



* IN THE HIGH COURT OF DELHI AT NEW DELHI

Reserved on: 13.12.2023
Pronounced on: 26.02.2024

- + **CONT.CAS(C) 131/2022 & CM APPL. 20843/2023
24042/2023, 31021/2023 & 61987/2023**
MRS TEJINDER PAL GUJRAL Petitioner
versus
S MANJINDER SINGH SIRSA & ORS. Respondents
- + **CONT.CAS(C) 1287/2016**
SATNAM KAUR & ORS Petitioners
versus
MANJIT SINGH GK & ORS Respondents
- + **CONT.CAS(C) 11/2017 & CM APPL. 34436/2021,
34437/2021, 34438/2021, 9718/2022 & 55391/2023**
BALJEET SINGH & ORS Petitioners
versus
MANJIT SINGH G K & ORS Respondents
- + **CONT.CAS(C) 277/2017 & CM APPL. 55392/2023**
S BALJEET SINGH Petitioner
versus
MANJIT SINGH G K & ORS Respondents
- + **CONT.CAS(C) 485/2017 & CM APPL. 51220/2019**
SUNILA AULUCK AND ORS Petitioners
versus
MANJIT SINGH GK AND ORS Respondents
- + **CONT.CAS(C) 712/2017**
TAJINDER KAPOOR Petitioner
versus
MANJIT SINGH GK & ORS Respondents
- + **CONT.CAS(C) 714/2019**
CHARANIT SINGH SAHOTA Petitioner



- 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



- 24579/2022**
 PARAMJIT KAUR BATRA Petitioner
 versus
 HIMANSHU GUPTA & ORS. Respondents
- + **CONT.CAS(C) 21/2022 & CM APPL. 24572/2022, 24573/2022**
 JAGDEV SINGH Petitioner
 versus
 KULWANT SINGH BAATH & ORS. Respondents
- + **CONT.CAS(C) 22/2022 & CM APPL. 24582/2022 & 24583/2022**
 HARVINDER KAUR JAGGI & ANR. Petitioners
 versus
 HIMANSHU GUPTA & ORS. Respondents
- + **CONT.CAS(C) 20/2022 & CM APPL. 23784/2022 & 23785/2022**
 SATWANT KAUR SABHARWAL Petitioner
 versus
 HIMANSHU GUPTA & ORS. Respondents
- + **CONT.CAS(C) 28/2022**
 MANDEEP KAUR Petitioner
 versus
 MANJINDER SINGH SIRSA AND ANR Respondents
- + **CONT.CAS(C) 29/2022**
 ANITA AWASTHI Petitioner
 versus
 MANJINDER SINGH SIRSA AND ANR Respondents
- + **CONT.CAS(C) 32/2022**
 MOHANJEET KAUR Petitioner
 versus
 MANJINDER SINGH SIRSA AND ANR Respondents



- + **CONT.CAS(C) 138/2022 & CM APPL. 24570/2022**
 HARDAYAL SINGH Petitioner
 versus
 HIMANSHU GUPTA & ORS. Respondents
- + **CONT.CAS(C) 145/2022**
 SH. SWARN SINGH & ORS. Petitioners
 versus
 MR. DALWINDER SINGH & ANR. Respondents
- + **CONT.CAS(C) 151/2022 & CM APPL. 24711/2022**
 BHARTI KAUR CHANI Petitioner
 versus
 SCHOOL MANAGEMENT OF GURU HARKRISHAN
 PUBLIC SCHOOL KALKAJI & ORS. Respondents
- + **CONT.CAS(C) 161/2022 & CM APPL. 24712/2022**
 ARVINDER KAUR KALRA & ANR. Petitioners
 versus
 SCHOOL MANAGEMENT OF GURU HARKRISHAN
 PUBLIC SCHOOL, KALKAJI & ORS. Respondents
- + **CONT.CAS(C) 185/2022**
 SARUTI PARKASH & ANR. Petitioners
 versus
 S HARMEET SINGH KALKA & ORS. Respondents
- + **CONT.CAS(C) 197/2022 & CM APPL. 22957/2022**
 MS RAVINDER KAUR BHATIA Petitioner
 versus
 S MANJINDER SINGH SIRSA & ORS. Respondents
- + **CONT.CAS(C) 222/2022**
 MRS AMARJEET KAUR GROVER Petitioner
 versus
 S. HARMEET SINGH KALKA & ORS. Respondents
- + **CONT.CAS(C) 328/2022**



