

\$~3

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ LPA 526/2009
MCD NORTH

..... Appellant
Through Ms Biji Rajesh, Mr Rahul Singhal,
Adv. for Mr Gaurang Kanth, Adv.

versus

LATE SHRI A.C. GUPTA & ORS.

..... Respondent

Through

CORAM:
HON'BLE MR. JUSTICE SANJIV KHANNA
HON'BLE MS. JUSTICE SUNITA GUPTA

ORDER
09.09.2016

%

The present Intra Court Appeal impugns the judgment dated 28.05.2008 passed in W.P.(C) No.4297/2001 filed by the respondents herein.

The writ petition stands allowed with the direction that the respondents were entitled to pay-scale of Rs.14300 – 18300 with effect from 01.01.1996 in view of the recommendations of the Fifth Pay Commission. The appellant – Municipal Corporation of Delhi now represented by North Delhi Municipal Corporation has been directed to pay interest @ 9%.

The operation of the impugned judgment was stayed vide order dated 23.10.2009 and the stay has continued.

The issue in question is covered by the decision of the Division Bench of this Court dated 02.06.2016 passed in W.P.(C) No. 2286/2015 titled '***B.T. Manglani v. Delhi Development Authority and Ors.***' This judgment relies upon the decision of the Supreme Court in ***K.S. Krishnaswamy etc. v Union***

of India (UOI) & Ors., (2007) 2 SCC (LS) 491.

The appellants also state that they had only implemented Part – A of the recommendations of the Fifth Pay Commission and had not implemented Part- B, till 03.12.2010 and, therefore, their case is on a better footing than that of B.T. Manglani (*supra*) who was the employee of the Delhi Development Authority.

In light of the aforesaid decisions, the present appeal is allowed and the impugned order and judgment dated 28.05.2008 is set aside. The W.P.(C) No. 4297/2001 would be treated as dismissed. No orders as to costs.

SANJIV KHANNA, J

SUNITA GUPTA, J

SEPTEMBER 09, 2016/*rd*