

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

Date of Order: May 09, 2018

+ **W.P.(C) 5910/2016 & CM 24330/2016**

ASHOK KANOJIA AND ORS Petitioners

Through: Mr. Rajat Aneja, Ms. Nisha
Sharma and Mr. Deepak, Advocates

versus

THE DISTRICT & SESSIONS JUDGE & ORS Respondents

Through: Mr. Ankur Chhibber, Advocate for
respondent No.1

Mr. Viraj R. Datar, Advocate for respondent
No.2-DHC

Mr. Ashish Uppal, Advocate for respondent
No.3-GNCTD

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

1. Petitioners are group 'C' employees of Delhi District Courts, who seek change of nomenclature by resort to Rule 44 of *the Delhi District Courts Establishment (Appointment and Conditions of Service) Rules, 2012* and the Washing Allowance in terms of decisions of Division Bench of this Court in W.P.(C) 484/1998 rendered on 2nd May, 2008 and in W.P.(C) 5085/2011 rendered on 9th July, 2015. Benefit of financial upgradation in light of Division Bench decision of this Court in W.P.(C) 5214/2011 rendered on 11th July, 2014, as clarified vide order of 11th September, 2015, is also sought in this petition.

2. So far as grant of MACP/ACP is concerned, first petitioner had made a Representation (*Annexure P-11*) on 3rd June, 2016 and as per counter affidavit filed by first respondent, the said Representation was pending consideration before a Screening Committee constituted by first respondent, but due to filing of this petition, the proceedings of Screening Committee to consider first petitioner's Representation for grant of MACP/ACP have been deferred.

3. Upon hearing and on perusal of the record, I find that it would be appropriate if the Screening Committee, constituted by first respondent for the purpose of grant of MACP/ACP, effectively considers the Representation (*Annexure P-11*) within a period of twelve weeks from today and makes reasoned recommendations to first respondent and upon consideration of the said Report, first respondent shall take an effective decision on the said Representation within a period of four to six weeks and convey its fate to first petitioner within two weeks thereafter, so that petitioners may avail of the remedies as available in law, if need be.

4. Regarding grant of Washing Allowance, this Court is apprised that the Washing Allowance for the employees of this Court has been stopped since October, 2017. Be that as it may. Petitioners' Representation for grant of Washing Allowance upto September, 2017 needs to be considered. During the course of hearing, this Court has been informed that the recommendation for grant of Washing Allowance to Group 'C' employees is pending consideration before the Finance Department of Govt. of NCT of Delhi, for grant of prior approval. Let the third respondent convey to first respondent within a period of twelve weeks,

about the grant of prior approval in respect of Washing Allowance till September, 2017.

5. So far as petitioners' Representation of 22nd May, 2014 (*Annexure P-9*) for change of nomenclature is concerned, I find that it stands rejected vide order of 1st September, 2014, which is a cryptic one. In the facts and circumstances of this case, petitioners' Representation of 22nd May, 2014 (*Annexure P-9*) for change of nomenclature be reconsidered and a speaking order thereon be passed by first respondent within twelve weeks from today. It is made clear that in case first respondent chooses to invoke Rule 44 of the aforesaid Rules, 2012, then the recommendations as per Rules be forwarded to second respondent for approval.

6. With aforesaid directions, this petition and the application are disposed of.

Dasti.

MAY 09, 2018

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**(SUNIL GAUR)
JUDGE**