- 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



- + **CONT.CAS(C) 115/2023**
 JASVINDER SINGH & ANR. Petitioners
 versus
 HIMANSHU GUPTA & ORS. Respondents
- + **CONT.CAS(C) 156/2023**
 SATWANT KAUR Petitioner
 versus
 SH.SATBIR SINGH & ORS. Respondents
- + **CONT. CAS(C) 250/2023 & CM APPL. 54849/2023**
 AMARJIT SINGH AND ORS Petitioners
 versus
 HARMEET SINGH KALKA AND ORS Respondents
- + **CONT.CAS(C) 342/2023**
 HARDEEP KAUR Petitioner
 versus
 S. HARMEET SINGH KALKA & ORS. Respondents
- + **CONT.CAS(C) 477/2023**
 PARMINDER KAUR CHANDHOK Petitioner
 versus
 HARMEET SINGH KALKA AND ORS Respondents
- + **CONT.CAS(C) 478/2023**
 AMRIK SINGH Petitioner
 versus
 HARMEET SINGH KALKA AND ORS Respondents
- + **CONT.CAS(C) 479/2023**
 ARVINDER KAUR Petitioner
 versus
 HARMEET SINGH KALKA AND ORS Respondents
- + **CONT.CAS(C) 481/2023**
 JAIDEV SINGH KAPOOR Petitioner
 versus



- 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:-



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.



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.



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,



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.”



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



affairs of educational and other institutions under the DSGMC to spread education, to establish educational institutions, and to render financial assistance to such educational institutions and societies. The Schools have been established in discharge of this function. There is also an all pervasive control of the DSGMC on the functioning of the schools. DSGMC, therefore, cannot claim any immunity or claim that they are not bound to comply with the judgment dated 16.11.2021 of this Court or be bound by their undertaking. The said judgment has been accepted by DSGMC and has attained finality and it is too late in the date to now contend to the contrary.

Directions

32. For the reasons which have been stated hereinabove, I find the respondents-Mr. Harmeet Singh Kalka, President and Mr. Jagdeep Singh Khalon, General Secretary of DSGMC guilty of having wilfully and intentionally failed to comply with the judgment dated 16.11.2021 of this Court and thereby having committed contempt of this Court. A notice to Show Cause on the quantum of punishment to be awarded to them is hereby issued.

33. As far as the persons manning the previous Management Committees, who were impleaded and issued notices vide order dated 02.06.2022 of this Court, they are directed to file their affidavit to Show Cause why they be not held guilty of having committed contempt of court and be punished for the same, within a period of four weeks from today.



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



employees are paid in accordance with 7th CPC and the arrears as per the 6th CPC, including interest, are cleared at the earliest.

38. It is further clarified that amongst other philanthropic activities that DSGMC claims to be conducting, the duty to discharge the dues of the employees, including the teachers of the GHPS (ND) Society and its schools, shall be primary in nature, meaning thereby that other activities, even if they are needed to be reduced or stopped, it shall be so reduced or stopped by the DSGMC in order to provide requisite funds to the GHPS(ND) Society and the schools to pay the dues, including arrears and interest, to the staff and the teachers of the schools.

39. As far as the arrears as per the 6th and the 7th CPC are concerned, the Forensic Auditor shall, looking into the financial affairs of the GHPS(ND) Society and the schools, suggest a schedule for the earliest payment of such dues to the employees and staff of the schools, in a phased manner.

40. In the meantime, any rent received, from any source whatsoever, by the GHPS (ND) Society, its schools, and/or DSGMC shall stand attached and shall be utilised only for the purpose of clearing the arrears of the 6th and the 7th CPC owed to the employees of the twelve schools managed by the GHPS (ND) Society.

41. The salary and other financial perquisites of the Members of the GHPS (ND) Society and the DSGMC shall also be withheld till further orders or till the entire dues of the employees, teaching and non-teaching staff, of the schools are fully paid.



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