in mind that ‘charity begins at home’. There is no point of such philanthropic activities and values when its own teachers and staff of the schools, who are helping to lay down the foundation of a good and progressive society by imparting education and instilling moral values to young students and helping in running the said institutions, are ill-treated and not given their rightful dues, on the other hand are rather made to suffer the agony of approaching this Court repeatedly for the same.

27. While there is no quarrel on the proposition that the contempt jurisdiction is ideally not for the purpose of enforcement of money decrees, at the same time, there cannot be any exception from the acceptance, obedience, and compliance of the orders passed by this Court in its writ jurisdiction. Non-compliance and disobedience of the orders of this court would only dislodge the faith of a litigant in this Court thereby disturbing and undermining the majesty of the Court. It would strike at the very root of the rule of law on which the judicial system rests. Judicial orders are bound to be obeyed at all costs and cannot be permitted to be circumvented.

28. The respondents- GHPS(ND) Society and DSGMC have been giving repeated undertakings to this Court that they shall be clearing the dues of their employees and paying them as per the 7th CPC. These undertakings cannot be mere sheets of papers. The respondents could not have given them without any intent or means to comply with them. Equally, when they withdrew the appeals, as has been referred



hereinabove, they expressed their willingness to comply with the direction that was impugned. They cannot say that the directions impugned in these appeals, though have become final, are not enforceable or cannot be enforced.

29. In the exercise of contempt jurisdiction, the Courts have the power to enforce compliance with the judicial orders as also the power to punish contemnors for contempt. As held by the Supreme Court in *Subrata Roy Sahara v. Union of India and Others*, (2014) 8 SCC 470; and recently in *Amit Kumar Das, Joint Secretary, Baitanik, a Registered Society v. Shrimati Hutheesingh Tagore Charitable Trust*, 2024 SCC OnLine SC 83, the power of this Court while exercising jurisdiction under Article 215 of the Constitution of India is not confined to merely committing the Contemnor to imprisonment, it also extends to ensuring that the order is complied with and the benefit thereof passes to the person in whose favour the order is made.

30. The respondents have sought to contend that DSGMC is not responsible for clearing the dues. A bare reference to the above-mentioned orders, which have been reproduced by this Court in detail, would show that the above plea is merely to be noted to be rejected. This Court in its orders, while accepting the several undertakings filed on behalf of DSGMC, has held that DSGMC is equally responsible for the payments of the dues and for the compliance with the judgment dated 16.11.2021 of this Court.

31. Even otherwise, Section 24 of the Delhi Sikh Gurdwaras Act, 1971 casts a duty on the DSGMC *inter alia* to do all such things as may be incidental and conducive to the efficient management of the



34. In the present case, the respondents- Mr. Harmeet Singh Kalka, President and Mr. Jagdeep Singh Khalon, General Secretary of DSGMC, and Ms. Mandeep Kaur, Honorary Secretary of GHPS (ND) Society have expressed their helplessness to comply with the judgment dated 16.11.2021 on account of lack of funds. They, therefore, do not deserve to be in the Management of either the GHPS (ND) Society or the DSGMC. However, before this Court directs their removal from the GHPS (ND) Society and/or the DSGMC, it is deemed appropriate to appoint an Auditor to conduct Forensic Audit of the accounts of GHPS (ND) Society and the 12 schools managed by it for the period commencing 01.04.2020 till 31.12.2023.

35. I hereby appoint Sethi & Mehra, Chartered Accounts, 80, Darya Ganj, New Delhi-110002, Phone No.23275798, 23289030 as the Forensic Auditor.

36. The Forensic Auditor shall be free to take all necessary action to look into the affairs and accounts of the GHPS(ND) Society and the respective schools, seek clarifications, give appropriate directions. All directions of the Forensic Auditor shall be binding on the GHPS(ND) Society and the twelve schools managed by it, DSGMC, and all persons in management or control thereof. Such persons shall be under a duty to provide all documents and other support to the Forensic Auditor and their representatives.

37. As noted hereinabove, DSGMC is equally responsible for the payment of such dues, including the arrears and interest. DSGMC shall, therefore, provide the necessary funds to the GHPS(ND) Society and to the Schools managed by it so as to ensure that henceforth the



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42. The Forensic Auditor shall submit its first interim report to this Court on or before 31.07.2024.

43. The *ad hoc* fee for the Forensic Auditor is presently fixed as Rs.15,00,000/- (Rupees fifteen lakhs only) to be borne by the DSGMC.

44. List these petitions for further orders and directions on 12th August, 2024, before the Roster Bench.

NAVIN CHAWLA, J.

FEBRUARY 26, 2024/rv/am/RP

Click here to check corrigendum, if any